

6595

I N S E N A T E

January 29, 2016

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

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:

1 Section 1. Subdivision 4 of section 170.15 of the criminal procedure  
2 law, as amended by chapter 67 of the laws of 2000, is amended to read as  
3 follows:  
4 4. Notwithstanding any provision of this section to the contrary, in  
5 any county outside a city having a population of one million or more,  
6 upon or after arraignment of a defendant on an information, a simplified  
7 information, a prosecutor's information or a misdemeanor complaint pend-  
8 ing in a local criminal court, such court may, upon motion of the  
9 defendant and with the consent of the district attorney, order that the  
10 action be removed from the court in which the matter is pending to  
11 another local criminal court in the same county which has been desig-  
12 nated a [drug] court FORMED TO ADDRESS A MATTER OF SPECIAL CONCERN BASED  
13 UPON THE STATUS OF THE DEFENDANT OR THE VICTIM, COMMONLY KNOWN AS A  
14 "PROBLEM SOLVING COURT," INCLUDING, BUT NOT LIMITED TO, DRUG COURT,  
15 DOMESTIC VIOLENCE COURT, YOUTH COURT, MENTAL HEALTH COURT, AND VETERANS  
16 COURT, by the chief administrator of the courts, and such [drug] PROBLEM  
17 SOLVING court may then conduct such action to [judgement] JUDGMENT or  
18 other final disposition; provided, however, that an order of removal  
19 issued under this subdivision shall not take effect until five days  
20 after the date the order is issued unless, prior to such effective date,  
21 the [drug] PROBLEM SOLVING court notifies the court that issued the  
22 order that:  
23 (a) it will not accept the action, in which event the order shall not  
24 take effect, or  
25 (b) it will accept the action on a date prior to such effective date,  
26 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.

LBD13650-01-6

1     Upon providing notification pursuant to paragraph (a) or (b) of this  
2 subdivision, the [drug] PROBLEM SOLVING court shall promptly give notice  
3 to the defendant, his or her counsel and the district attorney.  
4     S 2. This act shall take effect immediately.