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

5723

2013-2014 Regular Sessions

I N S E N A T E

June 7, 2013

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:

Section 1. This act shall be known and may be cited as the "chance to help notification act".

S 2. Section 120.90 of the criminal procedure law is amended by adding a new subdivision 9 to read as follows:

9. UPON ARRESTING A YOUTH, AS DEFINED IN SUBDIVISION ONE OF SECTION 720.10 OF THIS CHAPTER, THE POLICE OFFICER SHALL INQUIRE OF THE YOUTH THE NAME AND CONTACT NUMBER OF THE PARENT, OTHER PERSON LEGALLY RESPONSIBLE FOR HIS OR HER CARE, OR OTHER RESPONSIBLE ADULT WITH WHOM HE OR SHE IS DOMICILED, AND THE POLICE OFFICER SHALL MAKE REASONABLE AND GOOD FAITH EFFORTS TO NOTIFY SUCH PERSON THAT THE YOUTH HAS BEEN ARRESTED, AND THE LOCATION OF THE FACILITY WHERE HE OR SHE IS BEING DETAINED. REASONABLE AND GOOD FAITH EFFORTS SHALL NOT REQUIRE THE OFFICER TO PHYSICALLY SEARCH FOR SUCH PERSON OR PERSONS. A YOUTH MAY DECLINE TO PROVIDE A NAME AND CONTACT NUMBER. THE POLICE OFFICER NEED NOT NOTIFY AN IDENTIFIED PERSON IF THE OFFICER BELIEVES SUCH NOTIFICATION WOULD ENDANGER THE HEALTH OR SAFETY OF SUCH YOUTH.

S 3. Section 140.20 of the criminal procedure law is amended by adding a new subdivision 8 to read as follows:

8. UPON ARRESTING A YOUTH, AS DEFINED IN SUBDIVISION ONE OF SECTION 720.10 OF THIS CHAPTER, THE POLICE OFFICER SHALL INQUIRE OF THE YOUTH THE NAME AND CONTACT NUMBER OF THE PARENT, OTHER PERSON LEGALLY RESPONSIBLE FOR HIS OR HER CARE, OR OTHER RESPONSIBLE ADULT WITH WHOM HE OR SHE IS DOMICILED, AND THE POLICE OFFICER SHALL MAKE REASONABLE AND GOOD FAITH EFFORTS TO NOTIFY SUCH PERSON THAT THE YOUTH HAS BEEN ARRESTED, 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.

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REASONABLE AND GOOD FAITH EFFORTS SHALL NOT REQUIRE THE OFFICER TO PHYSICALLY SEARCH FOR SUCH PERSON OR PERSONS. A YOUTH MAY DECLINE TO PROVIDE A NAME AND CONTACT NUMBER. THE POLICE OFFICER NEED NOT NOTIFY AN IDENTIFIED PERSON IF THE OFFICER BELIEVES SUCH NOTIFICATION WOULD ENDANGER THE HEALTH OR SAFETY OF SUCH YOUTH.

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

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

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.