

STATE OF NEW YORK

6798

2023-2024 Regular Sessions

IN SENATE

May 10, 2023

Introduced by Sen. OBERACKER -- 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 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 242, 246, 252, 254, 321 and 351
3 of the laws of 2022, 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, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange,
10 Putnam, Queens, Richmond, Rockland, Saratoga, St. Lawrence, Seneca,
11 Steuben, Tompkins, Chautauqua, Cattaraugus, Clinton, Essex, Montgomery,
12 Rensselaer, Sullivan, Warren, Westchester, Suffolk, Herkimer, Franklin,
13 Chemung, Schuyler, [~~ex~~] Yates, Delaware, Otsego or Schoharie county,
14 provided that the chief administrator of the courts has authorized the
15 use of electronic appearance and the defendant, after consultation with
16 counsel, consents on the record. Such consent shall be required at the
17 commencement of each electronic appearance to such electronic appear-
18 ance.

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22 such section and shall be deemed repealed therewith.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.

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