

STATE OF NEW YORK

1957--A

Cal. No. 409

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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 (bb) to read as follows:

3 (bb) To the extent practicable, establish such number of veterans
4 treatment courts as may be necessary to fulfill the purposes of subdivi-
5 sion five of section 170.15, subdivision four of section 180.20, section
6 230.11 and section 230.21 of 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 and the district attorney of the
18 adjoining county to another court in [~~an~~] such adjoining county, that
19 has been designated as a human trafficking court or veterans treatment

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

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1 court by the chief administrator of the courts, and such human traffick-
2 ing court or veterans treatment court may then conduct such action to
3 [~~judgement~~] judgment or other final deposition; provided, however, that
4 no court may order removal pursuant to this subdivision to a veterans
5 treatment court of a family offense charge described in subdivision one
6 of section 530.11 of this chapter where the accused and the person
7 alleged to be the victim of such offense charged are members of the same
8 family or household as defined in such subdivision one of section
9 530.11; and provided further that an order of removal issued under this
10 subdivision shall not take effect until five days after the date the
11 order is issued unless, prior to such effective date, the human traf-
12 ficking court or veterans treatment court notifies the court that issued
13 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 and
32 the district attorney of the adjoining county to another court in [~~an~~]
33 such adjoining county, that has been designated as a human trafficking
34 court or veterans treatment court by the chief administrator of the
35 courts, and such human trafficking court or veterans treatment court may
36 then conduct such action to judgment or other final disposition;
37 provided, however, that no court may order removal pursuant to this
38 subdivision to a veterans treatment court of a family offense charge
39 described in subdivision one of section 530.11 of this chapter where the
40 accused and the person alleged to be the victim of such offense charged
41 are members of the same family or household as defined in such subdivi-
42 sion one of section 530.11; and provided further an order of removal
43 issued under this subdivision shall not take effect until five days
44 after the date the order is issued unless, prior to such effective date,
45 the human trafficking court or veterans treatment court notifies the
46 court that issued the order that:

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

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

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

55 § 4. The criminal procedure law is amended by adding a new section
56 230.11 to read as follows:

§ 230.11 Removal of action to certain courts within a county.

1. In any county outside a city having a population of one million or more, upon or after arraignment of a defendant on an indictment pending in a superior court having jurisdiction thereof, such court may, upon motion of the defendant and after giving the district attorney an opportunity to be heard, order that the action be removed from the court in which the matter is pending to another court in the same county that has been designated as a human trafficking court or veterans treatment court by the chief administrator of the courts, and such human trafficking court or veterans treatment court may then conduct such action to judgment or other final disposition; provided, however, that no court may order removal pursuant to this section to a veterans treatment court of a family offense charge described in subdivision one of section 530.11 of this chapter where the accused and the person alleged to be the victim of such offense charged are members of the same family or household as defined in such subdivision one of section 530.11; and provided further that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the human trafficking court or veterans treatment court notifies the court that issued the order that:

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

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

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

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

§ 230.21 Removal of action to certain courts in an adjoining county.

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

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

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

2. Upon providing notification pursuant to paragraph (a) or (b) of subdivision one of this section, the human trafficking court or veterans

1 treatment court shall promptly give notice to the defendant, his or her
2 counsel and the district attorney of both counties.
3 § 6. This act shall take effect on the thirtieth day after it shall
4 have become a law.