

STATE OF NEW YORK

4086

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. JONES, J. A. GIGLIO -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to supporting depositions that are served at the time of issuance of a simplified information

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 100.25 of the criminal procedure
2 law, as amended by chapter 67 of the laws of 1996, is amended to read as
3 follows:

4 2. A defendant charged by a simplified information is, upon a timely
5 request, entitled as a matter of right to have filed with the court and
6 served upon him, or if he is represented by an attorney, upon his attor-
7 ney, a supporting deposition of the complainant police officer or public
8 servant, containing allegations of fact, based either upon personal
9 knowledge or upon information and belief, providing reasonable cause to
10 believe that the defendant committed the offense or offenses charged. To
11 be timely, such a request must, except as otherwise provided herein and
12 in subdivision three of this section, be made before entry of a plea of
13 guilty to the charge specified and before commencement of a trial there-
14 on, but not later than thirty days after the date the defendant is
15 directed to appear in court as such date appears upon the simplified
16 information and upon the appearance ticket issued pursuant thereto. If
17 the defendant's request is mailed to the court, the request must be
18 mailed within such thirty day period. Upon such a request, unless other-
19 wise served at the time of issuance, the court must order the complain-
20 ant police officer or public servant to serve a copy of such supporting
21 deposition upon the defendant or his attorney, within thirty days of the
22 date such request is received by the court, or at least five days before
23 trial, whichever is earlier, and to file such supporting deposition with
24 the court together with proof of service thereof. Notwithstanding any

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 provision to the contrary, where a defendant is issued an appearance
2 ticket in conjunction with the offense charged in the simplified infor-
3 mation and the appearance ticket fails to conform with the requirements
4 of subdivision two of section 150.10 of this title, a request is timely
5 when made not later than thirty days after (a) entry of the defendant's
6 plea of not guilty when he or she has been arraigned in person, or (b)
7 written notice to the defendant of his or her right to receive a
8 supporting deposition when a plea of not guilty has been submitted by
9 mail.
10 § 2. This act shall take effect immediately.