STATE OF NEW YORK

1372

2021-2022 Regular Sessions

IN ASSEMBLY

January 8, 2021

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

AN ACT to amend the criminal procedure law, in relation to pre-criminal proceeding settlements in the city of New York; and to amend chapter 55 of the laws of 2018 amending the criminal procedure law relating to pre-criminal proceeding settlements in the city of New York, in relation to the effectiveness thereof

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

Section 1. Section 95.00 of the criminal procedure law, as added by section 2 of part E of chapter 55 of the laws of 2020, is amended to read as follows:

§ 95.00 Pre-criminal proceeding settlement.

When a county district attorney of a county located in a city of one million or more recovers monies before the filing of an accusatory instrument as defined in subdivision one of section 1.20 of this chapter, after injured parties have been appropriately compensated, [~~the district attorney's office shall retain a percentage of the remaining such monies in recognition that such monies were recovered as a result of investigations undertaken by such office. For each recovery the total amount of such monies to be retained by the county district attorney's office shall equal ten percent of the first twenty-five million dollars received by such office, plus seven and one-half percent of such monies received by such office in excess of twenty-five million dollars but less than fifty million dollars, plus five percent of any such monies received by such office in excess of fifty million dollars but less than one hundred million dollars, plus one percent of such monies received by such office in excess of one hundred million dollars. The remainder of~~] such monies shall be paid by the district attorney's office to the state and to the county in equal amounts within thirty days of receipt, where disposition of such monies is not otherwise prescribed by law. [~~Monies~~

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

LBD01677-01-1

~~distributed to a county district attorney's office pursuant to this section shall be used to enhance law enforcement efforts within the state of New York. On December first of each year, every district attorney shall provide the governor, temporary president of the senate and speaker of the assembly with an annual report detailing the total amount of monies received as described herein by his or her office, a description of how and where such funds, and an itemization of funds received in the previous ten years, were distributed by his or her office but shall not include a description of the distribution of monies where the disclosure of such information would interfere with a law enforcement investigation or a judicial proceeding, and the current total balance of monies held on deposit for state sanctioned deferred prosecution agreements. The report shall include a detailed description of any entity to which funds are distributed, including but not limited to, whether it is a profit or not-for-profit entity, where it is located, and the intended use of the monies distributed, and shall state the law enforcement purpose.~~]

§ 2. Section 2 of part F of chapter 55 of the laws of 2018 amending the criminal procedure law relating to pre-criminal proceeding settlements in the city of New York, as amended by section 25 of part A of chapter 55 of the laws of 2020, is amended to read as follows:

§ 2. This act shall take effect immediately and shall remain in full force and effect until March 31, 2021, when it shall expire and be deemed repealed.

§ 3. This act shall take effect immediately.