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

1735

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. CALHOUN, MILLER, KOLB -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARRA, BUTLER, CONTE, CROUCH, ERRIGO, FINCH, OAKS, SAYWARD, TEDISCO, THIELE, TOWNSEND -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to the fingerprinting of juvenile delinquents

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

Section 1. Subdivision 1 of section 306.1 of the family court act, as amended by chapter 645 of the laws of 1996, is amended to read as follows:

1. Following the arrest of a child alleged to be a juvenile delinquent, or the filing of a delinquency petition involving a child who has not been arrested, the arresting officer or other appropriate police officer or agency shall take or cause to be taken fingerprints of such child if[:

(a) the child is eleven years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class A or B felony; or

(b) the child is thirteen years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class C, D or E felony] THE CRIME WHICH IS THE SUBJECT OF THE ARREST OR WHICH IS CHARGED IN THE PETITION CONSTITUTES A FELONY.

S 2. Subdivision 4 of section 306.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

4. Upon the taking of fingerprints pursuant to subdivision one the appropriate officer or agency shall, without unnecessary delay, forward such fingerprints to the division of criminal justice services [and shall not retain such fingerprints or any copy thereof]. Copies of photographs and palmprints taken pursuant to this section shall be kept confidential and only in the exclusive possession of such law enforce-

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

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ment agency, separate and apart from files of adults UNTIL SUCH TIME AS THE JUVENILE IS SUBSEQUENTLY ARRESTED, CHARGED WITH A CLASS A, B, C OR D FELONY OR HAS REPEATEDLY COMMITTED FELONY CRIMES, AT WHICH TIME THE FINGERPRINTS, PHOTOGRAPHS AND PALMPRINTS TAKEN PURSUANT TO THIS SECTION SHALL BECOME A PART OF THE JUVENILE'S ADULT CRIMINAL RECORD AND AS SUCH, SHALL BE AVAILABLE TO THE PROSECUTION AND JUDGES OF THE APPROPRIATE CRIMINAL COURT.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.