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

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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:

Section 1. This act shall be known and may be cited as the "chance to help notification act".

S 2. Subdivision 7 of section 120.90 of the criminal procedure law, as amended by chapter 424 of the laws of 1998, is amended to read as follows:

7. Upon arresting a juvenile offender OR YOUTH AS DEFINED IN SUBDIVISION ONE OF SECTION 720.10 OF THIS CHAPTER, the police officer shall immediately notify the parent or other person legally responsible for his OR HER care or the person with whom he OR SHE is domiciled, that the juvenile offender OR YOUTH has been arrested, and the location of the facility where he OR SHE is being detained, PROVIDED THAT THE POLICE OFFICER NEED NOT NOTIFY THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR SUCH YOUTH'S CARE OR THE PERSON WITH WHOM HE OR SHE IS DOMICILED WHEN SUCH YOUTH IS NOT ALSO A JUVENILE OFFENDER AND THE NOTIFICATION OF A PARENT OR OTHER PERSON WOULD ENDANGER THE HEALTH OR SAFETY OF SUCH YOUTH.

S 3. Subdivision 6 of section 140.20 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

6. Upon arresting a juvenile offender OR YOUTH AS DEFINED IN SUBDIVISION ONE OF SECTION 720.10 OF THIS CHAPTER without a warrant, the police 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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responsible for his OR HER care or the person with whom he OR SHE is domiciled, that the juvenile offender OR YOUTH has been arrested, and the location of the facility where he OR SHE is being detained, PROVIDED THAT THE POLICE OFFICER NEED NOT NOTIFY THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR SUCH YOUTH'S CARE OR THE PERSON WITH WHOM HE OR SHE IS DOMICILED WHEN SUCH YOUTH IS NOT ALSO A JUVENILE OFFENDER AND THE NOTIFICATION OF A PARENT OR OTHER PERSON WOULD ENDANGER THE HEALTH OR SAFETY OF SUCH YOUTH.

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

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

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.