STATE OF NEW YORK

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5946

2017-2018 Regular Sessions

IN ASSEMBLY

February 17, 2017
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Introduced by M. of A. LENTOL -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law and the judiciary law, in relation to functions of the chief administrator of the courts; and to amend the executive law, in relation to reporting requirements

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

1   Section 1. Subdivision 1 of section 10.40 of the criminal procedure
2 law, as amended by chapter 237 of the laws of 2015, is amended to read
3 as follows:
4   1. The chief administrator of the courts shall have the power to
5 adopt, amend and rescind forms for the efficient and just administration
6 of this chapter. **Such forms shall include, without limitation, the**
7 **forms described in paragraph (z) of subdivision two of section two**
8 **hundred twelve of the judiciary law.** A failure by any party to submit
9 papers in compliance with forms authorized by this section shall not be
10 grounds for that reason alone for denial or granting of any motion.
11   § 2. Subdivision 2 of section 212 of the judiciary law is amended by
12 adding six new paragraphs (u), (v), (w), (x), (y) and (z) to read as
13 follows:
14   **(u) Compile and publish data on misdemeanor offenses in all courts,**
15 **disaggregated by county, including the following information:**
16   **(i) the aggregate number of misdemeanors charged, by indictment or the**
17 **filing of a misdemeanor complaint or information;**
18   **(ii) the offense charged;**
19   **(iii) the race, ethnicity, age, and sex of the individual charged;**
20   **(iv) whether the individual was issued a summons or appearance ticket,**
21 **was subject to custodial arrest, and/or was held to arraignment as a**
22 **result of the alleged misdemeanor;**
23   **(v) the zip code or location where the alleged misdemeanor occurred;**

1 (vi) the disposition, including, as the case may be, dismissal,
2 acquittal, adjournment in contemplation of dismissal, plea, conviction,
3 or other disposition;
4 (vii) in the case of dismissal, the reasons therefor; and
5 (viii) the sentence imposed, if any, including fines, fees, and
6 surcharges.
7 (v) Compile and publish data on violations in all courts, disaggre-
8 gated by county, including the following information:
9 (i) the aggregate number of violations charged by the filing of an
10 information;
11 (ii) the violation charged;
12 (iii) the race, ethnicity, age, and sex of the individual charged;
13 (iv) whether the individual was issued a summons or appearance ticket,
14 was subject to custodial arrest, and/or was held to arraignment as a
15 result of the alleged violation;
16 (v) the zip code or location where the alleged violation occurred;
17 (vi) the disposition, including, as the case may be, dismissal,
18 acquittal, conviction, or other disposition;
19 (vii) in the case of dismissal, the reasons therefor; and
20 (viii) the sentence imposed, if any, including fines, fees, and
21 surcharges.
22 (w) The chief administrator shall include the information required by
23 paragraphs (u) and (v) of this subdivision in the annual report submit-
24 ted to the legislature and the governor pursuant to paragraph (j) of
25 subdivision one of this section. The chief administrator shall also make
26 the information required by paragraphs (u) and (v) of this subdivision
27 available to the public by posting it on the website of the office of
28 court administration and shall update such information on a monthly
29 basis. The information shall be posted in alphanumeric form that can be
30 digitally transmitted or processed and not in portable document format
31 or scanned copies of original documents.
32 (x) Nothing in paragraphs (u) and (v) of this subdivision shall be
33 construed as granting authority to the chief administrator, a criminal
34 justice or law enforcement agency, a governmental entity, or any agent
35 or representative of the foregoing, to use, disseminate, or publish any
36 individual's name, date of birth, NYSID, social security number, docket
37 number, or other unique identifier in violation of the criminal proce-
38 dure law, the general business law, or any other law.
39 (y) Nothing in paragraphs (u) and (v) of this subdivision shall be
40 construed as granting authority to the chief administrator, a criminal
41 justice or law enforcement agency, a governmental entity, a party, a
42 judge, a prosecutor, or any agent or representative of the foregoing to
43 introduce, use, disseminate, publish or consider any records in any
44 judicial or administrative proceeding expunged or sealed under applica-
45 ble provisions of the criminal procedure law, the family court act, or
46 any other law.
47 (z) In executing the requirements of paragraphs (u) and (v) of this
48 section, the chief administrator may adopt rules consistent with the
49 requirements of paragraphs (x) and (y) of this subdivision requiring
50 appropriate law enforcement or criminal justice agencies to identify
51 actions and proceedings involving these offenses, and with respect to
52 such actions and proceedings, to report, in such form and manner as the
53 chief administrator shall prescribe, the information specified herein.
54 Further, to facilitate this provision, the chief administrator shall
55 adopt rules to facilitate record sharing, retention and other necessary
56 communication among the criminal courts and law enforcement agencies,

 1 **subject to applicable provisions of the criminal procedure law, the**
 2 **family court act, and any other law pertaining to the confidentiality,**
 3 **expungement and sealing of records.**
 4   § 3. The executive law is amended by adding a new section 837-t to
 5 read as follows:
 6   **§ 837-t. Reporting duties of law enforcement departments with respect**
 7 **to arrest-related deaths. 1. The chief of every police department, each**
 8 **county sheriff, and the superintendent of state police shall promptly**
 9 **report to the division any arrest-related death, disaggregated by coun-**
10 **ty. An arrest-related death is a death that occurs during law enforce-**
11 **ment custody or an attempt to establish custody including, but not**
12 **limited to, deaths caused by any use of force. The data shall include**
13 **the following information:**
14   **(a) the number of arrest-related deaths;**
15   **(b) the race, ethnicity, age, and sex of the individual;**
16   **(c) the zip code or location where the death occurred; and**
17   **(d) a brief description of the circumstances surrounding the arrest-**
18 **related death.**
19   **2. The division shall present to the governor and the legislature an**
20 **annual report containing the information required by subdivision one of**
21 **this section. The initial report required by this subdivision shall be**
22 **for the period beginning July first, two thousand seventeen and ending**
23 **December thirty-first, two thousand seventeen and shall be presented no**
24 **later than February first, two thousand eighteen. Thereafter, each**
25 **annual report shall be presented no later than February first.**
26   **3. The division shall make the information required by subdivision one**
27 **of this section available to the public by posting it on the website of**
28 **the division and shall update such information on a monthly basis. The**
29 **information shall be posted in alphanumeric form that can be digitally**
30 **transmitted or processed and not in portable document format or scanned**
31 **copies of original documents.**
32   § 4. This act shall take effect immediately; provided that the amend-
33 ment to subdivision 1 of section 10.40 of the criminal procedure law,
34 made by section one of this act, shall survive the expiration and rever-
35 sion of such section as provided in section 11 of chapter 237 of the
36 laws of 2015, as amended.