

6874--A

Cal. No. 638

I N S E N A T E

March 2, 2016

Introduced by Sens. MURPHY, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Drug Abuse -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the criminal procedure law, in relation to participation in treatment for opioid abuse or dependence under the judicial diversion program

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

1 Section 1. Subdivision 5 of section 216.05 of the criminal procedure
2 law, as amended by chapter 258 of the laws of 2015, is amended to read
3 as follows:

4 5. The defendant shall agree on the record or in writing to abide by
5 the release conditions set by the court, which, shall include: partic-
6 ipation in a specified period of alcohol or substance abuse treatment at
7 a specified program or programs identified by the court, which may
8 include periods of detoxification, residential or outpatient treatment,
9 or both, as determined after taking into account the views of the health
10 care professional who conducted the alcohol and substance abuse evalu-
11 ation and any health care professionals responsible for providing such
12 treatment or monitoring the defendant's progress in such treatment; and
13 may include: (i) periodic court appearances, which may include periodic
14 urinalysis; (ii) a requirement that the defendant refrain from engaging
15 in criminal behaviors; (iii) if the defendant needs treatment for opioid
16 abuse or dependence, that he or she may participate in and receive
17 medically prescribed drug treatments under the care of a health care
18 professional licensed or certified under title eight of the education
19 law, acting within his or her lawful scope of practice, PROVIDED THAT NO
20 COURT SHALL REQUIRE THE USE OF ANY SPECIFIED TYPE OR BRAND OF DRUG
21 DURING THE COURSE OF MEDICALLY PRESCRIBED DRUG TREATMENTS.

22 S 2. This act shall take effect immediately and shall apply to every
23 defendant applying for participation in or participating in a judicial
24 diversion program, pursuant to article 216 of the criminal procedure
25 law, on or after such date.

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

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