

STATE OF NEW YORK

6064

2021-2022 Regular Sessions

IN ASSEMBLY

March 8, 2021

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

AN ACT to repeal subdivision 6 of section 420.10 of the criminal procedure law, relating to the ability of a sentencing court to reduce a restitution order in a criminal sentence to a civil judgement; and to amend the penal law, in relation to making conforming changes

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

- 1 Section 1. Subdivision 6 of section 420.10 of the criminal procedure
2 law is REPEALED.
- 3 § 2. Subdivision 14 of section 60.27 of the penal law, as added by
4 section 7 of part D of chapter 56 of the laws of 2010, is amended to
5 read as follows:
- 6 14. Where a transfer of probation has occurred pursuant to section
7 410.80 of the criminal procedure law and the probationer is subject to a
8 restitution condition, the department of probation in the county in
9 which the order of restitution was imposed shall notify the appropriate
10 district attorney. Upon notification by the department of probation,
11 such district attorney shall file a certified copy of the judgment with
12 the clerk of the county in the receiving jurisdiction for purposes of
13 establishing a first lien [~~and to permit institution of civil~~
14 ~~proceedings pursuant to the provisions of subdivision six of section~~
15 ~~420.10 of the criminal procedure law~~].
- 16 § 3. This act shall take effect immediately.

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

LBD07356-01-1