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

9752

I N A S S E M B L Y

January 21, 2010

Introduced by M. of A. TOBACCO -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to youthful offender procedure

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

Section 1. Section 720.35 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, WHENEVER A PERSON IS ADJUDICATED A YOUTHFUL OFFENDER AND THE CONVICTION THAT WAS VACATED AND REPLACED BY THE YOUTHFUL OFFENDER FINDING WAS EITHER MAKING GRAFFITI IN VIOLATION OF SECTION 145.60 OF THE PENAL LAW OR POSSESSION OF GRAFFITI INSTRUMENTS IN VIOLATION OF SECTION 145.65 OF THE PENAL LAW, THEN THE NAME OF THE YOUTHFUL OFFENDER AND THE CRIME FOR WHICH THE YOUTHFUL OFFENDER FINDING WAS SUBSTITUTED SHALL NOT BE CONFIDENTIAL AND MAY BE MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY.

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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