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

1908

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. KLEIN, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requirement of HIV related testing in certain cases

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

Section 1. Paragraph (b) of subdivision 1 of section 390.15 of the criminal procedure law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(b) For the purposes of this section, the terms "defendant", "INDICTMENT", "conviction" and "sentence" mean and include, respectively, an "eligible youth," a "youthful offender finding" and a "youthful offender sentence" as those terms are defined in section 720.10 of this chapter. The term "victim" means the person with whom the defendant engaged in an act of "sexual intercourse", "oral sexual conduct" or "anal sexual conduct", as those terms are defined in section 130.00 of the penal law, where such conduct with such victim was the basis for the defendant's INDICTMENT OR conviction of an offense specified in paragraph (a) of this subdivision.

S 2. Subdivision 2 of section 390.15 of the criminal procedure law, as added by chapter 76 of the laws of 1995, is amended to read as follows:

2. Any request made by the victim pursuant to this section must be in writing, filed with the court and provided by the court to the defendant or his or her counsel. The request must be filed with the court [prior to or within ten days] after entry of the defendant's [conviction; provided that, for good cause shown, the court may permit such request to be filed] INDICTMENT AND at any time before sentence is imposed.

S 3. This act shall take effect immediately.

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

LBD05286-01-9