

Legislative Bill Drafting Commission
13886-01-9

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

CRIMIPLA

(Relates to precluding inadmissible
statements made by defendants
because of false information and
requires data collection of recorded
interrogations)

CP L. statement admissibility

AN ACT

to amend the criminal procedure law,
in relation to defendants' statement
admissibility and recorded interro-
gations

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s02 Flanagan	s09 Kaminsky	s25 Montgomery	s23 Savino
s52 Akshar	s55 Funke	s07 Kaplan	s20 Myrie	s32 Sepulveda
s46 Amedore	s59 Gallivan	s26 Kavanagh	s58 O'Mara	s41 Serino
s50 Antonacci	s05 Gaughran	s63 Kennedy	s62 Ortt	s29 Serrano
s36 Bailey	s12 Gianaris	s28 Krueger	s21 Parker	s51 Seward
s30 Benjamin	s22 Gounardes	s24 Lanza	s19 Persaud	s39 Skoufis
s34 Biaggi	s47 Griffo	s01 LaValle	s13 Ramos	s16 Stavisky
s04 Boyle	s40 Harckham	s45 Little	s61 Ranzzenhofer	s35 Stewart- Cousins
s44 Breslin	s54 Helming	s11 Liu	s48 Ritchie	
s08 Brooks	s27 Hoylman	s03 Martinez	s33 Rivera	s49 Tedisco
s38 Carlucci	s31 Jackson	s53 May	s56 Robach	s06 Thomas
s14 Comrie	s60 Jacobs	s37 Mayer	s18 Salazar	s57
s17 Felder	s43 Jordan	s42 Metzger	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a053 Davila	a128 Hunter	a037 Nolan	a090 Sayegh
a092 Abinanti	a072 De La Rosa	a029 Hyndman	a144 Norris	a140 Schimminger
a084 Arroyo	a034 DenDekker	a104 Jacobson	a069 O'Donnell	a099 Schmitt
a107 Ashby	a003 DeStefano	a097 Jaffee	a051 Ortiz	a076 Seawright
a035 Aubry	a070 Dickens	a011 Jean-Pierre	a091 Otis	a052 Simon
a120 Barclay	a054 Dilan	a135 Johns	a132 Palmesano	a036 Simotas
a030 Barnwell	a081 Dinowitz	a115 Jones	a002 Palumbo	a005 Smith
a106 Barrett	a147 DiPietro	a077 Joyner	a088 Paulin	a118 Smullen
a060 Barron	a016 D'Urso	a040 Kim	a141 Peoples-	a022 Solages
a082 Benedetto	a048 Eichenstein	a131 Kolb	Stokes	a114 Stec
a042 Bichotte	a004 Englebright	a105 Lalor	a058 Perry	a110 Steck
a079 Blake	a074 Epstein	a013 Lavine	a023 Pheffer	a010 Stern
a117 Blankenbush	a109 Fahy	a134 Lawrence	Amato	a127 Stirpe
a098 Brabene	a061 Fall	a050 Lentol	a086 Pichardo	a102 Tague
a026 Braunstein	a080 Fernandez	a125 Lifton	a089 Pretlow	a071 Taylor
a138 Bronson	a126 Finch	a009 LiPetri	a073 Quart	a001 Thiele
a093 Buchwald	a008 Fitzpatrick	a123 Lupardo	a019 Ra	a031 Titus
a142 Burke	a124 Friend	a129 Magnarelli	a012 Raia	a033 Vanel
a119 Buttenschon	a046 Frontus	a064 Malliotakis	a006 Ramos	a116 Walczyk
a094 Byrne	a095 Galef	a130 Manktelow	a062 Reilly	a055 Walker
a133 Byrnes	a137 Gantt	a108 McDonald	a087 Reyes	a143 Wallace
a103 Cahill	a007 Garbarino	a014 McDonough	a043 Richardson	a112 Walsh
a044 Carroll	a148 Giglio	a146 McMahan	a078 Rivera	a041 Weinstein
a047 Colton	a066 Glick	a017 Mikulin	a068 Rodriguez	a024 Weprin
a032 Cook	a150 Goodell	a101 Miller, B.	a136 Romeo	a059 Williams
a085 Crespo	a075 Gottfried	a038 Miller, M. G.	a027 Rosenthal, D.	a113 Woerner
a122 Crouch	a021 Griffin	a020 Miller, M. L.	a067 Rosenthal, L.	a056 Wright
a039 Cruz	a100 Gunther	a015 Montesano	a025 Rozic	a096 Zebrowski
a063 Cusick	a139 Hawley	a145 Morinello	a149 Ryan	
a045 Cymbrowitz	a083 Heastie	a057 Mosley	a121 Salka	
a018 Darling	a028 Hevesi	a065 Niou	a111 Santabarbara	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. Paragraph (b) of subdivision 2 of section 60.45 of the
2 criminal procedure law is amended to read as follows:

3 (b) By a public servant engaged in law enforcement activity or by a
4 person then acting under his direction or in cooperation with him:

5 (i) by means of any promise or statement of fact, which promise or
6 statement undermines the reliability of the defendant's statement or
7 creates a substantial risk that the defendant might falsely incriminate
8 himself; [or]

9 (ii) by knowingly communicating false facts about evidence to the
10 defendant; or

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

13 § 2. Section 60.45 of the criminal procedure law is amended by adding
14 a new subdivision 4 to read as follows:

15 4. The division of criminal justice services shall collect and analyze
16 the following data related to the recordation of interrogations pursuant
17 to the requirements of subdivision three of this section, including but
18 not limited to:

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

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

26 (i) Whether the interrogation was recorded.

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

4 (iii) The duration of the interrogation and the circumstances of the
5 recorded interrogation, including:

6 (1) Whether the recording began: (A) when the suspect entered the
7 interrogation room; (B) when the suspect was read his or her Miranda
8 rights; or (C) after the suspect was read his or her Miranda rights; and

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

12 (iv) Whether the suspect confessed to the crime during the interro-
13 gation.

14 (v) Whether the interrogation was recorded with video and audio or
15 audio only.

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