

STATE OF NEW YORK

9824

IN SENATE

April 7, 2026

Introduced by Sen. SEPULVEDA -- (at request of the Unified Court System)
-- 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 allowing
minor defendants to utilize electronic appearances in certain criminal
proceedings on consent when the court has determined it to be in their
interests

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

1 Section 1. Paragraph (b) of subdivision 1 of section 182.20 of the
2 criminal procedure law, as added by section 1 of part WW of chapter 55
3 of the laws of 2025, is amended to read as follows:

4 (b) at an arraignment where the defendant, after consultation with
5 counsel or a legal advisor, if any, and the prosecutor consent on the
6 record to conducting such arraignment by electronic appearance, and
7 where: (i) the defendant is receiving treatment at a hospital or other
8 health care facility at the time the arraignment is scheduled; (ii) the
9 defendant is being arraigned on a desk appearance ticket, a superseding
10 information, a superseding indictment, or a superior court information
11 when the defendant intends to enter any authorized guilty plea to such
12 an accusatory instrument during the same court proceeding; (iii) tempo-
13 rary exigent circumstances exist, such as an extreme weather event,
14 which makes timely transporting of the defendant to court for an
15 arraignment unreasonably hazardous, provided that the court shall make a
16 record of why an electronic appearance under this subparagraph is neces-
17 sary; ~~[-]~~ (iv) the defendant requests to be arraigned by an electronic
18 appearance, provided that whenever an electronic appearance is conducted
19 at the defendant's request solely pursuant to this subparagraph the only
20 securing order which may be imposed shall be a release on recognizance;
21 or (v) the defendant is under the age of eighteen and when first avail-
22 able for arraignment there is no open court with a Youth Part judge or
23 an accessible magistrate to conduct the arraignment. Where an electronic
24 appearance is conducted pursuant to this subparagraph, the only securing

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

LBD14931-02-6

1 order which may be imposed shall be a release on recognizance or a
2 release with non-monetary conditions; and

3 § 2. Subdivision 7 of section 182.20 of the criminal procedure law, as
4 added by section 1 of part WW of chapter 55 of the laws of 2025, is
5 amended to read as follows:

6 7. Where a defendant in a proceeding is under the age of eighteen an
7 electronic appearance shall not be conducted, provided, however, that
8 such an appearance may be conducted where: (i) the proceeding would
9 otherwise be covered by paragraph (c) of subdivision one of this
10 section; (ii) the minor defendant, after consultation with counsel or a
11 legal advisor, if any, the minor defendant's attorney and the prosecutor
12 all consent on the record to conduct such proceeding by electronic
13 appearance; (iii) the court states on the record that it has determined
14 the electronic appearance is in the best interests of the minor defend-
15 ant; and (iv) the court indicates the reason it has made that determi-
16 nation, which may include that a physical appearance will unnecessarily
17 interfere with the minor defendant's participation in treatment, school,
18 vocational training, work, family care, health care or other similarly
19 important activity. An electronic appearance for a defendant under the
20 age of eighteen shall also be permitted pursuant to subparagraph (v) of
21 paragraph (b) of subdivision one of this section.

22 § 3. This act shall take effect sixty days after it shall have become
23 a law; provided, however, that the amendments to section 182.20 of the
24 criminal procedure law made by sections one and two of this act shall
25 not affect the expiration of such section and shall expire and be deemed
26 repealed therewith.