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:

Section 1. Subdivision 1 of section 182.20 of the criminal procedure law, as separately amended by chapters 242, 246, 252, 254, 321 and 351 of the laws of 2022, is amended to read as follows:

1. Notwithstanding any other provision of law and except as provided in section 182.30 of this article, the court, in its discretion, may dispense with the personal appearance of the defendant, except an appearance at a hearing or trial, and conduct an electronic appearance in connection with a criminal action pending in Albany, Bronx, Broome, Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Putnam, Queens, Richmond, Rockland, Saratoga, St. Lawrence, Seneca, Steuben, Tompkins, Chautauqua, Cattaraugus, Clinton, Essex, Montgomery, Rensselaer, Sullivan, Warren, Westchester, Suffolk, Herkimer, Franklin, Chemung, Schuyler, [~~or~~] Yates**, Delaware, Otsego or Schoharie** county, provided that the chief administrator of the courts has authorized the use of electronic appearance and the defendant, after consultation with counsel, consents on the record. Such consent shall be required at the commencement of each electronic appearance to such electronic appearance.

§ 2. This act shall take effect immediately, provided, however, that the amendments to subdivision 1 of section 182.20 of the criminal procedure law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

LBD10290-01-3