STATE OF NEW YORK

7601

2021-2022 Regular Sessions

IN ASSEMBLY

May 18, 2021

Introduced by M. of A. DARLING -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to execution of warrants in juvenile delinquency cases when family courts are closed

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

Section 1. Section 312.2 of the family court act is amended by adding a new subdivision 3 to read as follows:

3. A juvenile who is arrested pursuant to a warrant issued under this section must forthwith and with all reasonable speed be taken directly to the family court located in the county in which the warrant had been issued, or, when the family court is not in session, to the most accessible magistrate, if any, designated by the appellate division of the supreme court in the applicable department. If a juvenile is brought before an accessible magistrate, the magistrate shall set a date for the juvenile to appear in the family court in the county in which the warrant had been issued, which shall be no later than the next day the court is in session if the magistrate orders the juvenile to be detained and within ten court days if the magistrate orders the juvenile to be released. In determining whether the juvenile should be released, with or without conditions, or detained, the magistrate shall apply the criterion and issue the findings required by section 320.5 of this article. The magistrate shall transmit its order to the family court forthwith.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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