

9833--A

I N   A S S E M B L Y

April 12, 2016

---

Introduced by M. of A. GALEF -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to a "problem solving court"

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

1     Section 1. Subdivision 4 of section 170.15 of the criminal procedure  
2 law, as amended by chapter 67 of the laws of 2000, is amended to read as  
3 follows:

4     4. Notwithstanding any provision of this section to the contrary, in  
5 any county outside a city having a population of one million or more,  
6 upon or after arraignment of a defendant on an information, a simplified  
7 information, a prosecutor's information or a misdemeanor complaint pend-  
8 ing in a local criminal court, such court may, upon motion of the  
9 defendant and [with the consent of] AFTER GIVING the district attorney  
10 AN OPPORTUNITY TO BE HEARD, order that the action be removed from the  
11 court in which the matter is pending to another local criminal court in  
12 the same county which has been designated a [drug] court OTHER THAN A  
13 DRUG COURT, FORMED TO ADDRESS A MATTER OF SPECIAL CONCERN BASED UPON THE  
14 STATUS OF THE DEFENDANT OR THE VICTIM, COMMONLY KNOWN AS A "PROBLEM  
15 SOLVING COURT," INCLUDING, BUT NOT LIMITED TO, DOMESTIC VIOLENCE COURT,  
16 YOUTH COURT, MENTAL HEALTH COURT, AND VETERANS COURT, by the chief  
17 administrator of the courts, and such [drug] PROBLEM SOLVING court may  
18 then conduct such action to [judgement] JUDGMENT or other final disposi-  
19 tion; provided, however, that an order of removal issued under this  
20 subdivision shall not take effect until five days after the date the  
21 order is issued unless, prior to such effective date, the [drug] PROBLEM  
22 SOLVING court notifies the court that issued the order that:

23     (a) it will not accept the action, in which event the order shall not  
24 take effect, or

25     (b) it will accept the action on a date prior to such effective date,  
26 in which event the order shall take effect upon such prior date.

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

LBD13650-02-6

1     Upon providing notification pursuant to paragraph (a) or (b) of this  
2 subdivision, the [drug] PROBLEM SOLVING court shall promptly give notice  
3 to the defendant, his or her counsel and the district attorney.  
4     S 2. This act shall take effect on the sixtieth day after it shall  
5 have become a law.