STATE OF NEW YORK

1351

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law and the executive law, in relation to protections against the arrest and extradition of abortion providers

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

Section 1. Section 570.17 of the criminal procedure law, as added by a chapter of the laws of 2022 amending the criminal procedure law, the executive law and the civil practice law and rules relating to protection of abortion service providers, as proposed in legislative bills numbers S. 9077-A and A. 10372-A, is amended to read as follows:

§ 570.17 Extradition of abortion providers.

No demand for the extradition of a person [~~charged with providing an abortion~~] **subject to criminal liability that is in whole or in part based on the alleged provision or receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability for reproductive health care services lawfully performed in New York** shall be recognized by the governor unless the executive authority of the demanding state shall allege in writing that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he, she or they fled from that state.

§ 2. Subdivision 3-a of section 140.10 of the criminal procedure law, as added by a chapter of the laws of 2022 amending the criminal procedure law, the executive law and the civil practice law and rules relating to protection of abortion service providers, as proposed in legislative bills numbers S. 9077-A and A. 10372-A, is amended to read as follows:

3-a. A police officer may not arrest any person for performing or aiding in the performance of an abortion within this state[~~,~~] **that is**

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

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performed in accordance with the applicable law of this state, for seeking to end, or ending, or aiding another in ending their pregnancy within this state, or [~~in~~] **for** procuring **or aiding in the procurement of** an abortion [~~in~~] **within** this state[~~, if the abortion is performed in accordance with the provisions of article twenty-five-A of the public health law or any other applicable law of this state~~].

§ 3. Section 837-w of the executive law, as added by a chapter of the laws of 2022 amending the criminal procedure law, the executive law and the civil practice law and rules relating to protection of abortion service providers, as proposed in legislative bills numbers S. 9077-A and A. 10372-A, is amended to read as follows:

§ 837-w. Cooperation with certain out-of-state investigations. No state or local law enforcement agency shall cooperate with or provide information to any individual or out-of-state agency or department [~~regarding the provision of a lawful~~] **related to the performance or aiding in the performance of an** abortion [~~performed in~~] **within** this state **that is performed in accordance with the applicable law of this state, ending, seeking to end, or aiding another in ending their pregnancy within this state, or procuring or aiding in the procurement of an abortion within this state**. Nothing in this section shall prohibit the investigation of any criminal activity in this state which may involve the performance of an abortion, provided that no information relating to any medical procedure performed on a specific individual may be shared with an out-of-state agency or any other individual. Nothing in this section shall prohibit compliance with a valid, court-issued subpoena or warrant.

§ 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the criminal procedure law, the executive law and the civil practice law and rules relating to protection of abortion service providers, as proposed in legislative bills numbers S. 9077-A and A. 10372-A, takes effect.