

# STATE OF NEW YORK

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7172

2021-2022 Regular Sessions

## IN SENATE

June 4, 2021

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Introduced by Sen. BAILEY -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the family court act, in relation to execution of warrants in juvenile delinquency cases when family courts are closed

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

1 Section 1. Section 312.2 of the family court act is amended by adding  
2 a new subdivision 3 to read as follows:

3 3. A juvenile who is arrested pursuant to a warrant issued under this  
4 section must forthwith and with all reasonable speed be taken directly  
5 to the family court located in the county in which the warrant had been  
6 issued, or, when the family court is not in session, to the most acces-  
7 sible magistrate, if any, designated by the appellate division of the  
8 supreme court in the applicable department. If a juvenile is brought  
9 before an accessible magistrate, the magistrate shall set a date for the  
10 juvenile to appear in the family court in the county in which the  
11 warrant had been issued, which shall be no later than the next day the  
12 court is in session if the magistrate orders the juvenile to be detained  
13 and within ten court days if the magistrate orders the juvenile to be  
14 released. In determining whether the juvenile should be released, with  
15 or without conditions, or detained, the magistrate shall apply the  
16 criterion and issue the findings required by section 320.5 of this arti-  
17 cle. The magistrate shall transmit its order to the family court forth-  
18 with.

19 § 2. This act shall take effect on the sixtieth day after it shall  
20 have become a law.

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

LBD08692-02-1