

6677

I N S E N A T E

March 8, 2012

Introduced by Sen. SALAND -- (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 permissible conditions the court may impose in connection with an adjournment in contemplation of dismissal

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

1 Section 1. Subdivisions 8 and 9 of section 170.55 of the criminal
2 procedure law, subdivision 8 as renumbered by chapter 683 of the laws of
3 1990, are renumbered subdivisions 10 and 11 and two new subdivisions 8
4 and 9 are added to read as follows:
5 8. THE COURT MAY, AS A CONDITION OF AN ADJOURNMENT IN CONTEMPLATION OF
6 DISMISSAL, ORDER A DEFENDANT TO PARTICIPATE IN AN EDUCATIONAL PROGRAM,
7 TREATMENT PROGRAM OR OTHER PROGRAM REASONABLY RELATED TO THE DEFENDANT'S
8 REHABILITATION. THE COURT MAY NOT IMPOSE SUCH CONDITIONS IN EXCESS OF
9 THE LENGTH OF THE ADJOURNMENT IN CONTEMPLATION OF DISMISSAL.
10 9. THE COURT MAY, AS A CONDITION OF AN ADJOURNMENT IN CONTEMPLATION OF
11 DISMISSAL, ORDER A DEFENDANT TO PAY RESTITUTION OF THE FRUITS OF HIS OR
12 HER OFFENSE OR MAKE REPARATION, IN AN AMOUNT HE OR SHE CAN AFFORD TO
13 PAY, OF THE ACTUAL OUT-OF-POCKET LOSS CAUSED BY THE OFFENSE.
14 S 2. This act shall take effect immediately and shall apply to all
15 offenses committed on or after such effective date.

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

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