

3665--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to notice by the division of criminal justice services

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

1 Section 1. Section 530.70 of the criminal procedure law is amended by  
2 adding a new subdivision 7 to read as follows:  
3 7. WHEN A CRIMINAL RECORD MAINTAINED BY THE DIVISION OF CRIMINAL  
4 JUSTICE SERVICES PURSUANT TO SUBDIVISION SIX OF SECTION EIGHT HUNDRED  
5 THIRTY-SEVEN OF THE EXECUTIVE LAW CONTAINS A WARRANT ON A CASE INITIATED  
6 AFTER JANUARY FIRST, TWO THOUSAND TWELVE, THAT HAS NOT BEEN RECALLED AND  
7 THE DIVISION OF CRIMINAL JUSTICE SERVICES SUBSEQUENTLY RECEIVES A REPORT  
8 OF A NEW COURT PROCEEDING ON THE CASE THAT CONTAINS THE WARRANT OR A  
9 REPORT ON A NEW ARREST BUT NO REPORT THAT THE WARRANT HAS BEEN RECALLED,  
10 THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SEND A NOTIFICATION TO  
11 THE CLERK OF THE COURT OF THE LOCAL CRIMINAL COURT WHERE THE ARREST IS  
12 BEING PROSECUTED, THE OFFICE OF COURT ADMINISTRATION, AND THE ARRESTING  
13 AGENCY WHICH FORWARDED THE FINGERPRINTS OF THE PERSON TO THE DIVISION OF  
14 CRIMINAL JUSTICE SERVICES. SUCH NOTICE SHALL STATE THAT IF THE DIVISION  
15 OF CRIMINAL JUSTICE SERVICES DOES NOT RECEIVE INFORMATION FROM ANY OF  
16 THESE AGENCIES THAT THE WARRANT IS STILL ACTIVE, THE DIVISION OF CRIMI-  
17 NAL JUSTICE SERVICES SHALL INDICATE ON THE INDIVIDUAL'S CRIMINAL RECORD  
18 THAT THE WARRANT HAS BEEN RECALLED. IF ONE OF THESE AGENCIES NOTIFIES  
19 THE DIVISION OF CRIMINAL JUSTICE SERVICES THAT THE WARRANT HAS BEEN  
20 RECALLED, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL ADD THIS  
21 INFORMATION TO THE INDIVIDUAL'S CRIMINAL RECORD. IF, AFTER SIXTY DAYS,  
22 THE DIVISION OF CRIMINAL JUSTICE SERVICES RECEIVES NO RESPONSES FROM  
23 ANY OF THE AGENCIES IT HAS CONTACTED OR IF THE AGENCIES INDICATE THAT

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

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1 THEY CANNOT FIND ANY RECORD OF THE WARRANT, THE WARRANT SHALL BE CONSID-  
2 ERED RECALLED AND RECORDED AS SUCH ON THE INDIVIDUAL'S CRIMINAL RECORD  
3 WITH BOTH THE DIVISION OF CRIMINAL JUSTICE SERVICES AND WITH THE OFFICE  
4 OF COURT ADMINISTRATION. THE DIVISION SHALL SEND NOTICE THAT THE WARRANT  
5 IS CONSIDERED RECALLED TO THE ARRESTING AGENCY WHICH FORWARDED THE FING-  
6 ERPRINTS TO THE DIVISION OF CRIMINAL JUSTICE SERVICES. FOR CASES INITI-  
7 ATED PRIOR TO JANUARY FIRST, TWO THOUSAND TWELVE, SUCH NOTICE SHALL BE  
8 TRANSMITTED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES UPON REQUEST OF  
9 THE PERSON ACCUSED OR SUCH PERSON'S DESIGNATED AGENT.  
10 S 2. This act shall take effect January 1, 2012.