

STATE OF NEW YORK

3664--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 29, 2025

Introduced by M. of A. BICHOTTE HERMELYN, WILLIAMS, GIBBS, MEEKS, SIMON, SHIMSKY, O'PHARROW, HOOKS, CRUZ, TAPIA -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law and the social services law, in relation to ensuring that parents and guardians of youth are notified when their child is arrested

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "family notification and protection act".

3 § 2. Subdivision 7 of section 120.90 of the criminal procedure law, as
4 amended by section 16 of part WW of chapter 59 of the laws of 2017, is
5 amended to read as follows:

6 7. Upon arresting a juvenile offender ~~[or]~~, adolescent offender, or
7 youth as defined in subdivision one of section 720.10 of this chapter
8 who is still in high school, the police officer shall immediately notify
9 the parent or other person legally responsible for ~~[his]~~ their care or
10 the person with whom ~~[he is]~~ they are domiciled, that the juvenile
11 offender ~~[or]~~, adolescent offender, or youth has been arrested, and the
12 location of the facility where ~~[he is]~~ they are being detained, provided
13 that the police officer need not notify the parent or other person
14 legally responsible for such youth's care or the person with whom they
15 are domiciled when such youth is not also a juvenile offender and the
16 notification of a parent or other person would endanger the health or
17 safety of such youth.

18 § 3. Subdivisions 1, 2 and 6 of section 140.20 of the criminal proce-
19 dure law, subdivision 1 as amended by chapter 549 of the laws of 1987,
20 paragraphs (a) and (b) of subdivision 1 as amended by chapter 23 of the
21 laws of 2024, paragraph (c) of subdivision 1 as separately amended by
22 chapter 382 of the laws of 1987, paragraph (d) of subdivision 1 as

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

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1 amended and paragraph (e) as added by chapter 492 of the laws of 2016,
2 subdivision 2 as amended by section 3 of subpart B of part VV of chapter
3 56 of the laws of 2023, the opening paragraph of subdivision 2 as sepa-
4 rately amended by chapter 23 of the laws of 2024, and subdivision 6 as
5 amended by section 20 of part WWW of chapter 59 of the laws of 2017, are
6 amended to read as follows:

7 1. Upon arresting a person without a warrant, a police officer, after
8 performing without unnecessary delay all recording, fingerprinting and
9 other preliminary police duties required in the particular case, must
10 except as otherwise provided in this section, without unnecessary delay
11 bring the arrested person or cause ~~[him]~~ the arrested person to be
12 brought before a local criminal court and file therewith an appropriate
13 accusatory instrument charging ~~[him]~~ them with the offense or offenses
14 in question. The arrested person must be brought to the particular local
15 criminal court, or to one of them if there be more than one, designated
16 in section 100.55 of this title as an appropriate court for commencement
17 of the particular action; except that:

18 (a) If the arrest is for an offense other than a class A, B, C or D
19 felony or a violation of section 130.25, former section 130.40, section
20 205.10, 205.17, 205.19 or 215.56 of the penal law committed in a town,
21 but not in a village thereof having a village court, and the town court
22 of such town is not available at the time, the arrested person may be
23 brought before the local criminal court of any village within such town
24 or, any adjoining town, village embraced in whole or in part by such
25 adjoining town, or city of the same county; and

26 (b) If the arrest is for an offense other than a class A, B, C or D
27 felony or a violation of section 130.25, former section 130.40, section
28 205.10, 205.17, 205.19 or 215.56 of the penal law committed in a village
29 having a village court and such court is not available at the time, the
30 arrested person may be brought before the town court of the town embrac-
31 ing such village or any other village court within such town, or, if
32 such town or village court is not available either, before the local
33 criminal court of any adjoining town, village embraced in whole or in
34 part by such adjoining town, or city of the same county; and

35 (c) If the arrest is for an offense committed in a city, and the city
36 court thereof is not available at the time, the arrested person may be
37 brought before the local criminal court of any adjoining town or
38 village, or village court embraced by an adjoining town, within the same
39 county as such city; and

40 (d) If the arrest is for a traffic infraction or for a misdemeanor
41 relating to traffic, the police officer may, instead of bringing the
42 arrested person before the local criminal court of the political subdivi-
43 sion or locality in which the offense was allegedly committed, bring
44 ~~[him or her]~~ them before the local criminal court of the same county
45 nearest available by highway travel to the point of arrest; and

46 (e) If the arrested person is at least sixteen years old and less than
47 eighteen years old, or still in high school, and if the arrest is for a
48 non-violent class B, C, or D felony (except 125.12, 263.05, 263.10,
49 263.15, 263.30, or 470.23) or a violation of section 130.25, former
50 section 130.40, 205.10, 205.17, 205.19 or 215.56 of the penal law, and
51 the local criminal court is not available the officer shall make every
52 reasonable effort to give notice to the parent, or other person legally
53 responsible for their care or the person with whom they are domiciled;
54 or

55 (f) Notwithstanding any other provision of this section, where a local
56 criminal court in the county in which the defendant is arrested is oper-

1 ating an off-hours arraignment part designated in accordance with para-
2 graph (w) of subdivision one of section two hundred twelve of the judi-
3 ciary law at the time of defendant's arrest, the arrested person may be
4 brought before such local criminal court.

5 2. If the arrest is for an offense other than a class A, B, C or D
6 felony or a violation of section 130.25, former section 130.40, section
7 205.10, 205.17, 205.19 or 215.56 of the penal law, or other than where
8 an arrest is required to be made pursuant to subdivision four of section
9 140.10 of this article, the arrested person need not be brought before a
10 local criminal court as provided in subdivision one of this section, and
11 the procedure may instead be as follows:

12 (a) A police officer may issue and serve an appearance ticket upon the
13 arrested person and release ~~[him]~~ them from custody, as prescribed in
14 subdivision two of section 150.20 of this title; or

15 (b) The desk officer in charge at a police station, county jail or
16 police headquarters, or any of ~~[his]~~ their superior officers, may, in
17 such place fix pre-arraignment bail and, upon deposit thereof, issue and
18 serve an appearance ticket upon the arrested person and release ~~[him]~~
19 them from custody.

20 If the arrested person is older than sixteen years old but less than
21 eighteen years old, and still in high school, the officer shall follow
22 the procedure as prescribed in paragraph (f) of subdivision one of this
23 section.

24 6. Upon arresting a juvenile offender ~~[or]~~, a person sixteen or
25 commencing October first, two thousand nineteen, seventeen years of age,
26 or youth as defined in subdivision one of section 720.10 of this chapter
27 who is still in high school, without a warrant, the police officer shall
28 immediately notify the parent or other person legally responsible for
29 ~~[his or her]~~ their care or the person with whom ~~[he or she is]~~ they are
30 domiciled, that such offender or person has been arrested, and the
31 location of the facility where ~~[he or she is]~~ they are being detained,
32 provided that the police officer need not notify the parent or other
33 person legally responsible for such youth's care or the person with whom
34 they are domiciled when such youth is not also a juvenile offender and
35 the notification of a parent or other person would endanger the health
36 or safety of such youth, however the police officer must make every
37 reasonable effort to contact an adult family member or an unrelated
38 adult over the age of twenty-five. If the officer determines that it is
39 necessary to question a juvenile offender, youth, or such person, the
40 officer must take ~~[him or her]~~ them to a facility designated by the
41 chief administrator of the courts as a suitable place for the question-
42 ing of children or, upon the consent of a parent or other person legally
43 responsible for the care of the juvenile offender, youth or such person,
44 to ~~[his or her]~~ their residence and there question ~~[him or her]~~ such
45 juvenile offender, youth, or such person for a reasonable period of
46 time. A juvenile offender, youth, or such person shall not be questioned
47 pursuant to this section unless ~~[he or she]~~ they and a person required
48 to be notified pursuant to this subdivision, if present, have been
49 advised:

50 (a) of the juvenile offender's, youth's, or such person's right to
51 remain silent;

52 (b) that the statements made by ~~[him or her]~~ such juvenile offender,
53 youth, or such person may be used in a court of law;

54 (c) of ~~[his or her]~~ such juvenile offender's, youth's, or such
55 person's right to have an attorney present at such questioning; and

(d) of ~~[his or her]~~ such juvenile offender's, youth's, or such person's right to have an attorney provided for ~~[him or her]~~ such juvenile offender, youth, or such person without charge if ~~[he or she]~~ such juvenile offender, youth, or such person is unable to afford counsel.

In determining the suitability of questioning and determining the reasonable period of time for questioning such a juvenile offender, youth, or person, ~~[his or her]~~ such juvenile offender's, youth's, or such person's age, the presence or absence of ~~[his or her]~~ such juvenile offender's, youth's, or such person's parents or other persons legally responsible for ~~[his or her]~~ such juvenile offender's, youth's, or such person's care and notification pursuant to this subdivision shall be included among relevant considerations.

§ 4. Subdivision 1 of section 447-a of the social services law, as amended by chapter 189 of the laws of 2018, paragraphs (c) and (d) as amended by chapter 23 of the laws of 2021, is amended to read as follows:

1. The term "sexually exploited child" means any person under the age of eighteen who has been subject to sexual exploitation because ~~[he or she]~~ they:

(a) ~~[is]~~ are the victim of the crime of sex trafficking as defined in section 230.34 of the penal law or the crime of sex trafficking of a child as defined in section 230.34-a of the penal law;

(b) ~~[engages]~~ engage in any act as defined in section 230.00 of the penal law;

(c) ~~[is]~~ are a victim of the crime of compelling prostitution as defined in section 230.33 of the penal law; or

(d) ~~[engages]~~ engage in acts or conduct described in article two hundred sixty-three of the penal law.

§ 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.