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

5375

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ERRIGO, KOLB, McKEVITT, TOBACCO, WALKER, FINCH -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARRA, BURLING, BUTLER, DUPREY, JORDAN, OAKS, SAYWARD, TOWNSEND -- read once and referred to the Committee on Children and Families

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

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

Section 1. Subdivision 1 of section 353.3 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. In accordance with section 352.2, the court may place the respondent in his own home or in the custody of a suitable relative or other suitable private person or the commissioner of [social services or the division for youth] THE OFFICE OF CHILDREN AND FAMILY SERVICES pursuant to article nineteen-G of the executive law, subject to the orders of the court AND, FOR PURPOSES OF SECTION 352.2 ONLY, MAY ALSO PLACE THE CHILD FOR ONE INTERVENING PERIOD IN A JUVENILE DETENTION FACILITY, OTHER THAN A SECURE DETENTION FACILITY AS DEFINED IN SECTION SEVEN HUNDRED TWENTY OF THIS ACT, FOR A WEEK OR DURING VACATION OR RECESS FROM SCHOOL BUT NOT TO EXCEED SEVEN DAYS IN THE AGGREGATE.

S 2. 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] EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION ONE OF THIS SECTION, IF the respondent has committed a felony the initial period of placement shall not exceed eighteen months. If the respondent has committed a misdemeanor such initial period of placement shall not exceed twelve months. 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

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

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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 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.