

## BILL TEXT:

## STATE OF NEW YORK

8188

2007-2008 Regular Sessions

## IN ASSEMBLY

May 8, 2007

Introduced by M. of A. TITUS -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to issuance of a subpoena to compel the attendance of an incarcerated person in certain cases

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

1 Section 1. Subdivision (b) of section 2302 of the civil practice law  
2 and rules, as amended by chapter 336 of the laws of 2004, is amended to  
3 read as follows:

4 (b) Issuance by court. A subpoena to compel production of an original  
5 record or document where a certified transcript or copy is admissible in  
6 evidence, or to compel attendance of any person confined in a penitenti-  
7 ary or jail, shall be issued by the court. Unless the court orders  
8 otherwise, a motion for such subpoena shall be made on at least one  
9 day's notice to the person having custody of the record, document or  
10 person confined. A subpoena to produce a prisoner so confined shall be  
11 issued by a judge to whom a petition for habeas corpus could be made  
12 under subdivision (b) of section seven thousand two of this chapter or a  
13 judge of the court of claims, if the matter is pending before the court  
14 of claims, or a judge of the surrogate's court, if the matter is pending  
15 before the surrogate's court, or a judge or support magistrate of the  
16 family court, if the matter is pending before the family court, or a  
17 judge of the New York city civil court, if the matter is pending before  
18 the New York city civil court and it has been removed thereto from the  
19 supreme court pursuant to subdivision (d) of section three hundred twen-  
20 ty-five of this chapter.

21 § 2. This act shall take effect immediately.

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

LBD10516-01-7