

617

2009-2010 Regular Sessions

I N   S E N A T E

January 9, 2009

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Introduced by Sen. LANZA -- 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 youthful offender procedure

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

1     Section 1. Section 720.35 of the criminal procedure law is amended by  
2     adding a new subdivision 5 to read as follows:  
3     5. NOTWITHSTANDING SUBDIVISION TWO OF THIS SECTION, WHENEVER A PERSON  
4     IS ADJUDICATED A YOUTHFUL OFFENDER AND THE CONVICTION THAT WAS VACATED  
5     AND REPLACED BY THE YOUTHFUL OFFENDER FINDING WAS EITHER MAKING GRAFFITI  
6     IN VIOLATION OF SECTION 145.60 OF THE PENAL LAW OR POSSESSION OF GRAFFI-  
7     TI INSTRUMENTS IN VIOLATION OF SECTION 145.65 OF THE PENAL LAW, THEN THE  
8     NAME OF THE YOUTHFUL OFFENDER AND THE CRIME FOR WHICH THE YOUTHFUL  
9     OFFENDER FINDING WAS SUBSTITUTED SHALL NOT BE CONFIDENTIAL AND MAY BE  
10    MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY.  
11    S 2. This act shall take effect on the first of November next succeed-  
12    ing 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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