

5723

2013-2014 Regular Sessions

I N   S E N A T E

June 7, 2013

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Introduced by Sen. MONTGOMERY -- 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 establishing  
the Chance to Help Notification Act

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

1     Section 1. This act shall be known and may be cited as the "chance to  
2     help notification act".  
3     S 2. Section 120.90 of the criminal procedure law is amended by adding  
4     a new subdivision 9 to read as follows:  
5     9. UPON ARRESTING A YOUTH, AS DEFINED IN SUBDIVISION ONE OF SECTION  
6     720.10 OF THIS CHAPTER, THE POLICE OFFICER SHALL INQUIRE OF THE YOUTH  
7     THE NAME AND CONTACT NUMBER OF THE PARENT, OTHER PERSON LEGALLY RESPONS-  
8     SIBLE FOR HIS OR HER CARE, OR OTHER RESPONSIBLE ADULT WITH WHOM HE OR  
9     SHE IS DOMICILED, AND THE POLICE OFFICER SHALL MAKE REASONABLE AND GOOD  
10    FAITH EFFORTS TO NOTIFY SUCH PERSON THAT THE YOUTH HAS BEEN ARRESTED,  
11    AND THE LOCATION OF THE FACILITY WHERE HE OR SHE IS BEING DETAINED.  
12    REASONABLE AND GOOD FAITH EFFORTS SHALL NOT REQUIRE THE OFFICER TO PHYS-  
13    ICALLY SEARCH FOR SUCH PERSON OR PERSONS. A YOUTH MAY DECLINE TO PROVIDE  
14    A NAME AND CONTACT NUMBER. THE POLICE OFFICER NEED NOT NOTIFY AN IDENTI-  
15    FIED PERSON IF THE OFFICER BELIEVES SUCH NOTIFICATION WOULD ENDANGER THE  
16    HEALTH OR SAFETY OF SUCH YOUTH.  
17    S 3. Section 140.20 of the criminal procedure law is amended by adding  
18    a new subdivision 8 to read as follows:  
19    8. UPON ARRESTING A YOUTH, AS DEFINED IN SUBDIVISION ONE OF SECTION  
20    720.10 OF THIS CHAPTER, THE POLICE OFFICER SHALL INQUIRE OF THE YOUTH  
21    THE NAME AND CONTACT NUMBER OF THE PARENT, OTHER PERSON LEGALLY RESPON-  
22    SIBLE FOR HIS OR HER CARE, OR OTHER RESPONSIBLE ADULT WITH WHOM HE OR  
23    SHE IS DOMICILED, AND THE POLICE OFFICER SHALL MAKE REASONABLE AND GOOD  
24    FAITH EFFORTS TO NOTIFY SUCH PERSON THAT THE YOUTH HAS BEEN ARRESTED,  
25    AND THE LOCATION OF THE FACILITY WHERE HE OR SHE IS BEING DETAINED.

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

LBD11205-01-3

1 REASONABLE AND GOOD FAITH EFFORTS SHALL NOT REQUIRE THE OFFICER TO PHYS-  
2 ICALLY SEARCH FOR SUCH PERSON OR PERSONS. A YOUTH MAY DECLINE TO PROVIDE  
3 A NAME AND CONTACT NUMBER. THE POLICE OFFICER NEED NOT NOTIFY AN IDENTI-  
4 FIED PERSON IF THE OFFICER BELIEVES SUCH NOTIFICATION WOULD ENDANGER THE  
5 HEALTH OR SAFETY OF SUCH YOUTH.

6 S 4. Section 150.20 of the criminal procedure law is amended by adding  
7 a new subdivision 4 to read as follows:

8 4. WITHIN A REASONABLE TIME OF SERVING AN APPEARANCE TICKET, AS  
9 DEFINED IN SUBDIVISION ONE OF SECTION 150.10 OF THIS ARTICLE, UPON A  
10 YOUTH, AS DEFINED IN SUBDIVISION ONE OF SECTION 720.10 OF THIS CHAPTER,  
11 THE POLICE OFFICER SHALL INQUIRE OF THE YOUTH THE NAME AND CONTACT  
12 NUMBER OF THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR HIS OR HER  
13 CARE OR THE PERSON WITH WHOM HE OR SHE IS DOMICILED, AND THE POLICE  
14 OFFICER OR A PERSON OTHERWISE EMPLOYED BY SUCH DEPARTMENT SHALL MAKE  
15 REASONABLE AND GOOD FAITH EFFORTS TO NOTIFY SUCH PERSON THAT SUCH YOUTH  
16 HAS BEEN SERVED WITH AN APPEARANCE TICKET, THE TIME SET FORTH IN SUCH  
17 APPEARANCE TICKET FOR THE YOUTH'S APPEARANCE BEFORE A CRIMINAL COURT AND  
18 THE OFFENSE OF WHICH HE OR SHE IS CHARGED. THE EFFORTS TO NOTIFY SHALL  
19 BE WITHIN FORTY-EIGHT HOURS AFTER THE ISSUANCE OF SUCH APPEARANCE TICK-  
20 ET. A YOUTH MAY DECLINE TO PROVIDE A CONTACT NUMBER. THE POLICE OFFICER  
21 NEED NOT NOTIFY AN IDENTIFIED PERSON IF THE OFFICER BELIEVES THAT SUCH  
22 NOTIFICATION WOULD ENDANGER THE HEALTH OR SAFETY OF SUCH YOUTH.

23 S 5. This act shall take effect on the first of November next succeed-  
24 ing the date on which it shall have become a law.