

# STATE OF NEW YORK

8531

2025-2026 Regular Sessions

## IN SENATE

October 17, 2025

Introduced by Sen. ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the criminal procedure law, in relation to the removal of adolescent offenders to family court; and to amend the family court act, in relation to jurisdiction

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

1 Section 1. Paragraph (c) of subdivision 2 of section 722.23 of the  
2 criminal procedure law, as added by section 1-a of part WWW of chapter  
3 59 of the laws of 2017, subparagraph (iii) as amended by section 1 of  
4 part AA of chapter 55 of the laws of 2024, is amended to read as  
5 follows:

6 (c) The court shall order the action to proceed in accordance with  
7 subdivision one of this section unless, after reviewing the papers and  
8 hearing from the parties, the court determines in writing that the  
9 district attorney proved by a preponderance of the evidence one or more  
10 of the following as set forth in the accusatory instrument:

11 (i) the defendant caused significant physical injury to a person other  
12 than a participant in the offense; or

13 (ii) the defendant illegally used, possessed, or displayed a firearm,  
14 shotgun, rifle or deadly weapon as defined in the penal law [~~in further-~~  
15 ~~ance of such offense~~]; or

16 (iii) the defendant unlawfully engaged in vaginal sexual contact, oral  
17 sexual contact, anal sexual contact, or sexual contact as defined in  
18 section 130.00 of the penal law[~~-~~]; or

19 (iv) the defendant has previously been arrested for a felony that was  
20 removed to family court.

21 § 2. Subdivision 5 of section 722.21 of the criminal procedure law, as  
22 amended by chapter 23 of the laws of 2024, is amended to read as  
23 follows:

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

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1 5. Notwithstanding subdivisions two and three of this section, at the  
2 request of the district attorney, the court shall order removal of an  
3 action against an adolescent offender charged with an offense listed in  
4 paragraph (a) of subdivision two of section 722.23 of this article, to  
5 the family court pursuant to the provisions of article seven hundred  
6 twenty-five of this title and upon consideration of the criteria speci-  
7 fied in subdivision two of section 722.22 of this article, it is deter-  
8 mined that to do so would be in the interests of justice. Where, howev-  
9 er, the felony complaint charges the adolescent offender with murder in  
10 the second degree as defined in section 125.25 of the penal law, rape in  
11 the first degree as defined in paragraph (a) of subdivision one, para-  
12 graph (a) of subdivision two and paragraph (a) of subdivision three of  
13 section 130.35 of the penal law, rape in the first degree as formerly  
14 defined in subdivision one of section 130.35 of the penal law, a crime  
15 formerly defined in subdivision one of section 130.50 of the penal law,  
16 or an armed felony as defined in paragraph (a) of subdivision forty-one  
17 of section 1.20 of this chapter, or where the defendant has previously  
18 been arrested for a felony that was removed to family court, a determi-  
19 nation that such action be removed to the family court shall, in addi-  
20 tion, be based upon a finding of one or more of the following factors:  
21 (i) mitigating circumstances that bear directly upon the manner in which  
22 the crime was committed; or (ii) where the defendant was not the sole  
23 participant in the crime, the defendant's participation was relatively  
24 minor although not so minor as to constitute a defense to the prose-  
25 cution; or (iii) possible deficiencies in proof of the crime.

26 § 3. Paragraph (b) of subdivision 1 of section 722.22 of the criminal  
27 procedure law, as amended by chapter 23 of the laws of 2024, is amended  
28 to read as follows:

29 (b) with the consent of the district attorney, order removal of an  
30 action involving an indictment charging a juvenile offender with murder  
31 in the second degree as defined in section 125.25 of the penal law; rape  
32 in the first degree, as defined in paragraph (a) of subdivision one,  
33 paragraph (a) of subdivision two and paragraph (a) of subdivision three  
34 of section 130.35 of the penal law; rape in the first degree as formerly  
35 defined in subdivision one of section 130.35 of the penal law; a crime  
36 formerly defined in subdivision one of section 130.50 of the penal law;  
37 or an armed felony as defined in paragraph (a) of subdivision forty-one  
38 of section 1.20 of this chapter, or where the defendant has previously  
39 been arrested for a felony that was removed to family court, to the  
40 family court pursuant to the provisions of article seven hundred twen-  
41 ty-five of this title if the court finds one or more of the following  
42 factors: (i) mitigating circumstances that bear directly upon the manner  
43 in which the crime was committed; (ii) where the defendant was not the  
44 sole participant in the crime, the defendant's participation was rela-  
45 tively minor although not so minor as to constitute a defense to the  
46 prosecution; or (iii) possible deficiencies in the proof of the crime,  
47 and, after consideration of the factors set forth in subdivision two of  
48 this section, the court determined that removal of the action to the  
49 family court would be in the interests of justice.

50 § 4. Paragraphs (a) and (h) of subdivision 1 of section 722.23 of the  
51 criminal procedure law, as added by section 1-a of part WWW of chapter  
52 59 of the laws of 2017, are amended to read as follows:

53 (a) Following the arraignment of a defendant charged with a crime  
54 committed when [~~he or she~~] the defendant was sixteen, or commencing  
55 October first, two thousand nineteen, seventeen years of age, other than  
56 any class A felony except for those defined in article two hundred twen-

1 ty of the penal law, a violent felony defined in section 70.02 of the  
2 penal law or a felony listed in paragraph one or two of subdivision  
3 forty-two of section 1.20 of this chapter, [~~or~~] an offense set forth in  
4 the vehicle and traffic law, or where the defendant has previously been  
5 arrested for a felony that was removed to family court, the court shall  
6 order the removal of the action to the family court in accordance with  
7 the applicable provisions of article seven hundred twenty-five of this  
8 title unless, within thirty calendar days of such arraignment, the  
9 district attorney makes a motion to prevent removal of the action pursu-  
10 ant to this subdivision. If the defendant fails to report to the  
11 probation department as directed, the thirty day time period shall be  
12 tolled until such time as [~~he or she~~] the defendant reports to the  
13 probation department.

14 (h) Nothing in this subdivision shall preclude, and a court may order,  
15 the removal of an action to family court where all parties agree or  
16 pursuant to this chapter; provided however that the court may not order  
17 the removal of an action to family court where the defendant is charged  
18 with any class A felony except for those defined in section 70.02 of the  
19 penal law, a violent felony defined in section 70.02 of the penal law or  
20 a felony listed in paragraph one or two of subdivision forty-two of  
21 section 1.20 of this chapter, an offense set forth in the vehicle and  
22 traffic law, or where the defendant has previously been arrested for a  
23 felony that was removed to family court, unless the court finds one or  
24 more of the following factors:(i) mitigating circumstances that bear  
25 directly upon the manner in which the crime was committed; or (ii) where  
26 the defendant was not the sole participant in the crime, the defendant's  
27 participation was relatively minor although not so minor as to consti-  
28 tute a defense to the prosecution; or (iii) possible deficiencies in  
29 proof of the crime.

30 § 5. Subdivision 44 of section 1.20 of the criminal procedure law, as  
31 amended by section 1 of part WWW of chapter 59 of the laws of 2017, is  
32 amended to read as follows:

33 44. "Adolescent offender" means a person charged with a felony commit-  
34 ted on or after October first, two thousand eighteen when [~~he or she~~]  
35 such person was sixteen years of age or on or after October first, two  
36 thousand nineteen, when [~~he or she~~] such person was seventeen years of  
37 age, or a person charged with a misdemeanor when such person is sixteen  
38 or seventeen years of age after having been previously adjudicated as a  
39 juvenile delinquent on two separate occasions.

40 § 6. Subdivision 4 of section 302.1 of the family court act, as added  
41 by section 1 of subpart E of part UU of chapter 56 of the laws of 2022,  
42 is amended to read as follows:

43 4. Where a proceeding had been commenced in the youth part of a supe-  
44 rior court for an act alleged to have been committed prior to [~~his or~~  
45 ~~her~~] the respondent's eighteenth birthday and then had been removed to  
46 family court, the family court shall exercise jurisdiction under this  
47 article, notwithstanding the fact that the respondent may be over the  
48 age of eighteen prior to the proceeding having commenced in the family  
49 court, unless the respondent is charged with a misdemeanor complaint or  
50 accused of misdemeanor conduct after having been previously adjudicated  
51 as a juvenile delinquent on two prior separate occasions.

52 § 7. This act shall take effect immediately.