

# STATE OF NEW YORK

2440

2025-2026 Regular Sessions

## IN ASSEMBLY

January 16, 2025

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

AN ACT to amend the criminal procedure law, in relation to cases terminated due to mental disease or defect

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

1 Section 1. Subdivision 2 of section 730.40 of the criminal procedure  
2 law, as amended by chapter 7 of the laws of 2013, is amended to read as  
3 follows:

4 2. (a)(1) When a local criminal court has issued a final order of  
5 observation, it must:

6 (A) order the institution in which the defendant is confined to assign  
7 a critical time intervention care management team to the defendant and  
8 make a single point of access referral for the defendant with the appro-  
9 priate agency closest to the defendant's last known county of residence  
10 prior to discharge; and

11 (B) dismiss the accusatory instrument filed in such court against the  
12 defendant and such dismissal constitutes a bar to any further prose-  
13 cution of the charge or charges contained in such accusatory instrument.

14 (2) Each appropriate institution shall maintain records compiling all  
15 discharge planning, critical time intervention care management team  
16 assignments, and single point of access referrals completed pursuant to  
17 subparagraph one of this paragraph and submit de-identified quarterly  
18 reports on such records to the commissioner and chief administrative  
19 judge of the courts.

20 (b) When the defendant is in the custody of the commissioner pursuant  
21 to a final order of observation, the commissioner or [~~his or her~~] such  
22 commissioner's designee, which may include the director of an appropri-  
23 ate institution, immediately upon the discharge of the defendant, must  
24 certify to such court that [~~he or she~~] the commissioner or such commis-  
25 sioner's designee has complied with the notice provisions set forth in

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

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1 paragraph (a) of subdivision six of section 730.60 of this article and  
2 the referral provisions set forth in paragraph (a) of this subdivision.  
3 When the defendant is in the custody of the commissioner at the expira-  
4 tion of the period prescribed in a temporary order of observation, the  
5 proceedings in the local criminal court that issued such order shall  
6 terminate for all purposes and the commissioner must promptly certify to  
7 such court and to the appropriate district attorney that the defendant  
8 was in [~~his or her~~] the commissioner's custody on such expiration date.  
9 Upon receipt of such certification, the court must dismiss the felony  
10 complaint filed against the defendant.  
11 § 2. This act shall take effect on the ninetieth day after it shall  
12 have become a law.