

STATE OF NEW YORK

7836

IN SENATE

March 1, 2018

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

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

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

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

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

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

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

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

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

27 (w) To the extent practicable, establish such number of human traf-
28 ficking courts as may be necessary to fulfill the purposes of subdivi-
29 sion five of section 170.15 and subdivision four of section 180.20 of
30 the criminal procedure law.

31 § 4. This act shall take effect immediately.