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

S. 390--A A. 1029--A

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. McENENY, EDDINGTON -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to questioning of a minor by peace or police officers

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

Section 1. Subdivision 3 of section 305.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

3. If an officer takes such child into custody or if a child is delivered to him OR HER under section 305.1, he OR SHE shall immediately notify THE FOLLOWING PERSONS THAT THE CHILD HAS BEEN TAKEN INTO CUSTODY: (A) the parent, or other person legally responsible for the child's care, or if such legally responsible person is unavailable the person with whom the child resides, [that the child has been taken into custody] AND (B) IF KNOWN BY THE OFFICER, THE LAW GUARDIAN FOR THE CHILD, IF ONE HAS PREVIOUSLY BEEN APPOINTED PURSUANT TO SECTION TWO HUNDRED FORTY-NINE OF THIS CHAPTER.

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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