

# STATE OF NEW YORK

5719--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 24, 2021

Introduced by M. of A. GALEF, STIRPE, HUNTER, McDONOUGH, MANKTELOW -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the judiciary law, in relation to authorizing the chief administrator of the courts to establish veterans treatment courts; and to amend the criminal procedure law, in relation to the removal of certain actions to veterans treatment courts

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

1 Section 1. Subdivision 2 of section 212 of the judiciary law is  
2 amended by adding a new paragraph (bb) to read as follows:

3 (bb) To the extent practicable, establish such number of veterans  
4 treatment courts as may be necessary to fulfill the purposes of subdivi-  
5 sion five of section 170.15, subdivision four of section 180.20, section  
6 230.11 and section 230.21 of the criminal procedure law.

7 § 2. Subdivision 5 of section 170.15 of the criminal procedure law, as  
8 added by chapter 191 of the laws of 2018, is amended to read as follows:

9 5. (a) Notwithstanding any provision of this section to the contrary,  
10 in any county outside a city having a population of one million or more,  
11 upon or after arraignment of a defendant on an information, a simplified  
12 information, a prosecutor's information or a misdemeanor complaint pend-  
13 ing in a local criminal court, such court may, upon motion of the  
14 defendant and after giving the district attorney an opportunity to be  
15 heard, order that the action be removed from the court in which the  
16 matter is pending to another local criminal court in the same county, or  
17 with consent of the district attorney and the district attorney of the  
18 adjoining county to another court in [~~an~~] such adjoining county, that  
19 has been designated as a human trafficking court or veterans treatment  
20 court by the chief administrator of the courts, and such human traffick-  
21 ing court or veterans treatment court may then conduct such action to  
22 [~~judgement~~] judgment or other final deposition; provided, however, that  
23 no court may order removal pursuant to this subdivision to a veterans  
24 treatment court of a family offense charge described in subdivision one

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

LBD02732-09-1

1 of section 530.11 of this chapter where the accused and the person  
2 alleged to be the victim of such offense charged are members of the same  
3 family or household as defined in such subdivision one of section  
4 530.11; and provided further that an order of removal issued under this  
5 subdivision shall not take effect until five days after the date the  
6 order is issued unless, prior to such effective date, the human traf-  
7 ficking court or veterans treatment court notifies the court that issued  
8 the order that:

9 i. it will not accept the action, in which event the order shall not  
10 take effect; or

11 ii. it will accept the action on a date prior to such effective date,  
12 in which event the order shall take effect upon such prior date.

13 (b) Upon providing notification pursuant to subparagraph i or ii of  
14 paragraph (a) of this subdivision, the human trafficking court or veter-  
15 ans treatment court shall promptly give notice to the defendant, his or  
16 her counsel, and the district attorney.

17 § 3. Subdivision 4 of section 180.20 of the criminal procedure law, as  
18 added by chapter 191 of the laws of 2018, is amended to read as follows:

19 4. (a) Notwithstanding any provision of this section to the contrary,  
20 in any county outside a city having a population of one million or more,  
21 upon or after arraignment of a defendant on a felony complaint pending  
22 in a local criminal court having preliminary jurisdiction thereof, such  
23 court may, upon motion of the defendant and after giving the district  
24 attorney an opportunity to be heard, order that the action be removed  
25 from the court in which the matter is pending to another local criminal  
26 court in the same county, or with consent of the district attorney and  
27 the district attorney of the adjoining county to another court in [~~an~~  
28 such adjoining county, that has been designated as a human trafficking  
29 court or veterans treatment court by the chief administrator of the  
30 courts, and such human trafficking court or veterans treatment court may  
31 then conduct such action to judgment or other final disposition;  
32 provided, however, that no court may order removal pursuant to this  
33 subdivision to a veterans treatment court of a family offense charge  
34 described in subdivision one of section 530.11 of this chapter where the  
35 accused and the person alleged to be the victim of such offense charged  
36 are members of the same family or household as defined in such subdivi-  
37 sion one of section 530.11; and provided further an order of removal  
38 issued under this subdivision shall not take effect until five days  
39 after the date the order is issued unless, prior to such effective date,  
40 the human trafficking court or veterans treatment court notifies the  
41 court that issued the order that:

42 i. it will not accept the action, in which event the order shall not  
43 take effect; or

44 ii. it will accept the action on a date prior to such effective date,  
45 in which event the order shall take effect upon such prior date.

46 (b) Upon providing notification pursuant to subparagraph i or ii of  
47 paragraph (a) of this subdivision, the human trafficking court or veter-  
48 ans treatment court shall promptly give notice to the defendant, his or  
49 her counsel and the district attorney.

50 § 4. The criminal procedure law is amended by adding a new section  
51 230.11 to read as follows:

52 § 230.11 Removal of action to certain courts within a county.

53 1. In any county outside a city having a population of one million or  
54 more, upon or after arraignment of a defendant on an indictment pending  
55 in a superior court having jurisdiction thereof, such court may, upon  
56 motion of the defendant and after giving the district attorney an oppor-

1 tunity to be heard, order that the action be removed from the court in  
2 which the matter is pending to another court in the same county that has  
3 been designated as a human trafficking court or veterans treatment court  
4 by the chief administrator of the courts, and such human trafficking  
5 court or veterans treatment court may then conduct such action to judg-  
6 ment or other final disposition; provided, however, that no court may  
7 order removal pursuant to this section to a veterans treatment court of  
8 a family offense charge described in subdivision one of section 530.11  
9 of this chapter where the accused and the person alleged to be the  
10 victim of such offense charged are members of the same family or house-  
11 hold as defined in such subdivision one of section 530.11; and provided  
12 further that an order of removal issued under this subdivision shall not  
13 take effect until five days after the date the order is issued unless,  
14 prior to such effective date, the human trafficking court or veterans  
15 treatment court notifies the court that issued the order that:

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

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

20 2. Upon providing notification pursuant to paragraph (a) or (b) of  
21 subdivision one of this section, the human trafficking court or veterans  
22 treatment court shall promptly give notice to the defendant, his or her  
23 counsel and the district attorney.

24 § 5. The criminal procedure law is amended by adding a new section  
25 230.21 to read as follows:

26 § 230.21 Removal of action to certain courts in an adjoining county.

27 1. In any county outside a city having a population of one million or  
28 more, the court may, upon motion of the defendant and with consent of  
29 the district attorney and the district attorney of the adjoining county  
30 that has a superior court designated a human trafficking court or veter-  
31 ans treatment court by the chief administrator of the courts, order that  
32 the indictment and action be removed from the court in which the matter  
33 is pending to such human trafficking court or veterans treatment court,  
34 whereupon such court may then conduct such action to judgment or other  
35 final disposition; provided, however, that no court may order removal to  
36 a veterans treatment court of a family offense charge described in  
37 subdivision one of section 530.11 of this chapter pursuant to this  
38 section where the accused and the person alleged to be the victim of  
39 such offense charged are members of the same family or household as  
40 defined in such subdivision one of section 530.11; and provided further  
41 that an order of removal issued under this subdivision shall not take  
42 effect until five days after the date the order is issued unless, prior  
43 to such effective date, the human trafficking court or veterans treat-  
44 ment court notifies the court that issued the order that:

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

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

49 2. Upon providing notification pursuant to paragraph (a) or (b) of  
50 subdivision one of this section, the human trafficking court or veterans  
51 treatment court shall promptly give notice to the defendant, his or her  
52 counsel and the district attorney of both counties.

53 § 6. This act shall take effect on the thirtieth day after it shall  
54 have become a law.