STATE OF NEW YORK

9870

IN ASSEMBLY

February 15, 2018

Introduced by M. of A. PAULIN, DINOWITZ, JOYNER, BARRON, BLAKE, D'URSO, GALEF, GOTTFRIED, JAFFEE, PICHARDO, L. ROSENTHAL, WILLIAMS, MONTESANO, CROUCH, DiPIETRO, PALMESANO, RAIA -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, GIGLIO, LUPARDO, SIMON -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the judiciary law, in relation to human trafficking courts

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

Section 1. Section 170.15 of the criminal procedure law is amended by adding a new subdivision 5 to read as follows:

5. (a) Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an information, a simplified information, a prosecutor's information or a misdemeanor complaint pending in a local criminal court, such court may, upon motion of the defendant and after giving the district attorney an opportunity to be heard, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county, or with consent of the district attorney to another court in an adjoining county, that has been designated as a human trafficking court by the chief administrator of the courts, and such human trafficking court may then conduct such action to judgement or other final deposition; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the human trafficking court notifies the court that issued the order that:

i. it will not accept the action, in which event the order shall not take effect; or

ii. it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

(b) Upon providing notification pursuant to subparagraph i or ii of paragraph (a) of this subdivision, the human trafficking court shall

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

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promptly give notice to the defendant, his or her counsel, and the district attorney.

§ 2. Section 180.20 of the criminal procedure law is amended by adding a new subdivision 4 to read as follows:

4. (a) Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on a felony complaint pending in a local criminal court having preliminary jurisdiction thereof, such court may, upon motion of the defendant and after giving the district attorney an opportunity to be heard, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county, or with consent of the district attorney to another court in an adjoining county, that has been designated as a human trafficking court by the chief administrator of the courts, and such human trafficking court may then conduct such action to judgment or other final disposition; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the human trafficking court notifies the court that issued the order that:

i. it will not accept the action, in which event the order shall not take effect; or

ii. it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

(b) Upon providing notification pursuant to subparagraph i or ii of paragraph (a) of this subdivision, the human trafficking court shall promptly give notice to the defendant, his or her counsel and the district attorney.

§ 3. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (w) to read as follows:

(w) To the extent practicable, establish such number of human trafficking courts as may be necessary to fulfill the purposes of subdivision five of section 170.15 and subdivision four of section 180.20 of the criminal procedure law.

§ 4. This act shall take effect immediately.