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

3394

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. EDDINGTON, HOOPER, J. RIVERA, ORTIZ, TOWNS, WEISENBERG, ALESSI, MOLINARO -- Multi-Sponsored by -- M. of A. JOHN, McDONOUGH -- read once and referred to the Committee on Children and Families

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

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

Section 1. Section 166 of the family court act is amended to read as follows:

S 166. Privacy of records. (A) The records of any proceeding in the family court shall not be open to indiscriminate public inspection. However, the court in its discretion in any case may permit the inspection of any papers or records. Any duly authorized agency, association, society or institution to which a child is committed may cause an inspection of the record of investigation to be had and may in the discretion of the court obtain a copy of the whole or part of such record.

(B) NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR ANY OTHER LAW TO THE CONTRARY, ALL OFFICIAL RECORDS OF A CASE DECIDED IN FAMILY COURT WHEREIN THE RESPONDENT WAS ADJUDICATED TO HAVE COMMITTED AN ACT OR ACTS, WHICH WOULD BE A SEX OFFENSE, AS DEFINED IN THE PENAL LAW, IF HE OR SHE WERE AN ADULT, PERPETRATED UPON A VICTIM WHO IS SEVENTEEN YEARS OF AGE OR YOUNGER, SHALL BE RELEASED TO ANY PHYSICIAN WHO IS TREATING SAID VICTIM, UPON THE WRITTEN REQUEST OF A PARENT OR GUARDIAN OF SAID VICTIM.

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

5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR ANY OTHER LAW TO THE CONTRARY, ALL OFFICIAL RECORDS OF A CASE WHEREIN THE DEFENDANT WAS ADJUDICATED AS A YOUTHFUL OFFENDER FOR AN ACT OR ACTS, WHICH WOULD BE A

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

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SEX OFFENSE, AS DEFINED IN THE PENAL LAW, IF THE DEFENDANT HAD NOT RECEIVED A YOUTHFUL OFFENDER ADJUDICATION, PERPETRATES UPON A VICTIM WHO IS SEVENTEEN YEARS OF AGE OR YOUNGER, SHALL BE RELEASED TO ANY PHYSICIAN WHO IS TREATING SAID VICTIM, UPON THE WRITTEN REQUEST OF A PARENT OR GUARDIAN OF SAID VICTIM.

S 3. This act shall take effect immediately.