

STATE OF NEW YORK

7982

2019-2020 Regular Sessions

IN ASSEMBLY

May 30, 2019

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

AN ACT to amend the criminal procedure law, in relation to notification to, and engagement of, parents in proceedings involving sixteen and seventeen year old defendants in youth parts in superior courts

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

1 Section 1. Subdivision 7 of section 120.90 of the criminal procedure
2 law, as amended by section 16 of part WWW of chapter 59 of the laws of
3 2017, is amended to read as follows:

4 7. Upon arresting a juvenile offender or adolescent offender, the
5 police officer shall immediately notify the parent or other person
6 legally responsible for his or her care or the person with whom he or
7 she is domiciled, that the juvenile offender or adolescent offender has
8 been arrested, [~~and~~] the location of the facility where he or she is
9 being detained or questioned and the location of the court where he or
10 she will be arraigned or appear, as well as the date and approximate
11 time if known.

12 § 2. The opening paragraph of subdivision 6 of section 140.20 of the
13 criminal procedure law, as amended by section 20 of part WWW of chapter
14 59 of the laws of 2017, is amended to read as follows:

15 Upon arresting a juvenile offender or a person sixteen or commencing
16 October first, two thousand nineteen, seventeen years of age without a
17 warrant, the police officer shall immediately notify the parent or other
18 person legally responsible for his or her care or the person with whom
19 he or she is domiciled, that such offender or person has been arrested,
20 and the location of the facility where he or she is being detained or
21 questioned and the location of the court where he or she will be
22 arraigned or appear, as well as the date and approximate time if known.
23 If the officer determines that it is necessary to question a juvenile
24 offender or such person, the officer must take him or her to a facility

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

LBD09845-02-9

1 designated by the chief administrator of the courts as a suitable place
2 for the questioning of children or, upon the consent of a parent or
3 other person legally responsible for the care of the juvenile or such
4 person, to his or her residence and there question him or her for a
5 reasonable period of time. A juvenile or such person shall not be ques-
6 tioned pursuant to this section unless he or she and a person required
7 to be notified pursuant to this subdivision, if present, have been
8 advised:

9 § 3. The opening paragraph of subdivision 5 of section 140.27 of the
10 criminal procedure law, as amended by section 23 of part WWW of chapter
11 59 of the laws of 2017, is amended to read as follows:

12 Upon arresting a juvenile offender or a person sixteen or commencing
13 October first, two thousand nineteen, seventeen years of age without a
14 warrant, the peace officer shall immediately notify the parent or other
15 person legally responsible for his or her care or the person with whom
16 he or she is domiciled, that such offender or person has been arrested,
17 and the location of the facility where he or she is being detained or
18 questioned and the location of the court where he or she will be
19 arraigned or appear, as well as the date and approximate time if known.

20 If the officer determines that it is necessary to question a juvenile
21 offender or such person, the officer must take him or her to a facility
22 designated by the chief administrator of the courts as a suitable place
23 for the questioning of children or, upon the consent of a parent or
24 other person legally responsible for the care of a juvenile offender or
25 such person, to his or her residence and there question him or her for a
26 reasonable period of time. A juvenile offender or such person shall not
27 be questioned pursuant to this section unless the juvenile offender or
28 such person and a person required to be notified pursuant to this subdi-
29 vision, if present, have been advised:

30 § 4. The opening paragraph of subdivision 5 of section 140.40 of the
31 criminal procedure law, as amended by section 24 of part WWW of chapter
32 59 of the laws of 2017, is amended to read as follows:

33 If a police officer takes an arrested juvenile offender or a person
34 sixteen or commencing October first, two [~~thosund~~] thousand nineteen,
35 seventeen years of age into custody, the police officer shall immediate-
36 ly notify the parent or other person legally responsible for his or her
37 care or the person with whom he or she is domiciled, that such offender
38 or person has been arrested, and the location of the facility where he
39 or she is being detained or questioned and the location of the court
40 where he or she will be arraigned or appear, as well as the date and
41 approximate time if known. If the officer determines that it is neces-
42 sary to question a juvenile offender or such person the officer must
43 take him or her to a facility designated by the chief administrator of
44 the courts as a suitable place for the questioning of children or, upon
45 the consent of a parent or other person legally responsible for the care
46 of the juvenile offender or such person, to his or her residence and
47 there question him or her for a reasonable period of time. A juvenile
48 offender or such person shall not be questioned pursuant to this section
49 unless he or she and a person required to be notified pursuant to this
50 subdivision, if present, have been advised:

51 § 5. Subdivision 1 of section 722.00 of the criminal procedure law, as
52 added by section 1-a of part WWW of chapter 59 of the laws of 2017, is
53 amended to read as follows:

54 1. All juvenile offenders and adolescent offenders shall be notified
55 of the availability of services through the local probation department.
56 Such services shall include the ability of the probation department to

1 conduct a risk and needs assessment, utilizing a validated risk assess-
2 ment tool, in order to help determine suitable and individualized
3 programming and referrals. Participation in such risk and needs assess-
4 ment shall be voluntary and the adolescent offender or juvenile offender
5 may be accompanied by counsel during any such assessment. The local
6 probation department shall make reasonable and substantial efforts to
7 secure the participation of the parent or other person responsible for
8 the care of the juvenile offender or adolescent offender in the risk and
9 needs assessment but shall not be prevented from proceeding by the
10 absence of such parent or person. Based upon the assessment findings,
11 the probation department shall refer the adolescent offender or juvenile
12 offender to available and appropriate services.

13 § 6. Section 722.10 of the criminal procedure law is amended by adding
14 a new subdivision 3 to read as follows:

15 3. In all proceedings under this article, the parent or other person
16 responsible for the care of the juvenile offender or adolescent offender
17 shall be notified of the right to be present, unless good cause exists
18 to dispense with such notice. The court shall not be prevented from
19 proceeding by the absence of such parent or person if reasonable efforts
20 have been made to provide such notice, unless the court found good cause
21 to dispense with such notice.

22 § 7. This act shall take effect immediately.