

STATE OF NEW YORK

3159

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. AUBRY,
COOK -- read once and referred to the Committee on Codes

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:

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

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

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

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

20 6. Upon arresting a juvenile offender or youth as defined in subdivi-
21 sion one of section 720.10 of this chapter or a person sixteen or
22 commencing October first, two thousand nineteen, seventeen years of age
23 without a warrant, the police officer shall immediately notify the
24 parent or other person legally responsible for his or her care or the
25 person with whom he or she is domiciled, that such offender or person

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

LBD06114-01-9

1 has been arrested, and the location of the facility where he or she is
2 being detained, provided that the police officer need not notify the
3 parent or other person legally responsible for such youth's care or the
4 person with whom he or she is domiciled when such youth is not also a
5 juvenile offender and the notification of a parent or other person would
6 endanger the health or safety of such youth. If the officer determines
7 that it is necessary to question a juvenile offender or such person, the
8 officer must take him or her to a facility designated by the chief
9 administrator of the courts as a suitable place for the questioning of
10 children or, upon the consent of a parent or other person legally
11 responsible for the care of the juvenile or such person, to his or her
12 residence and there question him or her for a reasonable period of time.
13 A juvenile or such person shall not be questioned pursuant to this
14 section unless he or she and a person required to be notified pursuant
15 to this subdivision, if present, have been advised:

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

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

20 (c) of his or her right to have an attorney present at such question-
21 ing; and

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

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

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

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

45 § 5. This act shall take effect on the first of January next succeed-
46 ing the date on which it shall have become a law.