

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 837 of the executive law is amended by adding a new
2 subdivision 4-d to read as follows:
3 4-D. IN COOPERATION WITH THE CHIEF ADMINISTRATOR OF THE COURTS AS WELL
4 AS ANY OTHER PUBLIC AGENCY, INCLUDING DISTRICT ATTORNEYS, COLLECT AND
5 ANALYZE STATISTICAL AND ALL OTHER INFORMATION AND DATA WITH RESPECT TO
6 THE NUMBER OF CRIMES INVOLVING AUTOMATED TELLER MACHINES AS DEFINED BY
7 SUBDIVISION TWO OF SECTION SEVENTY-FIVE-B OF THE BANKING LAW LOCATED AT
8 AUTOMATED TELLER MACHINE FACILITIES, AS DEFINED BY SUBDIVISION THREE OF
9 SECTION SEVENTY-FIVE-B OF THE BANKING LAW, REPORTED TO OR INVESTIGATED
10 BY THE DIVISION OF STATE POLICE, AND ALL OTHER POLICE OR PEACE OFFICERS,
11 THE NUMBER OF PERSONS ARRESTED FOR THE COMMISSION OF SUCH CRIMES, THE
12 CRIMES FOR WHICH THE PERSON WAS ARRESTED, THE COUNTY WITHIN WHICH THE
13 ARREST WAS MADE AND THE ACCUSATORY INSTRUMENT FILED, THE DISPOSITION OF
14 THE ACCUSATORY INSTRUMENT FILED, INCLUDING, BUT NOT LIMITED TO, AS THE
15 CASE MAY BE, DISMISSAL, ACQUITTAL, THE CRIMES TO WHICH THE DEFENDANT
16 PLED GUILTY, THE CRIMES THE DEFENDANT WAS CONVICTED OF AFTER TRIAL, AND
17 THE SENTENCE IMPOSED. THE DIVISION SHALL INCLUDE THE STATISTICS AND
18 OTHER INFORMATION REQUIRED BY THIS SUBDIVISION IN THE ANNUAL REPORT
19 SUBMITTED TO THE GOVERNOR AND LEGISLATURE PURSUANT TO SUBDIVISION TWELVE
20 OF THIS SECTION.
21 S 2. Section 216 of the judiciary law is amended by adding a new
22 subdivision 5 to read as follows:

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

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

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

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

8 (C) THE CRIMES ALLEGED;

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

10 (E) THE DISPOSITION; AND

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

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

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