

STATE OF NEW YORK

6738--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. TAGUE -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to permitting certain defendants in a criminal action in Delaware, Otsego or Schoharie county to appear electronically, with the approval of the court

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

1 Section 1. Subdivision 1 of section 182.20 of the criminal procedure
2 law, as separately amended by chapters 387 and 426 of the laws of 2023,
3 is amended to read as follows:

4 1. Notwithstanding any other provision of law and except as provided
5 in section 182.30 of this article, the court, in its discretion, may
6 dispense with the personal appearance of the defendant, except an
7 appearance at a hearing or trial, and conduct an electronic appearance
8 in connection with a criminal action pending in Albany, Bronx, Broome,
9 Erie, Jefferson, Kings, New York, Niagara, Oneida, Onondaga, Ontario,
10 Orange, Orleans, Putnam, Queens, Richmond, Rockland, Saratoga, St.
11 Lawrence, Seneca, Steuben, Tompkins, Chautauqua, Cattaraugus, Clinton,
12 Essex, Montgomery, Rensselaer, Sullivan, Warren, Westchester, Suffolk,
13 Herkimer, Franklin, Chemung, Schuyler, ~~[or]~~ Yates, Delaware, Otsego or
14 Schoharie county, provided that the chief administrator of the courts
15 has authorized the use of electronic appearance and the defendant, after
16 consultation with counsel, consents on the record. Such consent shall be
17 required at the commencement of each electronic appearance to such elec-
18 tronic appearance.

19 § 2. This act shall take effect immediately; provided, however, that
20 the amendments to subdivision 1 of section 182.20 of the criminal proce-
21 dure law made by section one of this act shall not affect the repeal of
22 such section and shall be deemed repealed therewith.

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

LBD10290-02-4