

# STATE OF NEW YORK

7204

## IN SENATE

January 10, 2020

Introduced by Sen. STAVISKY -- 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 the waiver of the execution of a warrant in certain circumstances

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

1 Section 1. Section 120.80 of the criminal procedure law is amended by  
2 adding a new subdivision 6 to read as follows:

3 6. (a) Whenever a police officer is aware of a warrant of arrest  
4 issued by a court in this state for person and such officer has contact  
5 with the person because the person is requesting or receiving emergency  
6 medical assistance or medical forensic services for sexual assault at a  
7 medical facility, if the warrant of arrest is not for a violent felony  
8 offense as defined in section 70.02 of the penal law, or an alleged  
9 violation of parole or mandatory supervised release, the officer shall  
10 contact the prosecuting authority of the jurisdiction issuing the  
11 warrant, or if that prosecutor is not available, the prosecuting author-  
12 ity for the jurisdiction that covers the medical facility to request  
13 waiver of the prompt execution of the warrant. The prosecuting authority  
14 may secure a court order waiving the immediate execution of the warrant  
15 and provide a copy to the police officer. As used in this subdivision  
16 "sexual assault" means an offense defined in article one hundred thirty  
17 or two hundred sixty-three of the penal law, or in section 255.25,  
18 255.26 or 255.27 of the penal law, or an attempt to commit any of the  
19 foregoing offenses.

20 (b) Whenever a police officer has a warrant of arrest for a person,  
21 subject to the same limitations described in paragraph (a) of this  
22 subdivision, and the police officer has contact with the person because  
23 the person reported that he or she was sexually assaulted within the  
24 past seven days, the officer shall notify the person that if he or she  
25 chooses to go to a medical facility to seek any services related to such  
26 incident, the officer shall inform the prosecuting authority to request  
27 waiver of the prompt execution of the warrant.

28 § 2. This act shall take effect immediately.

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

LBD14549-01-9