

STATE OF NEW YORK

4763--A

2025-2026 Regular Sessions

IN SENATE

February 12, 2025

Introduced by Sens. BAILEY, ADDABBO, GOUNARDES, JACKSON, KRUEGER, MYRIE, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- 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 WWW of chapter 59 of the laws of 2017, is
5 amended to read as follows:
6 7. Upon arresting a juvenile offender [~~ex~~], 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 [~~ex~~], 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

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

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1 laws of 2024, paragraph (c) of subdivision 1 as separately amended by
2 chapter 382 of the laws of 1987, paragraph (d) of subdivision 1 as
3 amended and paragraph (e) as added by chapter 492 of the laws of 2016,
4 subdivision 2 as amended by section 3 of subpart B of part VV of chapter
5 56 of the laws of 2023, the opening paragraph of subdivision 2 as sepa-
6 rately amended by chapter 23 of the laws of 2024, and subdivision 6 as
7 amended by section 20 of part WWW of chapter 59 of the laws of 2017, are
8 amended to read as follows:

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

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

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

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

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

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

1 (f) Notwithstanding any other provision of this section, where a local
2 criminal court in the county in which the defendant is arrested is oper-
3 ating an off-hours arraignment part designated in accordance with para-
4 graph (w) of subdivision one of section two hundred twelve of the judi-
5 ciary law at the time of defendant's arrest, the arrested person may be
6 brought before such local criminal court.

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

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

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

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

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

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

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

1 (c) of [~~his or her~~] such juvenile offender's, youth's, or such
2 person's right to have an attorney present at such questioning; and
3 (d) of [~~his or her~~] such juvenile offender's, youth's, or such
4 person's right to have an attorney provided for [~~him or her~~] such juve-
5 nile offender, youth, or such person without charge if [~~he or she~~] such
6 juvenile offender, youth, or such person is unable to afford counsel.

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

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

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

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

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

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

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

31 § 5. This act shall take effect on the first of November next succeed-
32 ing the date on which it shall have become a law.