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

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I N  A S S E M B L Y

April 7, 2014

Introduced by M. of A. LALOR -- read once and referred to the Committee on Codes

AN ACT to repeal subdivision 6 of section 420.10 of the criminal procedure law, relating to the ability of a sentencing court to reduce a restitution order in a criminal sentence to a civil judgement; and to amend the penal law, in relation to making conforming changes

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

Section 1. Subdivision 6 of section 420.10 of the criminal procedure law is REPEALED.

S 2. Subdivision 14 of section 60.27 of the penal law, as added by section 7 of part D of chapter 56 of the laws of 2010, is amended to read as follows:

14. Where a transfer of probation has occurred pursuant to section 410.80 of the criminal procedure law and the probationer is subject to a restitution condition, the department of probation in the county in which the order of restitution was imposed shall notify the appropriate district attorney. Upon notification by the department of probation, such district attorney shall file a certified copy of the judgment with the clerk of the county in the receiving jurisdiction for purposes of establishing a first lien [and to permit institution of civil proceedings pursuant to the provisions of subdivision six of section 420.10 of the criminal procedure law].

S 3. This act shall take effect immediately.

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

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