STATE OF NEW YORK

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2224

2021-2022 Regular Sessions

IN SENATE

January 20, 2021
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Introduced by Sen. SEPULVEDA -- 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 the "juvenile
  offender second chance act"

  **The People of the State of New York, represented in Senate and Assem-
  bly, do enact as follows:**

1   Section 1. Subdivisions 4, 5 and 6 of section 720.10 of the criminal
2   procedure law, as renumbered by chapter 481 of the laws of 1978, are
3   renumbered subdivisions 5, 6 and 7 respectively and two new subdivisions
4   4 and 8 are added to read as follows:
5   *4. Notwithstanding the provisions of subdivision two or three of this*
6   *section, a person seeking relief pursuant to subdivision two of section*
7   *720.20 of this article, is an eligible youth if they meet the following*
8   *criteria:*
9   *(a) the person was convicted or sentenced as a juvenile offender as*
10 *defined in subdivision forty-two of section 1.20 of this chapter;*
11   *(b) the person is at least twenty-six years old;*
12   *(c) the person has not been convicted or sentenced for another felony;*
13   *(d) the person has not been convicted or sentenced for more than one*
14 *other misdemeanor;*
15   *(e) the person is not registered as a level three sex offender pursu-*
16 *ant to section one hundred sixty-eight-l of the correction law; and*
17   *(f) the person is not currently under strict intensive supervisions or*
18 *civil commitment pursuant to article ten of the mental hygiene law.*
19   *8. "Eligible youth petitioner" means a person eligible pursuant to*
20 *subdivision four of this section, who petitions the court for a youthful*
21 *offender finding.*
22   § 2. Subdivisions 2, 3 and 4 of section 720.20 of the criminal proce-
23 dure law are renumbered subdivisions 3, 4 and 5 respectively and a new
24 subdivision 2 is added to read as follows:

 1   **2. Upon petition by an eligible youth petitioner, the court must order**
 2   **a finding of fact in accordance with the criteria set forth in subdivi-**
 3   **sion four of section 720.10 of this article. After receipt of evidence**
 4   **in support and contradiction to said criteria, the court must determine**
 5   **whether the person meets the criteria. If the court determines the**
 6   **person meets the criteria set forth in subdivision four of section**
 7   **720.10 of this article, the court must find the eligible youth petition-**
 8   **er is a youthful offender.**
 9   § 3. Section 720.25 of the criminal procedure law, as added by chapter
10   402 of the laws of 2014, is amended to read as follows:
11   § 720.25 Youthful offender adjudication; certain exemptions.
12   Notwithstanding any inconsistent provisions of law:
13   1. where the court is required to find that a person is a youthful
14   offender pursuant to section 170.80 of this chapter, the fact that such
15   person has previously been convicted of a crime or adjudicated a youth-
16   ful offender shall not prevent such person from being adjudicated a
17   youthful offender as required by such section; [**and**]
18   2. a youthful offender adjudication pursuant to section 170.80 of this
19   chapter shall not be considered in determining whether a person is an
20   eligible youth, or in determining whether to find a person a youthful
21   offender, in any subsequent youthful offender adjudication**; and**
22   **3. where the court is required to find that a person is a youthful**
23   **offender pursuant to sections 720.10 and 720.20 of this chapter, the**
24   **person shall have a youthful offender sentence imposed if they have not**
25   **completed their sentence for the conviction that is the subject of their**
26   **petition, and the person shall receive all other provisions and benefits**
27   **of the youthful offender adjudication wherever such provisions can**
28   **reasonably be so applied**.
29   § 4. This act shall take effect on the first of November next succeed-
30   ing the date on which it shall have become a law.