STATE OF NEW YORK

6550

2019-2020 Regular Sessions

IN SENATE

June 16, 2019

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to proceedings against juvenile and adolescent offenders

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

Section 1. Subdivision 1 of section 722.20 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

1. When a juvenile offender is arraigned before a youth part, the provisions of this section shall apply. If the youth part is not in session, the defendant shall be brought before the most accessible magistrate designated by the appellate division of the supreme court to act as a youth part for the purpose of making a determination whether such juvenile shall be detained **or, with the consent of the district attorney, immediately removed to family court**. If the defendant is ordered to be detained, he or she shall be brought before the next session of the youth part. If the defendant is not detained, he or she shall be ordered to appear at the next session of the youth part **or the family court**.

§ 2. Subdivision 1 of section 722.21 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

1. When an adolescent offender is arraigned before a youth part, the provisions of this section shall apply. If the youth part is not in session, the defendant shall be brought before the most accessible magistrate designated by the appellate division of the supreme court to act as a youth part for the purpose of making a determination whether such adolescent offender shall be detained **or, with the consent of the district attorney, immediately removed to family court**. If the defendant is ordered to be detained, he or she shall be brought before the next

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

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session of the youth part. If the defendant is not detained, he or she shall be ordered to appear at the next session of the youth part**, family court or the local probation department**.

§ 3. This act shall take effect on the same date and in the same manner as section 1-a of part WWW of chapter 59 of the laws of 2017, takes effect.