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

5839--A

2013-2014 Regular Sessions

I N S E N A T E

June 17, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to the treatment of certain juveniles for certain prostitution offenses

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

Section 1. The criminal procedure law is amended by adding a new section 170.80 to read as follows:

S 170.80 PROCEEDINGS REGARDING CERTAIN PROSTITUTION CHARGES; CERTAIN TEENAGERS.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS ARRESTED FOR PROSTITUTION OR LOITERING FOR THE PURPOSES OF PROSTITUTION AND SUCH OFFENSE ALLEGEDLY OCCURRED WHEN THE PERSON WAS SIXTEEN OR SEVENTEEN YEARS OF AGE:

1. UNLESS, AFTER CONSULTATION WITH COUNSEL A KNOWING AND VOLUNTARY PLEA OF GUILTY HAS BEEN ENTERED TO SUCH CHARGE, ANY JUDGE OR JUSTICE HEARING ANY STAGE OF SUCH CASE MAY, UPON CONSENT OF THE DEFENDANT AFTER CONSULTATION WITH COUNSEL, CONVERT SUCH CHARGE AND RETAIN IT AS A PERSON IN NEED OF SUPERVISION PROCEEDING FOR ALL PURPOSES AND SHALL HAVE THE AUTHORITY TO GRANT ANY RELIEF AVAILABLE UNDER ARTICLE SEVEN OF THE FAMILY COURT ACT.

2. ANY ADVERSE FINDING AND ALL RECORDS OF THE INVESTIGATION AND PROCEEDINGS RELATING TO SUCH CHARGE SHALL BE PROMPTLY EXPUNGED UPON THE PERSON'S EIGHTEENTH BIRTHDAY OR THE CONCLUSION OF THE PROCEEDINGS ON THE CHARGE BEFORE THE COURT, WHICHEVER OCCURS LATER. IN THE EVENT OF A CONVICTION OR PLEA OF GUILTY TO SUCH CHARGE OR CHARGES OF PROSTITUTION OR LOITERING FOR THE PURPOSES OF PROSTITUTION AS DESCRIBED IN THE OPENING PARAGRAPH AND SUBDIVISION ONE OF THIS SECTION, THE COURT MUST FIND THAT THE PERSON IS A YOUTHFUL OFFENDER AND PROCEED IN ACCORDANCE WITH

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

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ARTICLE SEVEN HUNDRED TWENTY OF THIS CHAPTER, PROVIDED, HOWEVER, THAT WHERE THE CONVICTION FOR WHICH THE YOUTHFUL OFFENDER FINDING IS SUBSTITUTED IS LOITERING FOR THE PURPOSES OF PROSTITUTION AS DEFINED IN SECTION 240.37 OF THE PENAL LAW, THE AVAILABLE SENTENCE SHALL BE THE SENTENCE THAT MAY BE IMPOSED FOR A VIOLATION AS DEFINED IN THE PENAL LAW.

S 2. This act shall take effect immediately and shall apply to such offenses alleged to have been committed on or after such effective date, as well as to charges for such offenses pending on such effective date for which sentence had not yet been imposed.