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                                  7114

                        2013-2014 Regular Sessions

                           I N   A S S E M B L Y

                              May 1, 2013
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   Introduced by M. of A. STIRPE -- read once and referred to the Committee
     on Codes

   AN ACT to amend the family court act, in relation to the inspection of
     family court proceedings records when a defendant who is the subject
     of such records is charged with a sex offense

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

 1   Section 1. Section 166 of the family court act is amended to read as
 2 follows:
 3   S 166. Privacy of records. 1. The records of any proceeding in the
 4 family court shall not be open to indiscriminate public inspection.
 5 However, the court in its discretion in any case may permit the
 6 inspection of any papers or records. Any duly authorized agency, associ-
 7 ation, society or institution to which a child is committed may cause an
 8 inspection of the record of investigation to be had and may in the
 9 discretion of the court obtain a copy of the whole or part of such
10 record.
11   2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
12 IN ANY CRIMINAL PROCEEDING IN WHICH THE DEFENDANT IS CHARGED WITH A SEX
13 OFFENSE, AS SUCH TERM IS DEFINED IN SUBDIVISION TWO OR THREE OF SECTION
14 ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW, AND SUCH DEFENDANT IS
15 THE SUBJECT OF RECORDS OF A PRIOR PROCEEDING IN THE FAMILY COURT WHICH
16 ARE NOT OPEN TO PUBLIC INSPECTION, THE FAMILY COURT SHALL, UPON REQUEST
17 BY THE PROSECUTOR IN SUCH CRIMINAL PROCEEDING OR THE COURT WITH JURIS-
18 DICTION OVER SUCH CRIMINAL PROCEEDING, INSPECT THE RECORDS OF SUCH PRIOR
19 FAMILY COURT PROCEEDING. IF THE FAMILY COURT FINDS, AFTER INSPECTION,
20 THAT SUCH RECORDS SHOW A SEX OFFENSE WAS COMMITTED BY SUCH DEFENDANT,
21 THEN THE COURT SHALL MAKE SUCH RECORDS AVAILABLE TO THE PROSECUTOR,
22 COURT AND ATTORNEY FOR THE DEFENDANT IN SUCH CRIMINAL PROCEEDING. IF THE
23 FAMILY COURT FINDS THAT NO SEX OFFENSE WAS COMMITTED BY SUCH DEFENDANT,
24 THEN SUCH RECORDS SHALL REMAIN CLOSED TO PUBLIC INSPECTION.
25   S 2. This act shall take effect immediately.