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

8555

2015-2016 Regular Sessions

I N A S S E M B L Y

October 30, 2015

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

AN ACT to amend the criminal procedure law, in relation to the use of treatment providers in judicial diversion programs

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

Section 1. Subdivision 7 of section 216.05 of the criminal procedure law, as added by section 4 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

7. When participating in judicial diversion treatment pursuant to this article, any resident of this state who is covered under a private health insurance policy or contract issued for delivery in this state pursuant to article thirty-two, forty-three or forty-seven of the insurance law or article forty-four of the public health law, or who is covered by a self-funded plan which provides coverage for the diagnosis and treatment of chemical abuse and chemical dependence however defined in such policy; shall first seek reimbursement for such treatment in accordance with the provisions of such policy or contract. IN NO CASE SHALL THE STATE FUND OR REIMBURSE A RESIDENT FOR THE COST OF TREATMENT UNDERTAKEN IN AN OUT-OF-STATE JURISDICTION.

S 2. Subdivision 8 of section 216.05 of the criminal procedure law, as amended by chapter 347 of the laws of 2012, is amended to read as follows:

8. During the period of a defendant's participation in the judicial diversion program, the court shall retain jurisdiction of the defendant, provided, however, that the court may allow such defendant to reside in another jurisdiction WITHIN THE STATE while participating in a judicial diversion program under conditions set by the court and agreed to by the defendant pursuant to subdivisions five and six of this section. The court may require the defendant to appear in court at any time to enable the court to monitor the defendant's progress in alcohol or substance

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

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abuse treatment. The court shall provide notice, reasonable under the circumstances, to the people, the treatment provider, the defendant and the defendant's counsel whenever it orders or otherwise requires the appearance of the defendant in court. Failure to appear as required without reasonable cause therefor shall constitute a violation of the conditions of the court's agreement with the defendant.

S 3. This act shall take effect immediately.