

7427

I N S E N A T E

May 14, 2014

Introduced by Sen. NOZZOLIO -- (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 removal of an action from one local criminal court to another local criminal court established as a problem-solving court

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

1 Section 1. Subdivision 4 of section 170.15 of the criminal procedure
2 law, as amended by chapter 67 of the laws of 2000, is amended to read as
3 follows:

4 4. Notwithstanding any provision of this section to the contrary, in
5 any county outside a city having a population of one million or more,
6 upon or after arraignment of a defendant on an information, a simplified
7 information, a prosecutor's information or a misdemeanor complaint pending
8 in a local criminal court, such court may, upon motion of the
9 defendant and with the consent of the district attorney, order that the
10 action be removed from the court in which the matter is pending to
11 another local criminal court in the same county which has been designated
12 A PROBLEM-SOLVING COURT BY THE CHIEF ADMINISTRATOR OF THE COURTS,
13 INCLUDING BUT NOT LIMITED TO a drug court [by the chief administrator of
14 the courts] , MENTAL HEALTH COURT, VETERANS COURT, ADOLESCENT DIVERSION
15 PART, DOMESTIC VIOLENCE COURT, HUMAN TRAFFICKING COURT, SEX OFFENSE
16 COURT, OR COMMUNITY COURT, and such [drug] PROBLEM-SOLVING court may
17 then conduct such action to judgement or other final disposition;
18 provided, however, that an order of removal issued under this subdivision
19 shall not take effect until five days after the date the order is
20 issued unless, prior to such effective date, the [drug] PROBLEM-SOLVING
21 court notifies the court that issued the order that:

22 (a) it will not accept the action, in which event the order shall not
23 take effect, or

24 (b) it will accept the action on a date prior to such effective date,
25 in which event the order shall take effect upon such prior date.

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

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1 Upon providing notification pursuant to paragraph (a) or (b) of this
2 subdivision, the [drug] PROBLEM-SOLVING court shall promptly give notice
3 to the defendant, his or her counsel and the district attorney.
4 S 2. This act shall take effect immediately.