

4052

2011-2012 Regular Sessions

I N   S E N A T E

March 15, 2011

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Introduced by Sen. GALLIVAN -- (at request of the Office of Court Administration) -- 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 orders of protection in youthful offender cases

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 720.35 of the criminal procedure  
2 law, as amended by chapter 412 of the laws of 2001, is amended to read  
3 as follows:  
4     2. Except where specifically required or permitted by statute or upon  
5 specific authorization of the court, all official records and papers,  
6 whether on file with the court, a police agency or the division of crim-  
7 inal justice services, relating to a case involving a youth who has been  
8 adjudicated a youthful offender, are confidential and may not be made  
9 available to any person or public or private agency, other than the  
10 designated educational official of the public or private elementary or  
11 secondary school in which the youth is enrolled as a student provided  
12 that such local educational official shall only have made available a  
13 notice of such adjudication and shall not have access to any other offi-  
14 cial records and papers, such youth or such youth's designated agent  
15 (but only where the official records and papers sought are on file with  
16 a court and request therefor is made to that court or to a clerk there-  
17 of), an institution to which such youth has been committed, the division  
18 of parole and a probation department of this state that requires such  
19 official records and papers for the purpose of carrying out duties  
20 specifically authorized by law; provided, however, that information  
21 regarding an order of protection or temporary order of protection issued  
22 pursuant to section 530.12 OR 530.13 of this [chapter] PART or a warrant  
23 issued in connection therewith may be maintained on the statewide auto-  
24 mated order of protection and warrant registry established pursuant to

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

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1 section two hundred twenty-one-a of the executive law during the period  
2 that such order of protection or temporary order of protection is in  
3 full force and effect or during which such warrant may be executed. Such  
4 confidential information may be made available pursuant to law only for  
5 purposes of adjudicating or enforcing such order of protection or tempo-  
6 rary order of protection and, where provided to a designated educational  
7 official, as defined in section 380.90 of this chapter, for purposes  
8 related to the execution of the student's educational plan, where appli-  
9 cable, successful school adjustment and reentry into the community. Such  
10 notification shall be kept separate and apart from such student's school  
11 records and shall be accessible only by the designated educational offi-  
12 cial. Such notification shall not be part of such student's permanent  
13 school record and shall not be appended to or included in any documenta-  
14 tion regarding such student and shall be destroyed at such time as such  
15 student is no longer enrolled in the school district. At no time shall  
16 such notification be used for any purpose other than those specified in  
17 this subdivision.

18 S 2. This act shall take effect immediately.