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

5431

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ERRIGO, GIGLIO, KOLB, TOBACCO, FINCH -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, CALHOUN, CROUCH, MILLER -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to allowing the detention of a minor in a secure detention facility under certain circumstances

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

Section 1. Subdivision 2 of section 720 of the family court act, as amended by chapter 419 of the laws of 1987, is amended to read as follows:

2. The detention of a child in a secure detention facility shall not be directed under any of the provisions of this article UNLESS THE CHILD HAS VIOLATED A VALID COURT ORDER, IN WHICH CASE THE CHILD MAY BE PLACED IN A SECURE FACILITY FOR A TERM NOT TO EXCEED FIVE DAYS FOR THE FIRST OFFENSE AND NOT TO EXCEED FIFTEEN DAYS FOR A SECOND OR SUBSEQUENT OFFENSE.

S 2. Section 780 of the family court act, as added by chapter 809 of the laws of 1963, is amended to read as follows:

S 780. Failure to comply with order of protection. If any person is brought before the court for failure to comply with the terms and conditions of an order of protection properly issued under this article and applicable to him and if, after hearing, the court is satisfied by competent proof that that person without just cause failed to comply with such terms and conditions, the court may modify or revoke the order of protection, or commit said person, if he willfully violated the order, to jail for a term not to exceed six months, or both. IF SUCH PERSON IS A MINOR, THE MINOR MAY BE PLACED IN A SECURE FACILITY FOR A TERM NOT TO EXCEED FIVE DAYS FOR THE FIRST OFFENSE AND NOT TO EXCEED FIFTEEN DAYS FOR A SECOND OR SUBSEQUENT OFFENSE. The court may suspend

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

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an order of commitment under this section on condition that the said person comply with the order of protection.

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