

2655

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

Introduced by Sen. VOLKER -- 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 notice by the division of criminal justice services

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

1 Section 1. Section 530.70 of the criminal procedure law is amended by
2 adding a new subdivision 7 to read as follows:
3 7. WHEN A CRIMINAL RECORD MAINTAINED BY THE DIVISION OF CRIMINAL
4 JUSTICE SERVICES PURSUANT TO SUBDIVISION SIX OF SECTION EIGHT HUNDRED
5 THIRTY-SEVEN OF THE EXECUTIVE LAW CONTAINS A WARRANT ON A CASE INITIATED
6 AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, THAT HAS NOT BEEN RECALLED AND
7 THE DIVISION OF CRIMINAL JUSTICE SERVICES SUBSEQUENTLY RECEIVES A REPORT
8 OF A NEW COURT PROCEEDING ON THE CASE THAT CONTAINS THE WARRANT OR A
9 REPORT ON A NEW ARREST BUT NO REPORT THAT THE WARRANT HAS BEEN RECALLED,
10 THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SEND A NOTIFICATION TO
11 THE CLERK OF THE COURT OF THE LOCAL CRIMINAL COURT WHERE THE ARREST IS
12 BEING PROSECUTED, THE OFFICE OF COURT ADMINISTRATION, AND THE ARRESTING
13 AGENCY WHICH FORWARDED THE FINGERPRINTS OF THE PERSON TO THE DIVISION OF
14 CRIMINAL JUSTICE SERVICES. SUCH NOTICE SHALL STATE THAT IF THE DIVISION
15 OF CRIMINAL JUSTICE SERVICES DOES NOT RECEIVE INFORMATION FROM ANY OF
16 THESE AGENCIES THAT THE WARRANT IS STILL ACTIVE, THE DIVISION OF CRIMI-
17 NAL JUSTICE SERVICES SHALL INDICATE ON THE INDIVIDUAL'S CRIMINAL RECORD
18 THAT THE WARRANT HAS BEEN RECALLED. IF ONE OF THESE AGENCIES NOTIFIES
19 THE DIVISION OF CRIMINAL JUSTICE SERVICES THAT THE WARRANT HAS BEEN
20 RECALLED, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL ADD THIS
21 INFORMATION TO THE INDIVIDUAL'S CRIMINAL RECORD. IF, AFTER SIXTY DAYS,
22 THE DIVISION OF CRIMINAL JUSTICE SERVICES RECEIVES NO RESPONSES FROM
23 ANY OF THE AGENCIES IT HAS CONTACTED OR IF THE AGENCIES INDICATE THAT
24 THEY CANNOT FIND ANY RECORD OF THE WARRANT, THE WARRANT SHALL BE CONSID-
25 ERED RECALLED AND RECORDED AS SUCH ON THE INDIVIDUAL'S CRIMINAL RECORD

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

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1 WITH BOTH THE DIVISION OF CRIMINAL JUSTICE SERVICES AND WITH THE OFFICE
2 OF COURT ADMINISTRATION. THE DIVISION SHALL SEND NOTICE THAT THE WARRANT
3 IS CONSIDERED RECALLED TO THE ARRESTING AGENCY WHICH FORWARDED THE FING-
4 ERPRINTS TO THE DIVISION OF CRIMINAL JUSTICE SERVICES. FOR CASES INITI-
5 ATED PRIOR TO JANUARY FIRST, TWO THOUSAND ELEVEN, SUCH NOTICE SHALL BE
6 TRANSMITTED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES UPON REQUEST OF
7 THE PERSON ACCUSED OR SUCH PERSON'S DESIGNATED AGENT.

8 S 2. This act shall take effect January 1, 2011.