

STATE OF NEW YORK

1860

2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sens. MYRIE, BAILEY, BRISPORT, BROUK, CLEARE, COONEY, GIANARIS, GOUNARDES, HOYLMAN-SIGAL, RAMOS, RIVERA, SALAZAR, SEPULVEDA, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law and the family court act, in relation to defendants' and juvenile respondents' statement admissibility and recorded interrogations

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

- 1 Section 1. Subdivisions 1 and 2 of section 60.45 of the criminal
2 procedure law are amended and a new subdivision 4 is added to read as
3 follows:
- 4 1. Evidence of a written or oral confession, admission, or other
5 statement made by a defendant with respect to [~~his~~] such defendant's
6 participation or lack of participation in the offense charged, may not
7 be received in evidence against [~~him~~] such defendant in a criminal
8 proceeding if such statement was involuntarily made.
- 9 2. A confession, admission or other statement is "involuntarily made"
10 by a defendant when it is obtained from [~~him~~] such defendant:
- 11 (a) By any person by the use or threatened use of physical force upon
12 the defendant or another person, or by means of any other improper
13 conduct or undue pressure which impaired the defendant's physical or
14 mental condition to the extent of undermining [~~his~~] such defendant's
15 ability to make a choice whether or not to make a statement; or
- 16 (b) By a public servant engaged in law enforcement activity or by a
17 person then acting under [~~his~~] such public servant's direction or in
18 cooperation with [~~him~~] such public servant:
- 19 (i) by means of any promise or statement of fact, which promise or
20 statement undermines the reliability of the defendant's statement, or
21 creates a substantial risk that the defendant might falsely incriminate
22 [~~himself~~] themselves; [~~or~~]

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

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1 (ii) by knowingly communicating false facts about evidence to the
2 defendant; or

3 (iii) in violation of such rights as the defendant may derive from the
4 constitution of this state or of the United States.

5 4. The division of criminal justice services shall collect and analyze
6 the following data related to the recordation of interrogations pursuant
7 to the requirements of subdivision three of this section, including but
8 not limited to:

9 (a) The aggregate annual number of recorded interrogations in
10 detention facilities for all categories of criminal charges, including
11 such charges as required by paragraph (a) of subdivision three of this
12 section and any additional recorded interrogations.

13 (b) The disaggregate data for each case involving a custodial interro-
14 gation of a person suspected of committing a crime that occurred in a
15 detention facility, including:

16 (i) Whether the interrogation was recorded.

17 (ii) If the interrogation was not recorded, whether there was a show-
18 ing of good cause pursuant to paragraph (c) of subdivision three of this
19 section.

20 (iii) The duration of the interrogation and the circumstances of the
21 recorded interrogation, including:

22 (1) Whether the recording began: (A) when the suspect entered the
23 interrogation room; (B) when the suspect was read their Miranda rights;
24 or (C) after the suspect was read their Miranda rights; and

25 (2) Whether the recording ended: (A) after the interrogation ended;
26 (B) immediately after the suspect confessed; or (C) at another time
27 prior to the end of the interrogation.

28 (iv) Whether the suspect confessed to the crime during the interro-
29 gation.

30 (v) Whether the interrogation was recorded with video and audio or
31 audio only.

32 § 2. Subparagraph (iii) of paragraph (b) of subdivision 2 of section
33 344.2 of the family court act, as added by chapter 920 of the laws of
34 1982, is amended to read as follows:

35 (iii) in violation of section 305.2 of this article; or

36 (iv) in violation of subdivision two of section 60.45 of the criminal
37 procedure law.

38 § 3. This act shall take effect on the ninetieth day after it shall
39 have become a law.