

STATE OF NEW YORK

2799

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sen. BAILEY -- 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 youthful offender determinations

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

1 Section 1. Subdivision 1 of section 720.20 of the criminal procedure
2 law, as amended by chapter 652 of the laws of 1974, is amended to read
3 as follows:

4 1. Upon conviction of an eligible youth, the court must order a pre-
5 sentence investigation of the defendant. After receipt of a written
6 report of the investigation and at the time of pronouncing sentence the
7 court must determine whether or not the eligible youth is a youthful
8 offender. Such determination shall be in accordance with the following
9 criteria:

10 (a) If in the opinion of the court the interest of justice would be
11 served by relieving the eligible youth from the onus of a criminal
12 record and by not imposing an indeterminate term of imprisonment of more
13 than four years, the court may, in its discretion, find the eligible
14 youth is a youthful offender; and

15 (b) Where the conviction is [~~had in a local criminal court and~~] for a
16 misdemeanor and provided the eligible youth had not prior to commence-
17 ment of trial or entry of a plea of guilty been convicted of a crime or
18 found a youthful offender, the court must find he is a youthful offen-
19 der.

20 § 2. This act shall take effect immediately and apply to criminal
21 convictions of eligible youths entered into on and after such date.

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

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