

STATE OF NEW YORK

5090

2023-2024 Regular Sessions

IN ASSEMBLY

March 2, 2023

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

AN ACT to amend the criminal procedure law and the family court act, in relation to permitting the detention of juveniles with adults in certain circumstances

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

1 Section 1. Section 510.15 of the criminal procedure law is amended by
2 adding a new subdivision 3 to read as follows:

3 3. Notwithstanding any provision of law to the contrary, in the event
4 there is no capacity at the closest facility certified by the office of
5 children and family services in conjunction with the state commission of
6 correction as a specialized secure juvenile detention facility to the
7 sheriff's department, as determined by measuring the direct distance
8 between such facility and such sheriff's department, then the court
9 shall, in the interest of justice, direct that the principal be lodged
10 in a facility approved by the office of children and family services in
11 conjunction with the state commission of correction with one hundred
12 percent sight and sound separation from the adult population. Should
13 there be no facilities within a reasonable distance that have one
14 hundred percent sight and sound separation from the adult population,
15 then the court shall, in the interest of justice, direct the principal
16 be lodged in an adult facility until such bed is made available at such
17 facility or the closest specialized secure juvenile detention facility
18 as determined by measuring the direct distance between such facility and
19 such sheriff's department. For the purposes of this section, "reason-
20 able distance" shall mean within fifty miles.

21 § 2. Section 304.1 of the family court act is amended by adding a new
22 subdivision 5 to read as follows:

23 5. A detention facility, as certified by this section, that receives
24 authorization from the office of children and family services as an

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

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1 alternative jail placement for an adolescent offender shall be granted
2 right of first refusal in circumstances in which there are no placements
3 available at the closest specialized secure juvenile detention facility,
4 as determined by measuring the direct distance to any such facilities,
5 including a forty-eight-hour holdover facility.

6 § 3. This act shall take effect immediately.