

4616--A

Cal. No. 893

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. PERRY, ALFANO -- Multi-Sponsored by -- M. of A. AUBRY, BARRA, COOK, ESPAILLAT, HOOPER, MAGEE, MAYERSOHN, PHEFFER, J. RIVERA, SCARBOROUGH, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Children and Families -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the criminal procedure law, in relation to establishing the Chance to Help Notification Act

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

1 Section 1. This act shall be known and may be cited as the "chance to
2 help notification act".
3 S 2. Subdivision 7 of section 120.90 of the criminal procedure law, as
4 amended by chapter 424 of the laws of 1998, is amended to read as
5 follows:
6 7. Upon arresting a juvenile offender OR YOUTH AS DEFINED IN SUBDIVI-
7 SION ONE OF SECTION 720.10 OF THIS CHAPTER, the police officer shall
8 immediately notify the parent or other person legally responsible for
9 his OR HER care or the person with whom he OR SHE is domiciled, that the
10 juvenile offender OR YOUTH has been arrested, and the location of the
11 facility where he OR SHE is being detained, PROVIDED THAT THE POLICE
12 OFFICER NEED NOT NOTIFY THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE
13 FOR SUCH YOUTH'S CARE OR THE PERSON WITH WHOM HE OR SHE IS DOMICILED
14 WHEN SUCH YOUTH IS NOT ALSO A JUVENILE OFFENDER AND THE NOTIFICATION OF
15 A PARENT OR OTHER PERSON WOULD ENDANGER THE HEALTH OR SAFETY OF SUCH
16 YOUTH.
17 S 3. Subdivision 6 of section 140.20 of the criminal procedure law, as
18 added by chapter 411 of the laws of 1979, is amended to read as follows:
19 6. Upon arresting a juvenile offender OR YOUTH AS DEFINED IN SUBDIVI-
20 SION ONE OF SECTION 720.10 OF THIS CHAPTER without a warrant, the police
21 officer shall immediately notify the parent or other person legally

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

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1 responsible for his OR HER care or the person with whom he OR SHE is
2 domiciled, that the juvenile offender OR YOUTH has been arrested, and
3 the location of the facility where he OR SHE is being detained, PROVIDED
4 THAT THE POLICE OFFICER NEED NOT NOTIFY THE PARENT OR OTHER PERSON
5 LEGALLY RESPONSIBLE FOR SUCH YOUTH'S CARE OR THE PERSON WITH WHOM HE OR
6 SHE IS DOMICILED WHEN SUCH YOUTH IS NOT ALSO A JUVENILE OFFENDER AND THE
7 NOTIFICATION OF A PARENT OR OTHER PERSON WOULD ENDANGER THE HEALTH OR
8 SAFETY OF SUCH YOUTH.

9 S 4. Section 150.20 of the criminal procedure law is amended by adding
10 a new subdivision 4 to read as follows:

11 4. UPON ISSUING TO AND SERVING AN APPEARANCE TICKET AS DEFINED IN
12 SUBDIVISION ONE OF SECTION 150.10 OF THIS ARTICLE UPON A YOUTH AS
13 DEFINED IN SUBDIVISION ONE OF SECTION 720.10 OF THIS CHAPTER, THE POLICE
14 OFFICER SHALL NOTIFY THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR
15 HIS OR HER CARE OR THE PERSON WITH WHOM HE OR SHE IS DOMICILED, THAT
16 SUCH YOUTH HAS BEEN SERVED WITH AN APPEARANCE TICKET, THE TIME SET FORTH
17 IN SUCH APPEARANCE TICKET FOR THE YOUTH'S APPEARANCE BEFORE A CRIMINAL
18 COURT AND THE OFFENSE OF WHICH HE OR SHE IS CHARGED, PROVIDED THAT THE
19 POLICE OFFICER NEED NOT NOTIFY THE PARENT OR OTHER PERSON LEGALLY
20 RESPONSIBLE FOR SUCH YOUTH'S CARE OR THE PERSON WITH WHOM HE OR SHE IS
21 DOMICILED WHEN SUCH YOUTH IS NOT ALSO A JUVENILE OFFENDER AND THE
22 NOTIFICATION OF A PARENT OR OTHER PERSON WOULD ENDANGER THE HEALTH OR
23 SAFETY OF SUCH YOUTH.

24 S 5. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law.