

6001

2015-2016 Regular Sessions

I N   S E N A T E

June 19, 2015

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Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law and the judiciary law, in relation to functions of the chief administrator of the courts; and to amend the executive law, in relation to reporting requirements

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

- 1     Section 1. Section 10.40 of the criminal procedure law, as added by  
2 chapter 47 of the laws of 1984, is amended to read as follows:  
3     S 10.40 Chief administrator to prescribe forms.  
4     The chief administrator of the courts shall have the power to adopt,  
5 amend and rescind forms for the efficient and just administration of  
6 this chapter. SUCH FORMS SHALL INCLUDE, WITHOUT LIMITATION, THE FORMS  
7 DESCRIBED IN PARAGRAPH (Y) OF SUBDIVISION TWO OF SECTION TWO HUNDRED  
8 TWELVE OF THE JUDICIARY LAW. A failure by any party to submit papers in  
9 compliance with forms authorized by this section shall not be grounds  
10 for that reason alone for denial or granting of any motion.  
11     S 2. Subdivision 2 of section 212 of the judiciary law is amended by  
12 adding six new paragraphs (t), (u), (v), (w), (x) and (y) to read as  
13 follows:  
14     (T) COMPILE AND PUBLISH DATA ON MISDEMEANOR OFFENSES IN ALL COURTS,  
15 DISAGGREGATED BY COUNTY, INCLUDING THE FOLLOWING INFORMATION:  
16     (I) THE AGGREGATE NUMBER OF MISDEMEANORS CHARGED, BY INDICTMENT OR THE  
17 FILING OF A MISDEMEANOR COMPLAINT OR INFORMATION;  
18     (II) THE OFFENSE CHARGED;  
19     (III) THE RACE, ETHNICITY, AGE, AND SEX OF THE INDIVIDUAL CHARGED;  
20     (IV) WHETHER THE INDIVIDUAL WAS ISSUED A SUMMONS OR APPEARANCE TICKET,  
21 WAS SUBJECT TO CUSTODIAL ARREST, AND/OR WAS HELD TO ARRAIGNMENT AS A  
22 RESULT OF THE ALLEGED MISDEMEANOR;  
23     (V) THE ZIP CODE OR LOCATION WHERE THE ALLEGED MISDEMEANOR OCCURRED;

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

LBD11204-02-5

1 (VI) THE DISPOSITION, INCLUDING, AS THE CASE MAY BE, DISMISSAL,  
2 ACQUITTAL, ADJOURNMENT IN CONTEMPLATION OF DISMISSAL, PLEA, CONVICTION,  
3 OR OTHER DISPOSITION;

4 (VII) IN THE CASE OF DISMISSAL, THE REASONS THEREFOR; AND

5 (VIII) THE SENTENCE IMPOSED, IF ANY, INCLUDING FINES, FEES, AND  
6 SURCHARGES.

7 (U) COMPILE AND PUBLISH DATA ON VIOLATIONS IN ALL COURTS, DISAGGRE-  
8 GATED BY COUNTY, INCLUDING THE FOLLOWING INFORMATION:

9 (I) THE AGGREGATE NUMBER OF VIOLATIONS CHARGED BY THE FILING OF AN  
10 INFORMATION;

11 (II) THE VIOLATION CHARGED;

12 (III) THE RACE, ETHNICITY, AGE, AND SEX OF THE INDIVIDUAL CHARGED;

13 (IV) WHETHER THE INDIVIDUAL WAS ISSUED A SUMMONS OR APPEARANCE TICKET,  
14 WAS SUBJECT TO CUSTODIAL ARREST, AND/OR WAS HELD TO ARRAIGNMENT AS A  
15 RESULT OF THE ALLEGED VIOLATION;

16 (V) THE ZIP CODE OR LOCATION WHERE THE ALLEGED VIOLATION OCCURRED;

17 (VI) THE DISPOSITION, INCLUDING, AS THE CASE MAY BE, DISMISSAL,  
18 ACQUITTAL, CONVICTION, OR OTHER DISPOSITION;

19 (VII) IN THE CASE OF DISMISSAL, THE REASONS THEREFOR; AND

20 (VIII) THE SENTENCE IMPOSED, IF ANY, INCLUDING FINES, FEES, AND  
21 SURCHARGES.

22 (V) THE CHIEF ADMINISTRATOR SHALL INCLUDED THE INFORMATION REQUIRED BY  
23 PARAGRAPH (T) AND (U) OF THIS SUBDIVISION IN THE ANNUAL REPORT SUBMITTED  
24 TO THE LEGISLATURE AND THE GOVERNOR PURSUANT TO PARAGRAPH (J) OF SUBDI-  
25 VISION ONE OF THIS SECTION. THE CHIEF ADMINISTRATOR SHALL ALSO MAKE THE  
26 INFORMATION REQUIRED BY PARAGRAPHS (T) AND (U) OF THIS SUBDIVISION  
27 AVAILABLE TO THE PUBLIC BY POSTING IT ON THE WEBSITE OF THE OFFICE OF  
28 COURT ADMINISTRATION AND SHALL UPDATE SUCH INFORMATION ON A MONTHLY  
29 BASIS. THE INFORMATION SHALL BE POSTED IN ALPHANUMERIC FORM THAT CAN BE  
30 DIGITALLY TRANSMITTED OR PROCESSED AND NOT IN PORTABLE DOCUMENT FORMAT  
31 OR SCANNED COPIES OF ORIGINAL DOCUMENTS.

32 (W) NOTHING IN PARAGRAPHS (T) AND (U) OF THIS SUBDIVISION SHALL BE  
33 CONSTRUED AS GRANTING AUTHORITY TO THE CHIEF ADMINISTRATOR, A CRIMINAL  
34 JUSTICE OR LAW ENFORCEMENT AGENCY, A GOVERNMENTAL ENTITY, OR ANY AGENT  
35 OR REPRESENTATIVE OF THE FOREGOING, TO USE, DISSEMINATE, OR PUBLISH ANY  
36 INDIVIDUAL'S NAME, NYSID, SOCIAL SECURITY NUMBER, DOCKET NUMBER, OR  
37 OTHER UNIQUE IDENTIFIER IN VIOLATION OF THE CRIMINAL PROCEDURE LAW, THE  
38 GENERAL BUSINESS LAW, OR ANY OTHER LAW.

39 (X) NOTHING IN PARAGRAPHS (T) AND (U) OF THIS SUBDIVISION SHALL BE  
40 CONSTRUED AS GRANTING AUTHORITY TO THE CHIEF ADMINISTRATOR, A CRIMINAL  
41 JUSTICE OR LAW ENFORCEMENT AGENCY, A GOVERNMENTAL ENTITY, A PARTY, A  
42 JUDGE, A PROSECUTOR, OR ANY AGENT OR REPRESENTATIVE OF THE FOREGOING TO  
43 INTRODUCE, USE, DISSEMINATE, PUBLISH OR CONSIDER ANY RECORDS IN ANY  
44 JUDICIAL OR ADMINISTRATIVE PROCEEDING EXPUNGED OR SEALED UNDER APPLICA-  
45 BLE PROVISIONS OF THE CRIMINAL PROCEDURE LAW, THE FAMILY COURT ACT, OR  
46 ANY OTHER LAW.

47 (Y) IN EXECUTING THE REQUIREMENTS OF PARAGRAPHS (T) AND (U) OF THIS  
48 SECTION, THE CHIEF ADMINISTRATOR MAY ADOPT RULES CONSISTENT WITH THE  
49 REQUIREMENTS OF PARAGRAPHS (W) AND (X) OF THIS SUBDIVISION REQUIRING  
50 APPROPRIATE LAW ENFORCEMENT OR CRIMINAL JUSTICE AGENCIES TO IDENTIFY  
51 ACTIONS AND PROCEEDINGS INVOLVING THESE OFFENSES, AND WITH RESPECT TO  
52 SUCH ACTIONS AND PROCEEDINGS, TO REPORT, IN SUCH FORM AND MANNER AS THE  
53 CHIEF ADMINISTRATOR SHALL PRESCRIBE, THE INFORMATION SPECIFIED HEREIN.  
54 FURTHER, TO FACILITATE THIS PROVISION, THE CHIEF ADMINISTRATOR SHALL  
55 ADOPT RULES TO FACILITATE RECORD SHARING, RETENTION AND OTHER NECESSARY  
56 COMMUNICATION AMONG THE CRIMINAL COURTS AND LAW ENFORCEMENT AGENCIES,

1 SUBJECT TO APPLICABLE PROVISIONS OF THE CRIMINAL PROCEDURE LAW, THE  
2 FAMILY COURT ACT, AND ANY OTHER LAW PERTAINING TO THE CONFIDENTIALITY,  
3 EXPUNGEMENT AND SEALING OF RECORDS.

4 S 3. The executive law is amended by adding a new section 837-s to  
5 read as follows:

6 S 837-S. REPORTING DUTIES OF LAW ENFORCEMENT DEPARTMENTS WITH RESPECT  
7 TO ARREST-RELATED DEATHS. 1. THE CHIEF OF EVERY POLICE DEPARTMENT, EACH  
8 COUNTY SHERIFF, AND THE SUPERINTENDENT OF STATE POLICE SHALL PROMPTLY  
9 REPORT TO THE DIVISION ANY ARREST-RELATED DEATH, DISAGGREGATED BY COUN-  
10 TY. AN ARREST-RELATED DEATH IS A DEATH THAT OCCURS DURING LAW ENFORCE-  
11 MENT CUSTODY OR AN ATTEMPT TO ESTABLISH CUSTODY INCLUDING, BUT NOT  
12 LIMITED TO, DEATHS CAUSED BY ANY USE OF FORCE. THE DATA SHALL INCLUDE  
13 THE FOLLOWING INFORMATION:

14 (A) THE NUMBER OF ARREST-RELATED DEATHS;  
15 (B) THE RACE, ETHNICITY, AGE, AND SEX OF THE INDIVIDUAL;  
16 (C) THE ZIP CODE OR LOCATION WHERE THE DEATH OCCURRED; AND  
17 (D) A BRIEF DESCRIPTION OF THE CIRCUMSTANCES SURROUNDING THE  
18 ARREST-RELATED DEATH.

19 2. THE DIVISION SHALL PRESENT TO THE GOVERNOR AND THE LEGISLATURE AN  
20 ANNUAL REPORT CONTAINING THE INFORMATION REQUIRED BY SUBDIVISION ONE OF  
21 THIS SECTION. THE INITIAL REPORT REQUIRED BY THIS SUBDIVISION SHALL BE  
22 FOR THE PERIOD BEGINNING JULY FIRST, TWO THOUSAND FIFTEEN AND ENDING  
23 DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN AND SHALL BE PRESENTED NO  
24 LATER THAN FEBRUARY FIRST, TWO THOUSAND SIXTEEN. THEREAFTER, EACH ANNU-  
25 AL REPORT SHALL BE PRESENTED NO LATER THAN FEBRUARY FIRST.

26 3. THE DIVISION SHALL MAKE THE INFORMATION REQUIRED BY SUBDIVISION ONE  
27 OF THIS SECTION AVAILABLE TO THE PUBLIC BY POSTING IT ON THE WEBSITE OF  
28 THE DIVISION AND SHALL UPDATE SUCH INFORMATION ON A MONTHLY BASIS. THE  
29 INFORMATION SHALL BE POSTED IN ALPHANUMERIC FORM THAT CAN BE DIGITALLY  
30 TRANSMITTED OR PROCESSED AND NOT IN PORTABLE DOCUMENT FORMAT OR SCANNED  
31 COPIES OF ORIGINAL DOCUMENTS.

32 S 4. This act shall take effect immediately.