

# STATE OF NEW YORK

10717

## IN ASSEMBLY

March 27, 2026

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, the criminal procedure law, the executive law and the county law, in relation to non-secure detention facilities for youth charged with acts of juvenile delinquency, juvenile offenses or adolescent offenses

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

1 Section 1. Subdivision 3 of section 301.2 of the family court act, as  
2 amended by chapter 465 of the laws of 1992, is amended to read as  
3 follows:

4 3. "Detention" means the temporary care and maintenance of children  
5 away from their own homes, as defined in section five hundred two of the  
6 executive law. Detention of a person alleged to be or adjudicated as a  
7 juvenile delinquent shall be authorized only in a facility certified by  
8 the [~~division for youth~~] office of children and family services as a  
9 detention facility pursuant to section five hundred three of the execu-  
10 tive law.

11 § 2. Subdivision 1 of section 304.1 of the family court act, as  
12 amended by section 59 of part WWW of chapter 59 of the laws of 2017, is  
13 amended to read as follows:

14 1. A facility certified by the office of children and family services  
15 as a juvenile non-secure or secure detention facility must be operated  
16 in conformity with the regulations of the office of children and family  
17 services. Every county, either individually or acting in collaboration  
18 with one or more other counties, shall arrange for, or have access to,  
19 sufficient certified juvenile non-secure and secure detention facili-  
20 ties.

21 § 3. Subdivision 1 of section 320.5 of the family court act, as added  
22 by chapter 920 of the laws of 1982, is amended to read as follows:

23 1. At the initial appearance, the court in its discretion may release  
24 the respondent or direct [~~his~~] detention in a certified juvenile non-se-  
25 ecure or secure detention facility.

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

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1 § 4. Subdivision 1 of section 510.15 of the criminal procedure law, as  
2 amended by chapter 813 of the laws of 2021, is amended to read as  
3 follows:

4 1. When a principal who is under the age of sixteen is committed to  
5 the custody of the sheriff the court must direct that the principal be  
6 taken to and lodged in a place certified by the office of children and  
7 family services as a juvenile non-secure or secure detention facility  
8 for the reception of children. When a principal who (a) commencing  
9 October first, two thousand eighteen, is sixteen years of age; or (b)  
10 commencing October first, two thousand nineteen, is sixteen or seventeen  
11 years of age, is committed to the custody of the sheriff, the court must  
12 direct that the principal be taken to and lodged in a place certified by  
13 the office of children and family services in conjunction with the state  
14 commission of correction as a non-secure or specialized secure juvenile  
15 detention facility for older youth. Where such a direction is made the  
16 sheriff shall deliver the principal in accordance therewith and such  
17 person shall although lodged and cared for in a juvenile detention  
18 facility continue to be deemed to be in the custody of the sheriff. No  
19 principal under the age specified to whom the provisions of this section  
20 may apply shall be detained in any prison, jail, lockup, or other place  
21 used for adults convicted of a crime or under arrest and charged with  
22 the commission of a crime without the approval of the office of children  
23 and family services which shall consult with the commission of  
24 correction if the principal is sixteen years of age or older in the case  
25 of each principal and the statement of its reasons therefor; nor shall a  
26 principal under the age specified who is charged solely with a violation  
27 as defined in subdivision three of section 10.00 of the penal law be  
28 subject to detention. The sheriff shall not be liable for any acts done  
29 to or by such principal resulting from negligence in the detention of  
30 and care for such principal, when the principal is not in the actual  
31 custody of the sheriff.

32 § 5. Subdivision 3 of section 502 of the executive law, as amended by  
33 section 19 of part K of chapter 56 of the laws of 2019, is amended to  
34 read as follows:

35 3. "Detention" means the temporary care and maintenance of youth held  
36 away from their homes pursuant to article three of the family court act,  
37 or held pending a hearing for alleged violation of the conditions of  
38 release from an office of children and family services facility or  
39 authorized agency, or held pending a hearing for alleged violation of  
40 the condition of parole as a juvenile offender, youthful offender or  
41 adolescent offender or held pending return to a jurisdiction other than  
42 the one in which the youth is held, or held pursuant to or pending issu-  
43 ance of a securing order of a criminal court if the youth named therein  
44 as principal is charged as a juvenile offender, youthful offender or  
45 adolescent offender or held pending a hearing on an extension of place-  
46 ment or held pending transfer to a facility upon commitment or placement  
47 by a court. Only alleged or convicted juvenile offenders, youthful  
48 offenders or adolescent offenders who have not attained their eighteenth  
49 or, commencing October first, two thousand eighteen, their twenty-first  
50 birthday shall be subject to detention in a detention facility. Commenc-  
51 ing October first, two thousand eighteen, a youth who on or after such  
52 date committed or is charged with committing an offense when the youth  
53 was sixteen years of age; or commencing October first, two thousand  
54 nineteen, a youth who committed or is charged with committing an offense  
55 on or after such date when the youth was seventeen years of age held  
56 pursuant to or pending issuance of a securing order of a criminal court

1 if the youth is charged as an adolescent offender or held pending a  
2 hearing for alleged violation of the condition of parole as an adoles-  
3 cent offender, [~~must~~] shall be held in a non-secure juvenile detention  
4 facility certified by the state office of children and family services  
5 or a specialized secure juvenile detention facility for older youth  
6 certified by the state office of children and family services in  
7 conjunction with the state commission of correction. Every county,  
8 either individually or acting in collaboration with one or more other  
9 counties, shall arrange for, or have access to, sufficient certified  
10 juvenile non-secure, secure and specialized secure detention facilities.

11 § 6. Section 218-a of the county law, as amended by chapter 880 of the  
12 laws of 1976, the opening paragraph of subdivision A as amended by chap-  
13 ter 465 of the laws of 1992, paragraphs 1, 2, 3 and 4 of subdivision A  
14 as amended by chapter 555 of the laws of 1978, paragraph 6 of subdivi-  
15 sion A as added by section 82-b of part WWW of chapter 59 of the laws of  
16 2017, subdivision B as amended by chapter 419 of the laws of 1987 and  
17 subdivision C as added by section 12 of part E of chapter 57 of the laws  
18 of 2005, is amended to read as follows:

19 § 218-a. County detention facilities for juvenile delinquents and  
20 [~~persons in need of supervision~~] juvenile and adolescent offenders. A.  
21 [~~To~~] The office of children and family services shall promulgate regu-  
22 lations to assure that suitable and conveniently accessible accommo-  
23 dations and proper and adequate detention in secure, specialized secure  
24 and non-secure detention facilities, as defined in section five hundred  
25 two of the executive law and the regulations of the [~~division for youth~~]  
26 office of children and family services, will be available when required  
27 for the temporary care, maintenance and security of alleged and  
28 convicted juvenile offenders, alleged and adjudicated juvenile delin-  
29 quents and alleged and [~~adjudicated persons in need of supervision~~]  
30 convicted adolescent offenders. Such regulations shall not require any  
31 county to provide temporary care in a secure detention facility for  
32 residents of any other county except upon a space available basis,  
33 provided, however, that to the extent practicable, counties may collab-  
34 orate in accordance with paragraph three or four of this subdivision to  
35 jointly provide for or arrange access to sufficient certified juvenile  
36 non-secure, secure and specialized secure detention facilities certified  
37 by the office of children and family services. The county executive, if  
38 there be one, otherwise the board of supervisors shall designate the  
39 agency of county government responsible for the administration of the  
40 county juvenile detention program and shall so advise the New York state  
41 [~~division for youth~~] office of children and family services, and may  
42 make provisions therefor as follows:

43 1. Provide for the continued operation of the county's established  
44 detention facility, so long as it complies with regulations of the  
45 [~~division for youth~~] office of children and family services, and is  
46 certified by [~~that division~~] such office.

47 2. Authorize a contract between its county and one or more other coun-  
48 ties, which is or are operating a conveniently accessible detention  
49 facility certified by the [~~division for youth~~] office of children and  
50 family services and in compliance with regulations of [~~the division for~~  
51 youth] such office, providing for the reception, temporary accommodation  
52 and care in such facility of alleged or adjudicated juvenile delinquents  
53 and pre-dispositional placements for alleged persons in need of super-  
54 vision held for or at the direction of its family court, for and in  
55 consideration of the payments to be made therefor, on a per capita  
56 basis, pursuant to the terms of such contract.

1 3. Authorize a contract between its county and one or more other coun-  
2 ties providing for the joint operation and maintenance by them of an  
3 already established county detention facility certified by the state  
4 [~~division for youth~~] office of children and family services and operated  
5 and maintained in compliance with the regulations of [~~the division for~~  
6 ~~youth~~] such office, which is conveniently accessible to the counties  
7 concerned. Such authorization and contract may include provisions for  
8 remodeling or enlarging the building of such facility.

9 4. Authorize a contract between its county and one or more other coun-  
10 ties providing for the joint establishment, operation and maintenance by  
11 such counties of a new joint county detention facility which shall be  
12 located on a site conveniently accessible to the counties concerned and  
13 which shall be certified by the state [~~division for youth~~] office of  
14 children and family services and which shall be established, operated  
15 and maintained in compliance with the regulations of [~~the division for~~  
16 ~~youth~~] such office.

17 5. The resolution providing for joint action under paragraph three or  
18 four [~~above~~] of this subdivision shall be adopted by the board of super-  
19 visors of each of the several counties affected, and a committee  
20 composed of at least one member of each of such boards shall be created  
21 to acquire the necessary real property in the name of the counties  
22 affected, and as the joint agent of such counties such committee shall  
23 have charge of the construction, equipment, maintenance and operation of  
24 such joint county detention facility and, with the advice of an advisory  
25 committee consisting of the judge of the family court and the commis-  
26 sioner of social services of each of said counties, shall supervise and  
27 control the maintenance and operation of such joint county detention  
28 facility. The said resolution may specify the matters as to which the  
29 action of such committee shall require the joint approval of the boards  
30 of supervisors of all the counties affected and shall prescribe the  
31 proportions to be borne by each of the several counties affected of the  
32 costs of acquisition of the site and of construction of a new joint  
33 county detention facility and the proportions to be borne by each of the  
34 several counties affected of the costs of operation of such joint county  
35 detention facility, whether established by new joint acquisition and  
36 construction or by utilization of an existing county detention facility.  
37 The moneys to pay the share to be borne by each county affected shall be  
38 provided by appropriation in such amounts and at such times as may be  
39 agreed upon.

40 6. Notwithstanding any other provision of law, commencing October  
41 first, two thousand eighteen, a county [~~must~~] shall provide for adequate  
42 detention of alleged or convicted adolescent offenders in a juvenile  
43 non-secure detention facility or a specialized secure detention facility  
44 for older youth who are alleged or convicted of committing an offense  
45 when they were sixteen years of age and commencing October first, two  
46 thousand nineteen, a county [~~must~~] shall provide for adequate detention  
47 of alleged or convicted adolescent offenders in a juvenile non-secure  
48 detention facility or a specialized secure detention facility for older  
49 youth who are alleged or convicted of committing an offense when they  
50 were sixteen or seventeen years of age. [~~Such~~] A specialized secure  
51 detention facility for older youth shall be certified and regulated by  
52 the office of children and family services in conjunction with the state  
53 commission of correction [~~Such facility~~] and shall: (i) have enhanced  
54 security features and specially trained staff; and (ii) be jointly  
55 administered by the agency of county government designated in accordance  
56 with this subdivision [~~A of this section~~] and the applicable county

1 sheriff, which both shall have the power to perform all acts necessary  
2 to carry out their duties. The county sheriff shall be subject to the  
3 same laws that apply to the designated county agency regarding the  
4 protection and confidentiality of the information about the youth in  
5 such facility and shall prevent access thereto by, or the distribution  
6 thereof to, persons not authorized by law.

7 B. Notwithstanding any other provision of law, each board of supervi-  
8 sors shall provide or assure the availability of conveniently accessible  
9 and adequate non-secure detention facilities, certified by the state  
10 [~~division for youth~~] office of children and family services, as  
11 resources for the family court in the county pursuant to [~~articles seven~~  
12 ~~and~~] article three of the family court act and for the youth part in the  
13 superior court in the county, to be operated in compliance with the  
14 regulations of the [~~division for youth~~] office of children and family  
15 services for the temporary care and maintenance of alleged and adjudi-  
16 cated juvenile delinquents [~~and persons in need of supervision~~] held for  
17 or at the direction of a family court and for the detention of alleged  
18 and convicted juvenile and adolescent offenders held by or pending issu-  
19 ance of a securing order.

20 C. Each county shall offer diversion services to children who are at  
21 risk of being the subject of a petition under [~~article~~] articles three  
22 and seven of the family court act. Such services shall be designed to  
23 provide an immediate response to families in crisis and to identify and  
24 utilize appropriate alternatives to juvenile detention.

25 § 7. This act shall take effect on the ninetieth day after it shall  
26 have become a law.