

2943

2011-2012 Regular Sessions

I N S E N A T E

February 3, 2011

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 ASSEM-
BLY, 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 THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION,
4 WHENEVER A PERSON IS ADJUDICATED A YOUTHFUL OFFENDER AND THE CONVICTION
5 THAT WAS VACATED AND REPLACED BY THE YOUTHFUL OFFENDER FINDING WAS
6 EITHER MAKING GRAFFITI IN VIOLATION OF SECTION 145.60 OF THE PENAL LAW
7 OR POSSESSION OF GRAFFITI INSTRUMENTS IN VIOLATION OF SECTION 145.65 OF
8 THE PENAL LAW, THEN THE NAME OF THE YOUTHFUL OFFENDER AND THE CRIME FOR
9 WHICH THE YOUTHFUL OFFENDER FINDING WAS SUBSTITUTED SHALL NOT BE CONFI-
10 DENTIAL AND MAY BE MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE
11 AGENCY.
12 S 2. This act shall take effect on the first of November next succeed-
13 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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