STATE OF NEW YORK

8133

2025-2026 Regular Sessions

IN ASSEMBLY

May 1, 2025

Introduced by M. of A. KELLES -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to allowing defendants to respond to appearance tickets for certain local violations by mail

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

Section 1. Paragraph (b) of subdivision 1 of section 170.10 of the criminal procedure law, as amended by chapter 661 of the laws of 1972, is amended and two new paragraphs (c) and (d) are added to read as follows:

(b) In any case in which the defendant's appearance is required by a summons or an appearance ticket, the court in its discretion may, for good cause shown, permit the defendant to appear by counsel instead of in person[~~.~~]**; or**

(c) In any case in which an appearance ticket has been issued for a violation of a local zoning ordinance or local zoning law or of a building or sanitation code and such violation is punishable by a penalty of no greater than five hundred dollars, the defendant may enter a plea of not guilty by mailing to the court of appropriate jurisdiction the appearance ticket indicating such plea. Such plea shall be sent by registered or certified mail, return receipt requested or by first class mail. Upon receipt of such ticket and statement, the court shall advise the defendant, by first class mail, of an appearance at which no testimony shall be taken. If a trial is requested, the court shall set a trial date on a date subsequent to the date of the initial appearance and shall notify the defendant of the date by first class mail; provided, however, that no warrant of arrest for failure to appear may be issued until the defendant is notified of a new court appearance date by registered or certified mail, return receipt requested and such defendant fails to appear.

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

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(d) A defendant may enter a plea of guilty by mailing to the court of appropriate jurisdiction by first class mail or by registered or certified mail, return receipt requested, the appearance ticket and an application setting forth: (i) the nature of the charge, (ii) the information or instructions required to be given to the defendant upon arraignment, (iii) that defendant waives arraignment in open court and the aid of counsel, (iv) that defendant pleads guilty to the offense as charged, (v) that defendant elects and requests that the charge be disposed of and the fine or penalty fixed by the court, pursuant to the local ordinance or code, (vi) any statement or explanation that the defendant may desire to make concerning the offense charged, and (vii) that defendant makes all statements with respect to such application under penalty of perjury. Thereupon the local criminal court may proceed as though the defendant had been convicted upon a plea of guilty in open court; provided, however, that any imposition of fine or penalty pursuant to this subparagraph shall be deemed tentative until such fine or penalty shall have been paid and discharged in full, prior to which time such court, in its discretion, may annul any proceedings hereunder, including such tentative imposition of fine or penalty, and deny the application, in which event the charge shall be disposed of pursuant to the applicable provisions of law, as though no proceedings occurred pursuant to this subparagraph. If upon receipt of the aforesaid application such court shall deny such application, the court shall thereupon inform the defendant of this fact and that the defendant is required to appear before such court at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

§ 2. Paragraph (a) of subdivision 2 of section 340.20 of the criminal procedure law, as amended by chapter 430 of the laws of 1974, is amended and a new paragraph (c) is added to read as follows:

(a) Subject to the provisions of [~~paragraph~~] paragraphs (b) and (c) of this subdivision, a plea to an information must be entered orally by the defendant in person unless the court permits entry thereof by counsel upon the filing by [~~him~~] such defendant of a written and subscribed statement by the defendant declaring that [~~he waives his~~] such defendant waives their right to plead to the information in person and authorizing [~~his~~] the defendant's attorney to enter a plea on [~~his~~] the defendant's behalf as set forth in the authorization.

(c) If the only offense or offenses charged is a violation of a local zoning ordinance or local zoning law or of a building or sanitation code and such violation is punishable by a penalty of no greater than five hundred dollars, the procedure provided in section 170.10 of this part, relating to pleas in such cases, is, when appropriate, applicable and controlling.

§ 3. This act shall take effect immediately.