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

2655--A

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

Introduced by Sens. VOLKER, HASSELL-THOMPSON, SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 530.70 of the criminal procedure law is amended by adding a new subdivision 7 to read as follows:

7. WHEN A CRIMINAL RECORD MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SUBDIVISION SIX OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW CONTAINS A WARRANT ON A CASE INITIATED AFTER JANUARY FIRST, TWO THOUSAND TWELVE, THAT HAS NOT BEEN RECALLED AND THE DIVISION OF CRIMINAL JUSTICE SERVICES SUBSEQUENTLY RECEIVES A REPORT OF A NEW COURT PROCEEDING ON THE CASE THAT CONTAINS THE WARRANT OR A REPORT ON A NEW ARREST BUT NO REPORT THAT THE WARRANT HAS BEEN RECALLED, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SEND A NOTIFICATION TO THE CLERK OF THE COURT OF THE LOCAL CRIMINAL COURT WHERE THE ARREST IS BEING PROSECUTED, THE OFFICE OF COURT ADMINISTRATION, AND THE ARRESTING AGENCY WHICH FORWARDED THE FINGERPRINTS OF THE PERSON TO THE DIVISION OF CRIMINAL JUSTICE SERVICES. SUCH NOTICE SHALL STATE THAT IF THE DIVISION OF CRIMINAL JUSTICE SERVICES DOES NOT RECEIVE INFORMATION FROM ANY OF THESE AGENCIES THAT THE WARRANT IS STILL ACTIVE, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL INDICATE ON THE INDIVIDUAL'S CRIMINAL RECORD THAT THE WARRANT HAS BEEN RECALLED. IF ONE OF THESE AGENCIES NOTIFIES THE DIVISION OF CRIMINAL JUSTICE SERVICES THAT THE WARRANT HAS BEEN RECALLED, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL ADD THIS INFORMATION TO THE INDIVIDUAL'S CRIMINAL RECORD. IF, AFTER SIXTY DAYS, THE DIVISION OF CRIMINAL JUSTICE SERVICES RECEIVES NO RESPONSES FROM

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

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ANY OF THE AGENCIES IT HAS CONTACTED OR IF THE AGENCIES INDICATE THAT THEY CANNOT FIND ANY RECORD OF THE WARRANT, THE WARRANT SHALL BE CONSIDERED RECALLED AND RECORDED AS SUCH ON THE INDIVIDUAL'S CRIMINAL RECORD WITH BOTH THE DIVISION OF CRIMINAL JUSTICE SERVICES AND WITH THE OFFICE OF COURT ADMINISTRATION. THE DIVISION SHALL SEND NOTICE THAT THE WARRANT IS CONSIDERED RECALLED TO THE ARRESTING AGENCY WHICH FORWARDED THE FINGERPRINTS TO THE DIVISION OF CRIMINAL JUSTICE SERVICES. FOR CASES INITIATED PRIOR TO JANUARY FIRST, TWO THOUSAND TWELVE, SUCH NOTICE SHALL BE TRANSMITTED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES UPON REQUEST OF THE PERSON ACCUSED OR SUCH PERSON'S DESIGNATED AGENT.

S 2. This act shall take effect January 1, 2012.