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I N   S E N A T E

June 18, 2012

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to youthful offenders

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

1     Section 1. Subdivision 1 of section 720.10 of the criminal procedure  
2 law, as amended by chapter 411 of the laws of 1979, is amended to read  
3 as follows:

4     1. "Youth" means a person charged with a crime alleged to have been  
5 committed when he OR SHE was at least sixteen years old and less than  
6 [nineteen] TWENTY-ONE years old or a person charged with being a juve-  
7 nile offender as defined in subdivision forty-two of section 1.20 of  
8 this chapter.

9     S 2. Subdivision 1 of section 720.20 of the criminal procedure law, as  
10 amended by chapter 652 of the laws of 1974, is amended to read as  
11 follows:

12     1. Upon conviction of an eligible youth, the court must order a pre-  
13 sentence investigation of the defendant. After receipt of a written  
14 report of the investigation and at the time of pronouncing sentence the  
15 court must determine whether or not the eligible youth is a youthful  
16 offender. Such determination shall be in accordance with the following  
17 criteria:

18     (a) If in the opinion of the court the interest of justice would be  
19 served by relieving the eligible youth from the onus of a criminal  
20 record and by not imposing an indeterminate term of imprisonment of more  
21 than four years, the court may, in its discretion, find the eligible  
22 youth is a youthful offender; and

23     (b) Where the conviction is had in a local criminal court and the  
24 eligible youth CHARGED WITH A CRIME ALLEGED TO HAVE BEEN COMMITTED WHEN  
25 HE OR SHE WAS AT LEAST SIXTEEN YEARS OLD AND LESS THAN NINETEEN YEARS  
26 OLD had not prior to commencement of trial or entry of a plea of guilty  
27 been convicted of a crime or found a youthful offender, the court must  
28 find he OR SHE is a youthful offender.

29     S 3. This act shall take effect on the first of November next succeed-  
30 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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