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

5421

2011-2012 Regular Sessions

I N S E N A T E

May 19, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law, in relation to conflict defense services

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

Section 1. Subdivision 2 and paragraph (a) of subdivision 3 of section 722 of the county law, subdivision 2 as amended by chapter 682 of the laws of 1977, paragraph (a) of subdivision 3 as amended by section 3 of part E of chapter 56 of the laws of 2010, are amended to read as follows:

2. In criminal proceedings, representation by counsel furnished by a private legal aid bureau or society, OR OTHER PROVIDER designated by the county or city, organized and operating to give legal assistance and representation to persons charged with a crime within the city or county who are financially unable to obtain counsel. In proceedings under the family court act, representation by a private legal aid bureau or society, or by any corporation, voluntary association, or organization permitted to practice law under the authority of subdivision five of section four hundred ninety-five of the judiciary law. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, REPRESENTATION IN ALL CRIMINAL CONFLICT CASES SHALL BE FURNISHED BY PRIVATE COUNSEL DULY CERTIFIED AS QUALIFIED IN ACCORDANCE WITH PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION EXCEPT IN ANY COUNTY OPERATING AN OFFICE OF CONFLICT DEFENDER AS DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION THREE OF THIS SECTION. IN ANY MULTIPLE DEFENDANT CASE REPRESENTATION TO ONE DEFENDANT SHALL BE FURNISHED BY ONE LEGAL AID BUREAU OR SOCIETY, OR ONE OTHER PROVIDER DESIGNATED TO THE COUNTY OR CITY, ORGANIZED AND OPERATING TO GIVE LEGAL ASSISTANCE AND REPRESENTATION TO PERSONS CHARGED WITH A CRIME WITHIN THE CITY OR COUNTY WHO ARE FINANCIALLY UNABLE TO OBTAIN COUNSEL; ALL OTHER DEFENDANTS IN THE SAME CASE SHALL BE CONSIDERED CONFLICT CASES AND REPRESENTATION SHALL BE PROVIDED BY PRIVATE COUNSEL DULY CERTIFIED AS

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

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QUALIFIED IN ACCORDANCE WITH PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION EXCEPT IN ANY COUNTY OPERATING AN OFFICE OF CONFLICT DEFENDER AS DESCRIBED IN PARAGRAPH (C) OF SUBDIVISION THREE OF THIS SECTION.

(a) Representation by counsel furnished pursuant to either or both of the following: a plan of a bar association in each county or A BAR ASSOCIATION OF the city in which a county is wholly contained whereby: (i) the services of private counsel are rotated and coordinated by an administrator, and such administrator may be compensated for such service; or (ii) such representation is provided by an office of conflict defender.

S 2. This act shall take effect immediately.