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

9104--A

I N A S S E M B L Y

January 26, 2016

Introduced by M. of A. GUNTHER, BUCHWALD -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to authorizing alcohol and substance abuse treatment in another jurisdiction for defendants in judicial diversion programs

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

Section 1. 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 (I) reside in another jurisdiction, OR (II) PARTICIPATE IN ALCOHOL AND SUBSTANCE ABUSE TREATMENT AND OTHER PROGRAMS IN THE JURISDICTION WHERE THE DEFENDANT RESIDES OR IN ANY OTHER JURISDICTION, 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 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 2. This act shall take effect immediately.

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

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