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

2807

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOLB, ERRIGO, WALKER -- Multi-Sponsored by -- M. of A. CALHOUN -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to including violations in defining juvenile delinquency

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

Section 1. Subdivision 1 of section 301.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. "Juvenile delinquent" means a person over seven and less than sixteen years of age, who, having committed an act that would constitute a VIOLATION AS DEFINED IN SECTION 10.00 OF THE PENAL LAW, OR A crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the criminal procedure law.

S 2. Subdivision 6 of section 301.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

6. "Fact-finding hearing" means a hearing to determine whether the respondent or respondents committed the VIOLATION OR VIOLATIONS, crime or crimes alleged in the petition or petitions.

S 3. Subdivision 14 of section 301.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

14. Any reference in this article to the commission of a VIOLATION OR A crime includes any act which, if done by an adult, would constitute a VIOLATION OR A crime.

S 4. This act shall take effect on the first of July 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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