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

3676

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. KOON, RAMOS -- Multi-Sponsored by -- M. of A. GALEF, JOHN, MAYERSOHN, PHEFFER, SEMINERIO -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to treatment of certain youthful offenders as repeat felons

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

Section 1. Subdivision 1 of section 720.35 of the criminal procedure law, as amended by chapter 452 of the laws of 1992, is amended to read as follows:

1. A youthful offender adjudication is not a judgment of conviction for a crime or any other offense, and does not operate as a disqualification of any person so adjudged to hold public office or public employment or to receive any license granted by public authority but shall be deemed a conviction [only] (A) for the purposes of transfer of supervision and custody pursuant to section two hundred fifty-nine-m of the executive law OR (B) FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON IS SUBJECT TO SENTENCE PURSUANT TO SECTION 70.04, 70.06, 70.08 OR 70.10 OF THE PENAL LAW, WHENEVER THE PERSON HAS COMMITTED A VIOLENT FELONY OFFENSE, AS DEFINED IN SUBDIVISION ONE OF SECTION 70.02 OF THE PENAL LAW, WITHIN FIVE YEARS OF THE DATE ON WHICH HE OR SHE WAS ADJUDICATED A YOUTHFUL OFFENDER FOR A FELONY OFFENSE, AND HAS BEEN CONVICTED OF SUCH VIOLENT FELONY OFFENSE.

S 2. Section 720.35 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, WHENEVER A PERSON STANDS CONVICTED OF A VIOLENT FELONY OFFENSE COMMITTED WITHIN FIVE YEARS OF THE DATE ON WHICH HE OR SHE IS ADJUDICATED A YOUTHFUL OFFENDER FOR A FELONY OFFENSE, ALL RECORDS PERTAINING TO THE YOUTHFUL OFFENDER ADJUDICATION SHALL NO LONGER BE CONFIDENTIAL.

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

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

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