

STATE OF NEW YORK

8360--A

2019-2020 Regular Sessions

IN ASSEMBLY

June 15, 2019

Introduced by M. of A. GALEF -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the judiciary law, in relation to authorizing the chief administrator of the courts to establish veterans treatment courts; and to amend the criminal procedure law, in relation to the removal of certain actions to veterans treatment courts

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

Section 1. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (aa) to read as follows:

(aa) To the extent practicable, establish such number of veterans treatment courts as may be necessary to fulfill the purposes of subdivision four of section 170.15 and subdivision three of section 180.20 of the criminal procedure law.

§ 2. Subdivision 5 of section 170.15 of the criminal procedure law, as added by chapter 191 of the laws of 2018, is amended to read as follows:

5. (a) Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an information, a simplified information, a prosecutor's information or a misdemeanor complaint pending in a local criminal court, such court may, upon motion of the defendant ~~[and after giving the district attorney an opportunity to be heard, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county, or with consent of the district attorney to another court in an adjoining county, that has been designated as a human trafficking court by the chief administrator of the courts, and such human trafficking court]~~ to remove the action to a court in an adjoining county that has been desig-

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

LBD11046-07-9

1 nated as a human trafficking court or veterans treatment court by the
2 chief administrator of the courts, and after giving the district attor-
3 ney an opportunity to be heard and with the consent of the district
4 attorney of the adjoining county, order that the action be removed from
5 the court in which the matter is pending to such human trafficking court
6 or veterans treatment court, whereupon such court may then conduct such
7 action to [~~judgement~~] judgment or other final deposition; provided,
8 however, that the consent of the district attorney of the county in
9 which the action and indictment are pending shall be required before the
10 court may order removal hereunder where the accused and the person
11 alleged to be the victim of an offense charged are members of the same
12 family or household as defined in subdivision one of section 530.11 of
13 this chapter; and provided further that an order of removal issued under
14 this subdivision shall not take effect until five days after the date
15 the order is issued unless, prior to such effective date, the human
16 trafficking court or veterans treatment court notifies the court that
17 issued the order that:

18 i. it will not accept the action, in which event the order shall not
19 take effect; or

20 ii. it will accept the action on a date prior to such effective date,
21 in which event the order shall take effect upon such prior date.

22 (b) Upon providing notification pursuant to subparagraph i or ii of
23 paragraph (a) of this subdivision, the human trafficking court or veter-
24 ans treatment court shall promptly give notice to the defendant, his or
25 her counsel, and the district attorney.

26 § 3. Subdivision 4 of section 180.20 of the criminal procedure law, as
27 added by chapter 191 of the laws of 2018, is amended to read as follows:

28 4. (a) Notwithstanding any provision of this section to the contrary,
29 in any county outside a city having a population of one million or more,
30 upon or after arraignment of a defendant on a felony complaint pending
31 in a local criminal court having preliminary jurisdiction thereof, such
32 court may, upon motion of the defendant and after giving the district
33 attorney an opportunity to be heard, order that the action be removed
34 from the court in which the matter is pending to another local criminal
35 court in the same county, or with consent of the district attorney [~~to~~
36 ~~another court in~~] of an adjoining county, to a court in such adjoining
37 county that has been designated as a human trafficking court or veterans
38 treatment court by the chief administrator of the courts, and such human
39 trafficking court or veterans treatment court may then conduct such
40 action to judgment or other final disposition; provided, however, that
41 the consent of the district attorney of the county in which the action
42 is pending shall be required before the court may order removal here-
43 under where the accused and the person alleged to be the victim of an
44 offense charged are members of the same family or household as defined
45 in subdivision one of section 530.11 of this chapter; and provided
46 further an order of removal issued under this subdivision shall not take
47 effect until five days after the date the order is issued unless, prior
48 to such effective date, the human trafficking court or veterans treat-
49 ment court notifies the court that issued the order that:

50 i. it will not accept the action, in which event the order shall not
51 take effect; or

52 ii. it will accept the action on a date prior to such effective date,
53 in which event the order shall take effect upon such prior date.

54 (b) Upon providing notification pursuant to subparagraph i or ii of
55 paragraph (a) of this subdivision, the human trafficking court or veter-

1 ans treatment court shall promptly give notice to the defendant, his or
2 her counsel and the district attorney.

3 § 4. The criminal procedure law is amended by adding a new section
4 230.21 to read as follows:

5 § 230.21 Removal of action to an adjoining county.

6 1. In any county outside a city having a population of one million or
7 more, the court may, upon motion of the defendant and after giving the
8 district attorney an opportunity to be heard, and with consent of the
9 district attorney of an adjoining county that has a superior court
10 designated a human trafficking court or veterans treatment court by the
11 chief administrator of the courts, order that the indictment and action
12 be removed from the court in which the matter is pending to such human
13 trafficking court or veterans treatment court, whereupon such court may
14 then conduct such action to judgment or other final disposition;
15 provided, however, that the consent of the district attorney of the
16 county in which the action and indictment are pending shall be required
17 before the court may order removal hereunder where the accused and the
18 person alleged to be the victim of an offense charged are members of the
19 same family or household as defined in subdivision one of section 530.11
20 of this chapter; and provided further that an order of removal issued
21 under this subdivision shall not take effect until five days after the
22 date the order is issued unless, prior to such effective date, the human
23 trafficking court or veterans treatment court notifies the court that
24 issued the order that:

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

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

29 2. Upon providing notification pursuant to paragraph (a) or (b) of
30 subdivision one of this section, the human trafficking court or veterans
31 treatment court shall promptly give notice to the defendant, his or her
32 counsel and the district attorney of both counties.

33 § 5. This act shall take effect immediately.