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

4631

2011-2012 Regular Sessions

I N S E N A T E

April 14, 2011

Introduced by Sen. FLANAGAN -- (at request of the Office of Court Administration) -- 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 Project SAVE, Safe Schools Against Violence in Education Act, and a term of incarceration preventing a student from continuously attending school

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

Section 1. Subdivision 2 of section 380.90 of the criminal procedure law, as added by chapter 181 of the laws of 2000, is amended to read as follows:

2. Whenever a person under the age of nineteen who is enrolled as a student in a public or private elementary or secondary school is sentenced for a crime, the court that has sentenced such person shall provide notification of the conviction and sentence to the designated educational official of the school in which such person is enrolled as a student IN ANY CASE WHERE THE COURT SENTENCES SUCH PERSON TO A TERM OF INCARCERATION THAT WILL PREVENT THE PERSON FROM CONTINUOUSLY ATTENDING SCHOOL. Such notification shall be used by the designated educational official only for purposes related to the execution of the student's educational plan, where applicable, successful school adjustment and reentry into the community. Such notification shall be kept separate and apart from such student's school records and shall be accessible only by the designated educational official. Such notification shall not be part of such student's permanent school record and shall not be appended to or included in any documentation regarding such student and shall be destroyed at such time as such student is no longer enrolled in the school district. At no time shall such notification be used for any purpose other than those specified in this subdivision.

S 2. Subdivision 3 of section 720.35 of the criminal procedure law, as added by chapter 181 of the laws of 2000, is amended to read as follows:

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

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3. If a youth who has been adjudicated a youthful offender is enrolled as a student in a public or private elementary or secondary school the court that has adjudicated the youth as a youthful offender shall provide notification of such adjudication to the designated educational official of the school in which such youth is enrolled as a student IN ANY CASE WHERE THE COURT SENTENCES THE YOUTH TO A TERM OF INCARCERATION THAT WILL PREVENT THE YOUTH FROM CONTINUOUSLY ATTENDING SCHOOL. Such notification shall be used by the designated educational official only for purposes related to the execution of the student's educational plan, where applicable, successful school adjustment and reentry into the community. Such notification shall be kept separate and apart from such student's school records and shall be accessible only by the designated educational official. Such notification shall not be part of such student's permanent school record and shall not be appended to or included in any documentation regarding such student and shall be destroyed at such time as such student is no longer enrolled in the school district. At no time shall such notification be used for any purpose other than those specified in this subdivision.

S 3. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to any sentence impose on or after such effective date.