

STATE OF NEW YORK

1957

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. HOYLMAN, ADDABBO, BIAGGI, BROOKS, GOUNARDES, HARCKHAM, RIVERA, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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 (aa) to read as follows:

3 (aa) To the extent practicable, establish such number of veterans
4 treatment courts as may be necessary to fulfill the purposes of subdivi-
5 sion four of section 170.15 and subdivision three of section 180.20 of
6 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 to another court in an adjoining~~
18 ~~county, that has been designated as a human trafficking court by the~~
19 ~~chief administrator of the courts, and such human trafficking court]~~ to
20 remove the action to a court in an adjoining county that has been desig-
21 nated as a human trafficking court or veterans treatment court by the
22 chief administrator of the courts, and after giving the district attor-

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

LBD02732-02-1

1 ney an opportunity to be heard and with the consent of the district
2 attorney of the adjoining county, order that the action be removed from
3 the court in which the matter is pending to such human trafficking court
4 or veterans treatment court, whereupon such court may then conduct such
5 action to ~~[judgement]~~ judgment or other final deposition; provided,
6 however, that no court may order removal hereunder where the accused and
7 the person alleged to be the victim of an offense charged are members of
8 the same family or household as defined in subdivision one of section
9 530.11 of this chapter; and provided further that an order of removal
10 issued under this subdivision shall not take effect until five days
11 after the date the order is issued unless, prior to such effective date,
12 the human trafficking court or veterans treatment court notifies the
13 court that issued the order that:

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

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

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

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

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

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

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

53 § 4. The criminal procedure law is amended by adding a new section
54 230.21 to read as follows:

55 § 230.21 Removal of action; to an adjoining county.

1 1. In any county outside a city having a population of one million or
2 more, the court may, upon motion of the defendant and after giving the
3 district attorney an opportunity to be heard, and with consent of the
4 district attorney of an adjoining county that has a superior court
5 designated a human trafficking court or veterans treatment court by the
6 chief administrator of the courts, order that the indictment and action
7 be removed from the court in which the matter is pending to such human
8 trafficking court or veterans treatment court, whereupon such court may
9 then conduct such action to judgment or other final disposition;
10 provided, however, that no court may order removal hereunder where the
11 accused and the person alleged to be the victim of an offense charged
12 are members of the same family or household as defined in subdivision
13 one of section 530.11 of this chapter; and provided further that an
14 order of removal issued under this subdivision shall not take effect
15 until five days after the date the order is issued unless, prior to such
16 effective date, the human trafficking court or veterans treatment court
17 notifies the court that issued the order that:

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

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

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

26 § 5. This act shall take effect immediately.