

STATE OF NEW YORK

7790

IN SENATE

January 11, 2022

Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to consideration for adjustment by the probation service

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

1 Section 1. Subdivision 7 of section 725.05 of the criminal procedure
2 law, as amended by a chapter of the laws of 2021 amending the penal law
3 and the criminal procedure law relating to pleas of guilty and removal
4 of adolescent offender proceedings to the family court, as proposed in
5 legislative bills numbers S. 7033 and A. 7713, is amended to read as
6 follows:

7 7. Whether or not a securing order has been made, the order of removal
8 must specify a date certain within ten days from the date of the order
9 of removal for the defendant's appearance in the family court and where
10 the defendant is in detention or in the custody of the sheriff that date
11 must be not later than the next day the family court is in session.
12 Unless the defendant is in detention or is in the custody of the sheriff
13 or unless the order of removal specifies a juvenile or adolescent
14 offense for which the defendant is not eligible for consideration for
15 adjustment under subdivision thirteen or fourteen of section 308.1 of
16 the family court act, the order of removal shall direct the defendant to
17 appear at the family court intake office of the county department of
18 probation for adjustment consideration; provided, however, that pursuant
19 to subdivision three of section 308.1 of the family court act, the fact
20 that the defendant is in detention or is in the custody of the sheriff
21 shall not preclude the probation service from adjusting the case if the
22 defendant is otherwise eligible for adjustment.

23 § 2. This act shall take effect on the same date and in the same
24 manner as a chapter of the laws of 2021 amending the penal law and the
25 criminal procedure law relating to pleas of guilty and removal of
26 adolescent offender proceedings to the family court, as proposed in
27 legislative bills numbers S. 7033 and A. 7713, takes effect.

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

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