STATE OF NEW YORK

9600

IN ASSEMBLY

March 26, 2024

Introduced by M. of A. BURKE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to permitting electronic arraignment in counties not wholly included within a city and to repeal article 185 of the criminal procedure law relating thereto

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

Section 1. Article 185 of the criminal procedure law is REPEALED and a new article 185 is added to read as follows:

ARTICLE 185

ALTERNATIVE METHOD OF ARRAIGNMENT

Section 185.10 Definition of terms.
185.20 Electronic arraignment.
185.30 Conditions and limitations on electronic arraignment.
185.40 Approval by the chief administrator of the courts.

§ 185.10 Definition of terms.

As used in this article:

1. "Independent audio-visual system" means an electronic system for the transmission and receiving of audio and visual signals, encompassing encoded signals, frequency domain multiplexing or other suitable means to preclude the unauthorized reception and decoding of the signals by commercially available television receivers or monitors, channel converters, or other available receiving devices.

2. "Electronic arraignment" means an arraignment in which various participants, including the defendant, are not personally present in the court but in which all of the participants are simultaneously able to see and hear reproductions of the voices and images of the judge, counsels, defendant, police officer and any other appropriate participant, by means of an independent audio-visual system.

§ 185.20 Electronic arraignment.

Notwithstanding the provisions of subdivision nine of section 1.20, sections 110.10, 120.10, 120.40, 120.90, 140.20, 140.27, 140.40, 170.10 and 180.10 of this chapter or any other provision of law as they pertain

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

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to a defendant's personal appearance at arraignment, in every county not wholly included within a city, the court in its discretion may dispense with the defendant's personal appearance at the arraignment and conduct an electronic arraignment, provided that:

1. The defendant has waived in writing his right to personally appear at his arraignment and has consented to be arraigned by the electronic arraignment process;

2. The personal appearance of the defendant at the arraignment would result in an unreasonable delay in the preliminary proceeding; and

3. The chief administrator of the courts has authorized the use of electronic arraignments for the court, pursuant to the provisions of section 185.40 of this article.

§ 185.30 Conditions and limitations on electronic arraignment.

Whenever a person is arraigned by means of an electronic arraignment, the following conditions and limitations shall apply:

1. The defendant may not enter a plea of guilty;

2. No electronic recording of an electronic arraignment may be made, viewed or inspected except as may be authorized by rules of the chief administrator of the courts; and

3. Stenographic recording of the arraignment shall be made to the same extent as if it were an ordinary arraignment rather than an electronic arraignment.

§ 185.40 Approval by the chief administrator of the courts.

1. The appropriate administrative judge shall submit to the chief administrator of the courts a written proposal for the use of electronic arraignments for a particular court and the precincts under the jurisdiction of that court. If the chief administrator of the courts approves the proposal, installation of an independent audio-visual system may begin.

2. Upon completion of the installation of an independent audio-visual system, the public service commission shall inspect, test and examine the independent audio-visual system and certify to the chief administrator of the courts whether the system complies with the definition of an independent audio-visual system and is technically suitable for the conducting of electronic arraignments as intended.

3. The use by a court of an approved independent audio-visual system for the purpose of authorized electronic arraignments, shall be for a period of two years from the date of authorization by the chief administrator of the courts.

4. The chief administrator of the courts may withdraw approval of the authorization at any time.

§ 2. This act shall take effect immediately.