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

9833--B

I N A S S E M B L Y

April 12, 2016

Introduced by M. of A. GALEF -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to a "problem solving court"

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

Section 1. Section 170.15 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IN ANY COUNTY OUTSIDE A CITY HAVING A POPULATION OF ONE MILLION OR MORE, UPON OR AFTER ARRAIGNMENT OF A DEFENDANT ON AN INFORMATION, A SIMPLIFIED INFORMATION, A PROSECUTOR'S INFORMATION OR A MISDEMEANOR COMPLAINT PENDING IN A LOCAL CRIMINAL COURT, SUCH COURT MAY, UPON MOTION OF THE DEFENDANT AND AFTER GIVING THE DISTRICT ATTORNEY AN OPPORTUNITY TO BE HEARD, ORDER THAT THE ACTION BE REMOVED FROM THE COURT IN WHICH THE MATTER IS PENDING TO ANOTHER LOCAL CRIMINAL COURT IN THE SAME COUNTY WHICH HAS BEEN DESIGNATED A COURT, OTHER THAN A DRUG COURT, FORMED TO ADDRESS A MATTER OF SPECIAL CONCERN BASED UPON THE STATUS OF THE DEFENDANT OR VICTIM, COMMONLY KNOWN AS A "PROBLEM SOLVING COURT", INCLUDING BUT NOT LIMITED TO, DOMESTIC VIOLENCE COURT, YOUTH COURT, MENTAL HEALTH COURT, AND VETERANS COURT, BY THE CHIEF ADMINISTRATOR OF THE COURTS, AND SUCH PROBLEM SOLVING COURT MAY THEN CONDUCT SUCH ACTION TO JUDGMENT OR OTHER FINAL DISPOSITION; PROVIDED, HOWEVER, THAT AN ORDER OF REMOVAL ISSUED UNDER THIS SUBDIVISION SHALL NOT TAKE EFFECT UNTIL FIVE DAYS AFTER THE DATE THE ORDER IS ISSUED UNLESS, PRIOR TO SUCH EFFECTIVE DATE, THE PROBLEM SOLVING COURT NOTIFIES THE COURT THAT ISSUED THE ORDER THAT:

(A) IT WILL NOT ACCEPT THE ACTION, IN WHICH EVENT THE ORDER SHALL NOT TAKE EFFECT, OR

(B) IT WILL ACCEPT THE ACTION ON A DATE PRIOR TO SUCH EFFECTIVE DATE, IN WHICH EVENT THE ORDER SHALL TAKE EFFECT UPON SUCH PRIOR DATE.

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

LBD13650-04-6

UPON PROVIDING NOTIFICATION PURSUANT TO PARAGRAPH (A) OR (B) OF THIS SUBDIVISION, THE PROBLEM SOLVING COURT SHALL PROMPTLY GIVE NOTICE TO THE DEFENDANT, HIS OR HER COUNSEL AND THE DISTRICT ATTORNEY.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.