

7030

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 18, 2009

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Introduced by M. of A. SALADINO -- read once and referred to the Committee on Codes

AN ACT to amend the family court act and the criminal procedure law, in relation to providing review of records of sex offense cases of juvenile delinquents and youthful offenders

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

1     Section 1. Section 166 of the family court act is amended to read as  
2 follows:  
3     S 166. Privacy of records. (A) The records of any proceeding in the  
4 family court shall not be open to indiscriminate public inspection.  
5 However, the court in its discretion in any case may permit the  
6 inspection of any papers or records. Any duly authorized agency, association, society or institution to which a child is committed may cause an  
7 inspection of the record of investigation to be had and may in the  
8 discretion of the court obtain a copy of the whole or part of such  
9 record.  
10  
11     (B) NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR ANY OTHER LAW TO  
12 THE CONTRARY, ALL OFFICIAL RECORDS OF A CASE DECIDED IN FAMILY COURT  
13 WHEREIN THE RESPONDENT WAS ADJUDICATED TO HAVE COMMITTED AN ACT OR ACTS,  
14 WHICH WOULD BE A SEX OFFENSE, AS DEFINED IN THE PENAL LAW, IF HE OR SHE  
15 WERE AN ADULT, PERPETRATED UPON A VICTIM WHO IS SEVENTEEN YEARS OF AGE  
16 OR YOUNGER, SHALL BE OPEN TO PUBLIC INSPECTION.  
17     S 2. Section 720.35 of the criminal procedure law is amended by adding  
18 a new subdivision 5 to read as follows:  
19     5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR ANY OTHER LAW TO  
20 THE CONTRARY, ALL OFFICIAL RECORDS OF A CASE WHEREIN THE DEFENDANT WAS  
21 ADJUDICATED AS A YOUTHFUL OFFENDER FOR AN ACT OR ACTS, WHICH WOULD BE A  
22 SEX OFFENSE, AS DEFINED IN THE PENAL LAW, IF THE DEFENDANT HAD NOT  
23 RECEIVED A YOUTHFUL OFFENDER ADJUDICATION, PERPETRATED UPON A VICTIM WHO

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

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1 IS SEVENTEEN YEARS OF AGE OR YOUNGER, SHALL BE OPEN TO PUBLIC  
2 INSPECTION.

3 S 3. This act shall take effect on the first of November next succeed-  
4 ing the date upon which it shall have become a law, provided, however,  
5 that any rules and regulations necessary for the timely implementation  
6 of this act on its effective date shall be promulgated on or before such  
7 date.