STATE OF NEW YORK

S. 3889 A. 5937

2019-2020 Regular Sessions

SENATE - ASSEMBLY

February 20, 2019

IN SENATE -- Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. GALEF -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to a "problem solving court"

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

Section 1. Subdivision 4 of section 170.15 of the criminal procedure law, as amended by chapter 67 of the laws of 2000, is amended to read as follows:

4. Notwithstanding any provision of this section to the contrary, in any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an information, a simplified information, a prosecutor's information or a misdemeanor complaint pending in a local criminal court, such court may, upon motion of the defendant and [~~with the consent of the~~] **after giving the** district attorney **an opportunity to be heard**, order that the action be removed from the court in which the matter is pending to another local criminal court in the same county which has been designated a [~~drug~~] court **formed to address a matter of special concern based upon the status of the defendant or the victim, commonly known as a "problem solving court," including, but not limited to, drug court, domestic violence court, youth court, mental health court, and veterans court,** by the chief administrator of the courts, and such [~~drug~~] **problem solving** court may then conduct such action to [~~judgement~~] **judgment** or other final disposition; provided, however, that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the [~~drug~~] **problem solving** court notifies the court that issued the order that:

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

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(a) it will not accept the action, in which event the order shall not take effect, or

(b) it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date.

Upon providing notification pursuant to paragraph (a) or (b) of this subdivision, the [~~drug~~] **problem solving** court shall promptly give notice to the defendant, his or her counsel and the district attorney.

§ 2. This act shall take effect immediately.