§ 230.21 Removal of action to certain courts in an adjoining county.

1. In any county outside a city having a population of one million or more, the court may, upon motion of the defendant and with consent of the district attorney and the district attorney of the adjoining county that has a superior court designated a human trafficking court, veterans treatment court, or mental health court by the chief administrator of the courts, order that the indictment and action be removed from the court in which the matter is pending to such human trafficking court, veterans treatment court, or mental health court, whereupon such court may then conduct such action to judgment or other final disposition; provided, however, that no court may order removal to a veterans treatment court of a family offense charge described in subdivision one of section 530.11 of this chapter pursuant to this section where the accused and the person alleged to be the victim of such offense charged are members of the same family or household as defined in such subdivision one of section 530.11; provided further that an order of removal issued under this subdivision shall not take effect until five days after the date the order is issued unless, prior to such effective date, the human trafficking court, veterans treatment court, or mental health court notifies the court that issued the order that: (a) it will not accept the action, in which event the order shall not take effect, or (b) it will accept the action on a date prior to such effective date, in which event the order shall take effect upon such prior date; and provided further that, for mental health court transfers, the receiving court shall coordinate with the local governmental unit, as the term is defined in section 41.03 of the mental hygiene law, of the defendant's county of residence for the planning and delivery of treatment services.

2. Upon providing notification pursuant to paragraph (a) or (b) of subdivision one of this section, the human trafficking court, veterans treatment court, or mental health court shall promptly give notice to the defendant, the defendant's counsel and the district attorney of both counties.