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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 22, 2009

Introduced by M. of A. P. RIVERA, GREENE -- Multi-Sponsored by -- M. of A. BENEDETTO, BOYLAND, FIELDS, GALEF, PEOPLES, SWEENEY, WEISENBERG -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to the issuance of subpoenas duces tecum in juvenile delinquency cases

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

Section 1. The family court act is amended by adding a new section 309.1 to read as follows:

S 309.1. ISSUANCE OF SUBPOENAS DUCES TECUM PRIOR TO ORIGINATING A JUVENILE DELINQUENCY PROCEEDING. AN ASSISTANT CORPORATION COUNSEL OR ASSISTANT COUNTY ATTORNEY WITHIN A PRESENTMENT AGENCY, AS AN OFFICER OF THE COURT, MAY ISSUE A SUBPOENAS DUCES TECUM FOR RECORDS PRIOR TO THE ORIGINATION OF A JUVENILE DELINQUENCY PROCEEDING, WHERE SUCH RECORDS ARE NECESSARY FOR THE PREPARATION OR FILING OF A PETITION UNDER THIS ARTICLE.

S 2. This act shall take effect on the ninetieth day after 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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