

# STATE OF NEW YORK

1439

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. SIMON, ZINERMAN, DICKENS, STECK, BURGOS, CRUZ,  
DAVILA -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to jury deliberations

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

1 Section 1. This act shall be known and may be cited as the "Tiarah  
2 Poyau Act".

3 § 2. Section 310.30 of the criminal procedure law, as amended by chap-  
4 ter 208 of the laws of 1980, is amended to read as follows:

5 § 310.30 Jury deliberation; request for information.

6 At any time during its deliberation, the jury may request the court  
7 for further instruction or information with respect to the law, with  
8 respect to the content or substance of any trial evidence, or with  
9 respect to any other matter pertinent to the jury's consideration of the  
10 case. Upon such a request, the court must direct that the jury be  
11 returned to the courtroom and, after notice to both the people and coun-  
12 sel for the defendant, and in the presence of the defendant, must give  
13 such requested information or instruction as the court deems proper.  
14 With the consent of the parties and upon the request of the jury for  
15 further instruction with respect to a statute, the court may also give  
16 to the jury copies of the text of any statute which, in its discretion,  
17 the court deems proper. In addition, where the jury requests written  
18 instructions regarding the elements of any offense submitted, or of any  
19 defense or affirmative defense submitted in relation thereto, the court  
20 may provide the jury with such written instructions as the jury has  
21 requested and the court deems proper. Before giving to the jury such  
22 written instructions regarding the elements of any offense or of any  
23 defense or affirmative defense pursuant to this section, the court shall  
24 permit counsel to examine such written instructions, shall afford coun-  
25 sel an opportunity to be heard, shall mark such written instructions as  
26 a court exhibit and shall read the instructions to the jury.

27 § 3. This act shall take effect on the one hundred twentieth day after  
28 it shall have become a law.

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

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