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

5373

2009-2010 Regular Sessions

I N  A S S E M B L Y

February 13, 2009

Introduced by M. of A. ERRIGO, BUTLER, KOLB, TOBACCO, WALKER, FINCH -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, CALHOUN, FITZPATRICK, HAWLEY, McKEVITT, MOLINARO -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to periods of placement of juvenile delinquents

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

Section 1. Subdivision 5 of section 353.3 of the family court act, as amended by chapter 419 of the laws of 1987, is amended to read as follows:

5. If the respondent has committed a felony the initial period of placement shall not exceed [eighteen months.] THE FOLLOWING:

(A) FOR A CLASS A FELONY, FIVE YEARS;

(B) FOR A CLASS B FELONY, THREE YEARS;

(C) FOR A CLASS C FELONY, TWO YEARS;

(D) FOR A CLASS D OR E FELONY, EIGHTEEN MONTHS.

If the respondent has committed a misdemeanor such initial period of placement shall not exceed twelve months. THE COURT SHALL ALSO ESTABLISH A MINIMUM INITIAL PERIOD OF PLACEMENT, WHICH SHALL NOT EXCEED ONE-HALF OF THE MAXIMUM PERIOD OF PLACEMENT. If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the needs and best interests of the respondent or the need for protection of the community.

S 2. This act shall take effect on the first of November 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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