STATE OF NEW YORK

3545--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. AUBRY, COOK, HOOPER, MAGEE -- read once and referred to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- reported 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 establishing the Chance to Help Notification Act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "chance to help notification act".

§ 2. Subdivision 7 of section 120.90 of the criminal procedure law, as amended by section 16 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

7. Upon arresting a juvenile offender or adolescent offender **or youth as defined in subdivision one of section 720.10 of this chapter**, the police officer shall immediately notify the parent or other person legally responsible for his **or her** care or the person with whom he **or she** is domiciled, that the juvenile offender **or youth** or adolescent offender **or youth** has been arrested, and the location of the facility where he **or she** is being detained**, provided that the police officer need not notify the parent or other person legally responsible for such youth's care or the person with whom he or she is domiciled when such youth is not also a juvenile offender and the notification of a parent or other person would endanger the health or safety of such youth**.

§ 3. Subdivision 6 of section 140.20 of the criminal procedure law, as amended by section 20 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

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

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6. Upon arresting a juvenile offender **or youth as defined in subdivision one of section 720.10 of this chapter** or a person sixteen or commencing October first, two thousand nineteen, seventeen years of age without a warrant, the police officer shall immediately notify the parent or other person legally responsible for his or her care or the person with whom he or she is domiciled, that such offender or person has been arrested, and the location of the facility where he or she is being detained**, provided that the police officer need not notify the parent or other person legally responsible for such youth's care or the person with whom he or she is domiciled when such youth is not also a juvenile offender and the notification of a parent or other person would endanger the health or safety of such youth**. If the officer determines that it is necessary to question a juvenile offender or such person, the officer must take him or her to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the juvenile or such person, to his or her residence and there question him or her for a reasonable period of time. A juvenile or such person shall not be questioned pursuant to this section unless he or she and a person required to be notified pursuant to this subdivision, if present, have been advised:

(a) of the juvenile offender's**, youth's** or such person's right to remain silent;

(b) that the statements made by him or her may be used in a court of law;

(c) of his or her right to have an attorney present at such questioning; and

(d) of his or her right to have an attorney provided for him or her without charge if he or she is unable to afford counsel.

In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile offender or person, his or her age, the presence or absence of his or her parents or other persons legally responsible for his or her care and notification pursuant to this subdivision shall be included among relevant considerations.

§ 4. Section 150.20 of the criminal procedure law is amended by adding a new subdivision 4 to read as follows:

4. Upon issuing to and serving an appearance ticket as defined in subdivision one of section 150.10 of this article upon a youth as defined in subdivision one of section 720.10 of this chapter, the police officer shall notify the parent or other person legally responsible for his or her care or the person with whom he or she is domiciled, that such youth has been served with an appearance ticket, the time set forth in such appearance ticket for the youth's appearance before a criminal court and the offense of which he or she is charged, provided that the police officer need not notify the parent or other person legally responsible for such youth's care or the person with whom he or she is domiciled when such youth is not also a juvenile offender and the notification of a parent or other person would endanger the health or safety of such youth.

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that if sections 16 and 20 of part WWW of chapter 59 of the laws of 2017 shall not have taken effect on such date, then sections one and two of this act shall take effect on the same date and in the same manner as such sections of part WWW of chapter 59 of the laws of 2017 take effect.