§ 310.50 Verdict; form; reconsideration of defective verdict.

1. The form of the verdict must be in accordance with the court's instructions, as prescribed in article three hundred.

2. If the jury renders a verdict which in form is not in accordance with the court's instructions or which is otherwise legally defective, the court must explain the defect or error and must direct the jury to reconsider such verdict, to resume its deliberation for such purpose, and to render a proper verdict. If the jury persists in rendering a defective or improper verdict, the court may in its discretion either order that the verdict in its entirety as to any defendant be recorded as an acquittal, or discharge the jury and authorize the people to retry the indictment or a specified count or counts thereof as to such defendant; provided that if it is clear that the jury intended to find a defendant not guilty upon any particular count, the court must order that the verdict be recorded as an acquittal of such defendant upon such count.

3. If the court accepts a verdict which is defective or incomplete by reason of the jury's failure to render a verdict upon every count upon which it was instructed to do so, such verdict is deemed to constitute an acquittal upon every such count improperly ignored in the verdict.

4. In a prosecution involving a charge of enterprise corruption in violation of article four hundred sixty of the penal law, the jury must separately and specifically render a special verdict with regard to each criminal act and any lesser included offense submitted for its consideration as a part of a pattern of criminal activity in addition to its verdict on the charge of enterprise corruption. In the absence of a unanimous special verdict of guilty with regard to each of at least three criminal acts and/or lesser included offenses submitted for its consideration and legally sufficient to constitute a person's participation in a pattern of criminal activity within the meaning of subdivision four of section 460.10 of the penal law, the court must order that the verdict on the count charging enterprise corruption be recorded as an acquittal.