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

10030

I N A S S E M B L Y

June 10, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lentol) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the judiciary law, in relation to functions of the chief administrator of the courts

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

Section 1. Section 10.40 of the criminal procedure law, as added by chapter 47 of the laws of 1984, is amended to read as follows:

S 10.40 Chief administrator to prescribe forms.

The chief administrator of the courts shall have the power to adopt, amend and rescind forms for the efficient and just administration of this chapter. SUCH FORMS SHALL INCLUDE, WITHOUT LIMITATION, THE FORMS DESCRIBED IN PARAGRAPH (E) OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWELVE OF THE JUDICIARY LAW. A failure by any party to submit papers in compliance with forms authorized by this section shall not be grounds for that reason alone for denial or granting of any motion.

S 2. Subdivision 2 of section 212 of the judiciary law is amended by adding five new paragraphs (t), (u), (v), (w) and (x) to read as follows:

(T) COMPILE AND PUBLISH DATA ON MISDEMEANOR OFFENSES IN ALL COURTS, DISAGGREGATED BY COUNTY, INCLUDING BUT NOT LIMITED TO THE FOLLOWING INFORMATION:

(I) THE NUMBER OF MISDEMEANORS CHARGED, BY INDICTMENT OR THE FILING OF A MISDEMEANOR COMPLAINT OR INFORMATION;

(II) THE OFFENSE CHARGED;

(III) THE ETHNICITY, AGE, AND SEX OF THE INDIVIDUAL CHARGED;

(IV) WHETHER THE INDIVIDUAL WAS ISSUED A SUMMONS OR DESK APPEARANCE TICKET, WAS SUBJECT TO CUSTODIAL ARREST, AND/OR WAS HELD TO ARRAIGNMENT AS A RESULT OF THE ALLEGED MISDEMEANOR;

(V) THE ZIP CODE OR LOCATION WHERE THE ALLEGED MISDEMEANOR OCCURRED;

(VI) THE DISPOSITION, INCLUDING, AS THE CASE MAY BE, DISMISSAL, ACQUITTAL, ADJOURNMENT IN CONTEMPLATION OF DISMISSAL, PLEA, CONVICTION, OR OTHER DISPOSITION;

(VII) IN THE CASE OF DISMISSAL, THE REASONS THEREFORE; AND

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

LBD15517-01-4

(VIII) THE SENTENCE IMPOSED, IF ANY, INCLUDING FINES.

(U) COMPILE AND PUBLISH DATA ON VIOLATIONS IN ALL COURTS, DISAGGREGATED BY COUNTY, INCLUDING BUT NOT LIMITED TO THE FOLLOWING INFORMATION:

(I) THE NUMBER OF VIOLATIONS CHARGED BY THE FILING OF AN INFORMATION;

(II) THE VIOLATION CHARGED;

(III) THE ETHNICITY, AGE, AND SEX OF THE INDIVIDUAL CHARGED;

(IV) WHETHER THE INDIVIDUAL WAS ISSUED A SUMMONS OR DESK APPEARANCE TICKET, WAS SUBJECT TO CUSTODIAL ARREST, AND/OR WAS HELD TO ARRAIGNMENT AS A RESULT OF THE ALLEGED VIOLATION;

(V) THE ZIP CODE OR LOCATION WHERE THE ALLEGED VIOLATION OCCURRED;

(VI) THE DISPOSITION, INCLUDING, AS THE CASE MAY BE, DISMISSAL, ACQUITTAL, CONVICTION, OR OTHER DISPOSITION;

(VII) IN THE CASE OF DISMISSAL, THE REASONS THEREFORE; AND

(VIII) THE SENTENCE IMPOSED, IF ANY, INCLUDING FINES.

(V) THE CHIEF ADMINISTRATOR SHALL MAKE THE INFORMATION REQUIRED BY SUBDIVISIONS (T) AND (U) OF THIS SECTION AVAILABLE TO THE PUBLIC BY POSTING IT ON THE WEBSITE OF THE OFFICE OF COURT ADMINISTRATION. THE INFORMATION SHALL BE POSTED IN ALPHANUMERIC FORM THAT CAN BE DIGITALLY TRANSMITTED OR PROCESSED AND NOT IN PORTABLE DOCUMENT FORMAT OR SCANNED COPIES OF ORIGINAL DOCUMENTS.

(W) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED AS GRANTING AUTHORITY TO THE CHIEF ADMINISTRATOR TO USE, DISSEMINATE, OR PUBLISH ANY INDIVIDUAL'S NAME, NYSID, SOCIAL SECURITY NUMBER, DOCKET NUMBER, OR OTHER UNIQUE IDENTIFIER IN VIOLATION OF SECTION THREE HUNDRED NINETY-NINE-DDD OF THE GENERAL BUSINESS LAW.

(X) IN EXECUTING THE REQUIREMENTS OF SUBDIVISIONS (T) AND (U) OF THIS SECTION, THE CHIEF ADMINISTRATOR MAY ADOPT RULES REQUIRING APPROPRIATE LAW ENFORCEMENT OR CRIMINAL JUSTICE AGENCIES TO IDENTIFY ACTIONS AND PROCEEDINGS INVOLVING THESE OFFENSES, AND WITH RESPECT TO SUCH ACTIONS AND PROCEEDINGS, TO REPORT, IN SUCH FORM AND MANNER AS THE CHIEF ADMINISTRATOR SHALL PRESCRIBE, THE INFORMATION SPECIFIED HEREIN. FURTHER, TO FACILITATE THIS PROVISION, THE CHIEF ADMINISTRATOR SHALL ADOPT RULES TO FACILITATE RECORD SHARING, RETENTION AND OTHER NECESSARY COMMUNICATION AMONG THE CRIMINAL COURTS AND LAW ENFORCEMENT AGENCIES, SUBJECT TO APPLICABLE PROVISIONS OF THE CRIMINAL PROCEDURE LAW AND THE FAMILY COURT ACT PERTAINING TO THE CONFIDENTIALITY, EXPUNGEMENT AND SEALING OF RECORDS.

S 3. This act shall take effect immediately.