STATE OF NEW YORK

251

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

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

AN ACT to amend the criminal procedure law, in relation to examination of witnesses

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

Section 1. Subdivision 2 of section 660.20 of the criminal procedure law is amended to read as follows:

2. Will not be amenable or responsive to legal process or available as a witness at a time when his **or her** testimony will be sought, either because he **or she** is:

(a) About to leave the state and not return for a substantial period of time; or

(b) Physically ill or [~~incapacited.~~] **incapacitated; or**

(c) Of advanced age which, for the purposes of this subdivision shall mean a person who has attained the age of seventy-five years.

§ 2. This act shall take effect immediately.

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

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