

STATE OF NEW YORK

5059

2019-2020 Regular Sessions

IN SENATE

April 5, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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:

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

3 (x) To the extent practicable, establish such number of veterans
4 treatment courts as may be necessary to fulfill the purposes of subdivi-
5 sion four of section 170.15 and subdivision three of section 180.20 of
6 the criminal procedure law.

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

9 5. (a) Notwithstanding any provision of this section to the contrary,
10 in any county outside a city having a population of one million or more,
11 upon or after arraignment of a defendant on an information, a simplified
12 information, a prosecutor's information or a misdemeanor complaint pend-
13 ing in a local criminal court, such court may, upon motion of the
14 defendant and after giving the district attorney an opportunity to be
15 heard, order that the action be removed from the court in which the
16 matter is pending to another local criminal court in the same county, or
17 with consent of the district attorney [~~to another court in~~] of an
18 adjoining county, to a court in such adjoining county that has been
19 designated as a human trafficking court or veterans treatment court by
20 the chief administrator of the courts, and such human trafficking court
21 or veterans treatment court may then conduct such action to [~~judgement~~]
22 judgment or other final deposition; provided, however, that the consent

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

LBD11046-01-9

1 of the district attorney shall be required before the court may order
2 removal to another local criminal court in the same county where the
3 accused and the person alleged to be the victim of an offense charged
4 are members of the same family or household as defined in subdivision
5 one of section 530.11 of this chapter; and provided further that an
6 order of removal issued under this subdivision shall not take effect
7 until five days after the date the order is issued unless, prior to such
8 effective date, the human trafficking court or veterans treatment court
9 notifies the court that issued the order that:

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

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

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

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

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

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

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

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

50 § 4. The criminal procedure law is amended by adding a new section
51 230.21 to read as follows:

52 § 230.21 Removal of action to an adjoining county.

53 1. In any county outside a city having a population of one million or
54 more, the court may, upon motion of the defendant and after giving the
55 district attorney an opportunity to be heard, and with consent of the
56 district attorney of an adjoining county that has a superior court

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

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

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

19 2. Upon providing notification pursuant to paragraph (a) or (b) of
20 subdivision one of this section, the veterans treatment court shall
21 promptly give notice to the defendant, his or her counsel and the
22 district attorney of both counties.

23 § 5. This act shall take effect immediately.