

# STATE OF NEW YORK

3197

2019-2020 Regular Sessions

## IN SENATE

February 4, 2019

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed 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 WWW 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 WWW 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.

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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.