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

6389--A

2015-2016 Regular Sessions

I N A S S E M B L Y

March 23, 2015

Introduced by M. of A. LENTOL -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law, in relation to plans for representation of persons accused of a crime or certain parties in family court or surrogate's court

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

Section 1. Paragraphs (b) and (c) of subdivision 3 of section 722 of the county law, as amended by section 3 of part E of chapter 56 of the laws of 2010, are amended to read as follows:

(b) Any plan of a bar association must receive the approval of the [state administrator] OFFICE OF INDIGENT LEGAL SERVICES before the plan is placed in operation. In the county of Hamilton, representation pursuant to a plan of a bar association in accordance with subparagraph (i) of paragraph (a) of this subdivision may be by counsel furnished by the Fulton county bar association pursuant to a plan of the Fulton county bar association, following approval of the [state administrator] OFFICE OF INDIGENT LEGAL SERVICES. When considering approval of an office of conflict defender pursuant to this section, the [state administrator] OFFICE OF INDIGENT LEGAL SERVICES shall employ the guidelines IT HAS HERETOFORE established [by the office of indigent legal services] pursuant to paragraph (d) of subdivision three of section eight hundred thirty-two of the executive law.

(c) Any county operating an office of conflict defender, as described in subparagraph (ii) of paragraph (a) of this subdivision, as of March thirty-first, two thousand ten may continue to utilize the services provided by such office provided that the county submits a plan to the state administrator within one hundred eighty days after the promulga-

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

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tion of criteria for the provision of conflict defender services by the office of indigent legal services. The authority to operate such an office pursuant to this paragraph shall expire when the state administrator (OR, ON OR AFTER APRIL FIRST, TWO THOUSAND SEVENTEEN, THE OFFICE OF INDIGENT LEGAL SERVICES) approves or disapproves such plan. Upon approval, the county is authorized to operate such office in accordance with paragraphs (a) and (b) of this subdivision.

S 2. Subdivision 3 of section 722 of the county law is amended by adding a new paragraph (d) to read as follows:

(D) FOR PURPOSES OF THIS SUBDIVISION, ANY PLAN OF A BAR ASSOCIATION APPROVED HEREUNDER PURSUANT TO THIS SUBDIVISION, AS PROVIDED PRIOR TO APRIL FIRST, TWO THOUSAND SEVENTEEN, SHALL REMAIN IN EFFECT UNTIL IT IS SUPERSEDED BY A PLAN APPROVED BY THE OFFICE OF INDIGENT LEGAL SERVICES OR DISAPPROVED BY SUCH OFFICE.

S 3. Subdivision 1 and paragraph (a) of subdivision 2 of section 722-f of the county law, subdivision 1 as added by chapter 761 of the laws of 1966 and as designated and paragraph (a) of subdivision 2 as added by section 4 of part J of chapter 62 of the laws of 2003, are amended to read as follows:

1. A public defender appointed pursuant to article eighteen-A of this chapter, a private legal aid bureau or society designated by a county or city pursuant to subdivision two of section seven hundred twenty-two of this [chapter] ARTICLE, [and] an administrator of a plan of a bar association appointed pursuant to subdivision three of section seven hundred twenty-two of this [chapter] ARTICLE AND AN OFFICE OF CONFLICT DEFENDER ESTABLISHED PURSUANT TO SUCH SUBDIVISION shall file an annual report with the [judicial conference] CHIEF ADMINISTRATOR OF THE COURTS AND THE OFFICE OF INDIGENT LEGAL SERVICES. SUCH REPORT SHALL BE FILED at such times and in such detail and form as the [judicial conference] OFFICE OF INDIGENT LEGAL SERVICES may direct.

(a) The county executive or chief executive officer of each county or, in the case of a county wholly contained within a city, such city shall file an annual report which specifies in detail and certifies to the state comptroller the total expenditures of such county or city, identifying "local funds", as defined in subdivision [four] TWO of section ninety-eight-b of the state finance law, state funds, federal funds and funds received from a "private source" as described in subdivision [four] TWO of section ninety-eight-b of the state finance law, for providing legal representation to persons who were financially unable to afford counsel, pursuant to this article. Such annual report, A COPY OF WHICH ALSO SHALL BE FILED WITH THE OFFICE OF INDIGENT LEGAL SERVICES, shall be made on a form developed for such purpose by the state comptroller.

S 4. This act shall take effect April 1, 2017.