

5109

2013-2014 Regular Sessions

I N   S E N A T E

May 10, 2013

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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 permissible conditions the court may impose in connection with an adjournment in contemplation of dismissal

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

1     Section 1. Subdivisions 8 and 9 of section 170.55 of the criminal  
2     procedure law, subdivision 8 as renumbered by chapter 683 of the laws of  
3     1990 are renumbered subdivisions 10 and 11, and two new subdivisions 8  
4     and 9 are added to read as follows:  
5     8.     THE COURT MAY, AS A CONDITION OF AN ADJOURNMENT IN CONTEMPLATION  
6     OF DISMISSAL, ORDER A DEFENDANT TO PARTICIPATE IN AN EDUCATIONAL  
7     PROGRAM, TREATMENT PROGRAM OR OTHER PROGRAM REASONABLY RELATED TO THE  
8     DEFENDANT'S REHABILITATION. THE COURT MAY NOT IMPOSE SUCH CONDITIONS IN  
9     EXCESS OF THE LENGTH OF THE ADJOURNMENT IN CONTEMPLATION OF DISMISSAL.  
10    9.     THE COURT MAY, AS A CONDITION OF AN ADJOURNMENT IN CONTEMPLATION OF  
11    DISMISSAL, ORDER A DEFENDANT TO PAY RESTITUTION OF THE FRUITS OF HIS OR  
12    HER OFFENSE OR MAKE REPARATION, IN AN AMOUNT HE OR SHE CAN AFFORD TO  
13    PAY, OF THE ACTUAL OUT-OF-POCKET LOSS CAUSED BY THE OFFENSE.  
14    S 2.    This act shall take effect immediately, and shall apply to all  
15    offenses committed on or after such effective date.

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

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