S T A T E O F N E W Y O R K

1481

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Judiciary

AN ACT to amend the executive law and the judiciary law, in relation to requiring the division of criminal justice services and the chief administrator of the courts to track automated teller machine crimes

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

Section 1. Section 837 of the executive law is amended by adding a new subdivision 4-d to read as follows:

4-D. IN COOPERATION WITH THE CHIEF ADMINISTRATOR OF THE COURTS AS WELL AS ANY OTHER PUBLIC AGENCY, INCLUDING DISTRICT ATTORNEYS, COLLECT AND ANALYZE STATISTICAL AND ALL OTHER INFORMATION AND DATA WITH RESPECT TO THE NUMBER OF CRIMES INVOLVING AUTOMATED TELLER MACHINES AS DEFINED BY SUBDIVISION TWO OF SECTION SEVENTY-FIVE-B OF THE BANKING LAW LOCATED AT AUTOMATED TELLER MACHINE FACILITIES, AS DEFINED BY SUBDIVISION THREE OF SECTION SEVENTY-FIVE-B OF THE BANKING LAW, REPORTED TO OR INVESTIGATED BY THE DIVISION OF STATE POLICE, AND ALL OTHER POLICE OR PEACE OFFICERS, THE NUMBER OF PERSONS ARRESTED FOR THE COMMISSION OF SUCH CRIMES, THE CRIMES FOR WHICH THE PERSON WAS ARRESTED, THE COUNTY WITHIN WHICH THE ARREST WAS MADE AND THE ACCUSATORY INSTRUMENT FILED, THE DISPOSITION OF THE ACCUSATORY INSTRUMENT FILED, INCLUDING, BUT NOT LIMITED TO, AS THE CASE MAY BE, DISMISSAL, ACQUITTAL, THE CRIMES TO WHICH THE DEFENDANT PLED GUILTY, THE CRIMES THE DEFENDANT WAS CONVICTED OF AFTER TRIAL, AND THE SENTENCE IMPOSED. THE DIVISION SHALL INCLUDE THE STATISTICS AND OTHER INFORMATION REQUIRED BY THIS SUBDIVISION IN THE ANNUAL REPORT SUBMITTED TO THE GOVERNOR AND LEGISLATURE PURSUANT TO SUBDIVISION TWELVE OF THIS SECTION.

S 2. Section 216 of the judiciary law is amended by adding a new subdivision 5 to read as follows:

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

LBD00297-01-9

5. THE CHIEF ADMINISTRATOR OF THE COURTS SHALL COLLECT DATA IN RELATION TO THE NUMBER OF CRIMES INVOLVING AUTOMATED TELLER MACHINES PURSUANT TO SUBDIVISION FOUR-D OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW, INCLUDING BUT NOT LIMITED TO THE FOLLOWING INFORMATION:

(A) THE NUMBER OF CRIMES INVOLVING AUTOMATED TELLER MACHINES;

(B) THE NUMBER OF PERSONS ARRESTED FOR THE COMMISSION OF SUCH CRIMES;

(C) THE CRIMES ALLEGED;

(D) THE COURT WHERE THE ACTION OR PROCEEDING WAS INSTITUTED;

(E) THE DISPOSITION; AND

(F) IN THE CASE OF DISMISSAL, THE REASONS THEREFOR.

IN EXECUTING THIS REQUIREMENT, THE CHIEF ADMINISTRATOR MAY ADOPT RULES REQUIRING APPROPRIATE LAW ENFORCEMENT, CRIMINAL JUSTICE AGENCIES, DISTRICT ATTORNEYS AND COURTS TO IDENTIFY ACTIONS AND PROCEEDINGS INVOLVING ORDERS OF PROTECTION AND, WITH RESPECT TO SUCH ACTIONS AND PROCEEDINGS, TO REPORT, IN SUCH FORM AND MANNER AS THE CHIEF ADMINISTRATOR SHALL PRESCRIBE, THE INFORMATION SPECIFIED IN THIS SUBDIVISION.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the chief administrator of the courts is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.