

STATUS:

S5686 GRIFFO No Same as

ON FILE: 06/10/11 Criminal Procedure Law

TITLE....Authorizes the electronic appearance of a defendant in criminal proceedings across the state, without the consent of such defendant

06/10/11 REFERRED TO CODES

SUMMARY:

GRIFFO

Amd S182.20, CP L

Authorizes the electronic appearance of a defendant in criminal proceedings across the state, without the consent of such defendant.

BILL TEXT:**STATE OF NEW YORK**

5686

2011-2012 Regular Sessions

IN SENATE

June 10, 2011

Introduced by Sen. GRIFFO -- 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 authorizing the electronic appearance of a defendant statewide and removing the requirement that the defendant consent thereto

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 182.20 of the criminal
2 procedure law, subdivision 1 as amended by chapter 332 of the laws of
3 2009 and subdivision 2 as added by chapter 689 of the laws of 1993, are
4 amended to read as follows:

5 1. Notwithstanding any other provision of law and except as provided
6 in section 182.30 of this article, the court, in its discretion, may
7 dispense with the personal appearance of the defendant, except an
8 appearance at a hearing or trial, and conduct an electronic appearance
9 in connection with a criminal action [~~pending in Albany, Bronx, Broome,~~
10 ~~Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange,~~
11 ~~Putnam, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattaraugus,~~
12 ~~Clinton, Essex, Montgomery, Rensselaer, Warren, Westchester,~~
13 ~~Suffolk, Herkimer or Franklin county]~~, provided that the chief adminis-
14 trator of the courts has authorized the use of electronic appearance
15 [~~and the defendant, after consultation with counsel, consents on the~~
16 ~~record. Such consent shall be required at the commencement of each elec-~~
17 ~~tronic appearance to such electronic appearance]~~.

18 2. If, for any reason, the court determines on its own motion or [~~on~~
19 ~~the motion of any party that the conduct of an electronic appearance may~~

20 ~~impair the legal rights of the defendant, it shall not permit the elec-~~
21 ~~tronic appearance to proceed. If, for any other articulated reason],~~
22 either party requests at any time during the electronic appearance that
23 such appearance be terminated, the court [~~shall~~] may grant such request
24 and adjourn the proceeding to a date certain. Upon the adjourned date

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

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1 the proceeding shall be recommenced from the point at which the request
2 for termination of the electronic appearance had been granted.
3 § 2. This act shall take effect on the first of September next
4 succeeding the date on which it shall have become a law, provided that
5 the amendments to section 182.20 of the criminal procedure law, made by
6 section one of this act, shall not affect the repeal of such section and
7 shall be deemed repealed therewith.

SPONSORS MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5686

SPONSOR: GRIFFO

TITLE OF BILL:

An act to amend the criminal procedure law, in relation to authorizing the electronic appearance of a defendant statewide and removing the requirement that the defendant consent thereto

PURPOSE:

To authorize the electronic appearance of a defendant in criminal proceedings across the state, without the consent of such defendant.

SUMMARY OF PROVISIONS:

Section 1. Subdivisions 1 and 2 of section 182.20 of the criminal procedure law are amended to allow the court to dispense with the personal appearance of a defendant, except at a hearing or trial, and conduct an electronic appearance in connection with a criminal action provided that the chief administrator of the courts has authorized the use of electronic appearance. If the court should determine on its own motion or either party requests such appearance be terminated, the court may grant such request and adjourn the proceeding to a date certain.

JUSTIFICATION:

The cost of transporting incarcerated defendants back and forth from court for arraignment is very expensive. The availability of electronic equipment to enable video arraignments would over the long term save counties a great deal of money in transportation costs including those costs of officers in supervision of the defendant while traveling and in court. This saved money would then be one less burden on law-abiding taxpayers.

This legislation only applies to arraignments and not to hearings or trials.

LEGISLATIVE HISTORY:

New legislation.

FISCAL IMPLICATIONS:

Savings to counties to be determined.

EFFECTIVE DATE:

This act shall take effect on the first of September next succeeding the date on which it shall have become a law, provided that the amendments to section 182.20 of the criminal procedure law, made by section one of this act, shall not affect the repeal of such section and shall be deemed repealed therewith.
