

STATE OF NEW YORK

660--A

Cal. No. 202

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GIANARIS, BAILEY, BRISPORT, BROUK, JACKSON, KRUEGER, LIU, RIVERA, SALAZAR, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the criminal procedure law and the civil practice law and rules, in relation to detaining persons for longer than twenty-four hours

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

1 Section 1. Section 140.20 of the criminal procedure law is amended by
2 adding a new subdivision 9 to read as follows:

3 9. For purposes of this section, "without unnecessary delay" shall
4 mean promptly, and in any event before twenty-four hours or less have
5 expired, commencing at the time of the person being taken into custody
6 by such police officer, or any person acting on behalf of a police offi-
7 cer, even when no arrest number has been issued. The failure or inabili-
8 ty of any government agency to fulfill the requirements of this section,
9 shall require the immediate release from custody of any person so held.

10 § 2. Section 7009 of the civil practice law and rules is amended by
11 adding a new subdivision (f) to read as follows:

12 (f) Persons detained for longer than twenty-four hours. For purposes
13 of this article, when a writ of habeas corpus is heard challenging the
14 pre-arraignment detention of a person detained for more than twenty-four
15 hours, there shall be an evidentiary presumption that such detention,
16 without arraignment, was avoidable, unnecessary and unlawful as defined
17 in section 140.20 of the criminal procedure law, until and unless such
18 presumption is rebutted by clear and convincing evidence of compelling

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

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1 facts and circumstance demonstrating that such delay was unavoidable and
2 actually necessary for each individual petitioner identified in the
3 writ.

4 § 3. This act shall take effect immediately.