



Criminal Court of the City of New York

Annual Report 2007

Hon. Juanita Bing Newton
Administrative Judge

William H. Etheridge III
Chief Clerk



CRIMINAL COURT OF THE CITY OF NEW YORK
2007 ANNUAL REPORT
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This report showcases some of the impressive art, architectural details and fixtures found throughout NYC Criminal Court's nine court-houses.

346 Broadway, Central Lobby Staircase



Courthouse Locations

Queens Criminal Court

125-01 Queens Blvd., Kew Gardens, NY 11415

Bronx Arraignments and Summons

215 E.161st Street, Bronx, NY 10451

Queens Summons

120-55 Queens Blvd., Kew Gardens, NY 11415

Midtown Community Court

314 W.54th Street, New York, NY 10019

Citywide Summons

346 Broadway, New York, NY 10013

Manhattan Criminal Court

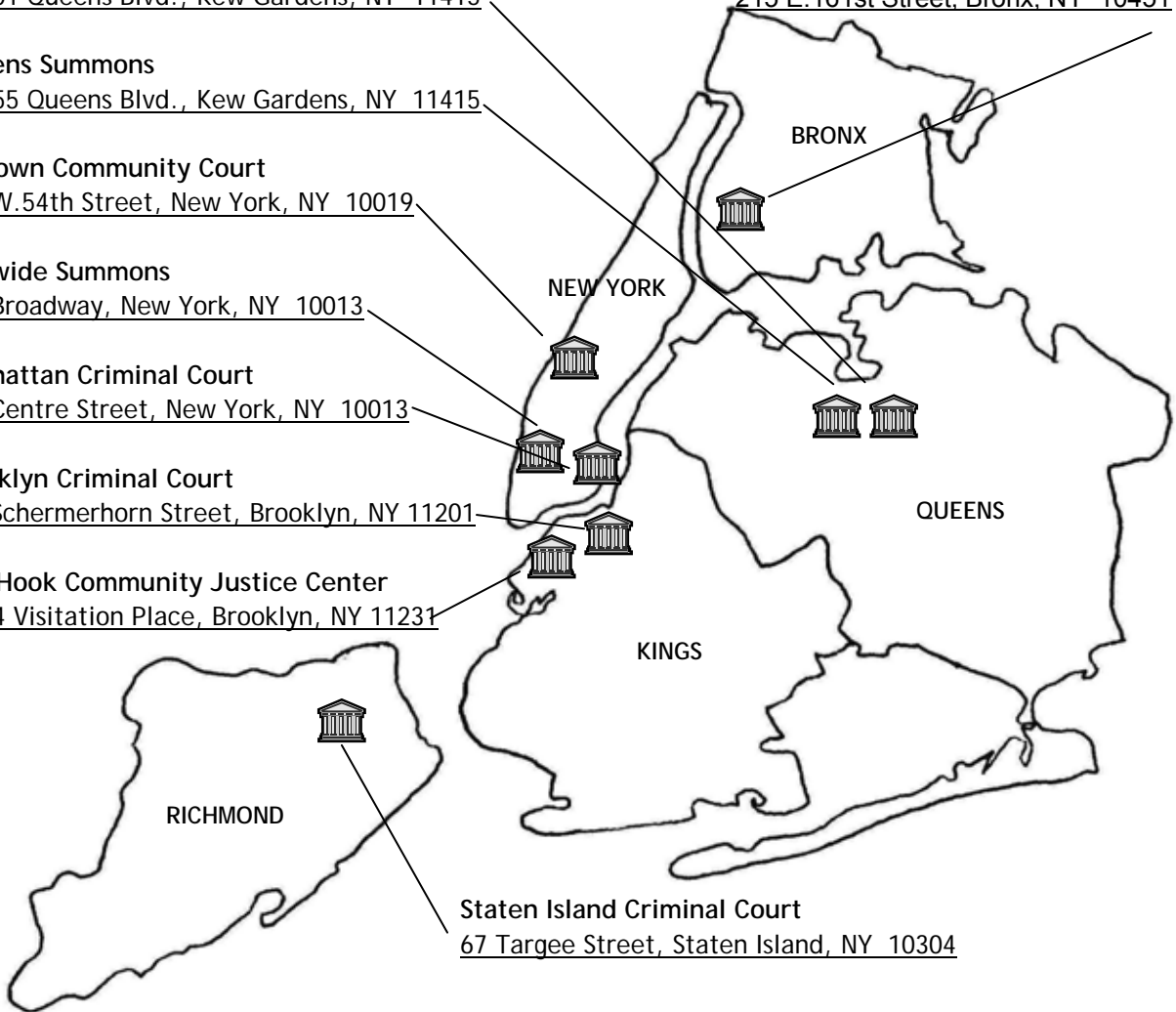
100 Centre Street, New York, NY 10013

Brooklyn Criminal Court

120 Schermerhorn Street, Brooklyn, NY 11201

Red Hook Community Justice Center

88-94 Visitation Place, Brooklyn, NY 11231



Staten Island Criminal Court

67 Targee Street, Staten Island, NY 10304

NEW YORK CITY



Citywide Summons

Queens

Queens Summons

Staten Island

Midtown

Brooklyn

Manhattan

Red Hook

Bronx Arraignments/Summons



NYC Criminal Court Jurisdiction

New York City Criminal Court is a court of citywide jurisdiction but, since November 2004, has exercised full administrative oversight of all Criminal Court operations in four of five boroughs of New York City.* In 2007 Criminal Court administration assigned fifty-five judges to preside over cases in five main courthouses, two community courthouses, a citywide summons operation in Manhattan and a summons operation in the Queens Borough Hall.

Criminal Court has preliminary jurisdiction over all arrests processed in the five counties of New York City by state and local law enforcement agencies. Criminal Court arraigns the vast majority of felony, misdemeanor and petty offense cases in the city.

Misdemeanors

Criminal Court has trial jurisdiction over all misdemeanor cases not prosecuted by indictment – and adjudicates these cases in Kings, New York, Queens and Richmond Counties from their initial court appearance until final disposition. (In Bronx County, misdemeanors that survive Criminal Court arraignment are transferred to the Criminal Division of Bronx Supreme Court). Outside Bronx County, Criminal Court handles all aspects of the hundreds of thousands of misdemeanor cases filed each year including arraignment, trial readiness, motion practice, pre-trial hearings and trial. The vast majority of misdemeanor cases are disposed

by guilty plea or other disposition but the Court presides over a significant number of trials each year.

Summonses

Cases initiated by a summons make up a very large portion of the cases heard in Criminal Court. Summonses are typically issued by police officers for minor Penal Law violations or by peace officers/enforcement agents (and, again, police officers) whose duties mandate enforcement of the local laws (e.g., the NYC Administrative Code). Criminal Court has trial jurisdiction over summons matters, hearing these cases from arraignment to trial or final disposition.

Felonies

Criminal Court has preliminary jurisdiction over felony cases. Felonies are typically arraigned in Criminal Court. Cases are usually adjourned to a Felony Waiver Part to await the decision of the Grand Jury on whether the defendant should stand trial on the felony charges. Felony cases are transferred to Supreme Court after a grand jury votes an indictment.

While Criminal Court does not have jurisdiction to hear trials on felony matters, a very large number of final dispositions on felonies are adjudicated by our Criminal Court judges sitting in Felony Waiver Parts. (These judges are designated by administrative orders to sit as Acting

Justices of the Supreme Court). These parts act as both Criminal Court and Supreme Court Parts, allowing prosecutor and defense counsel to agree in certain cases to waive the presentation to the Grand Jury and instead prosecute the case with a Superior Court Information (SCI). Cases disposed of by SCI make up a substantial percentage of all felony dispositions throughout the city.

Criminal Court Jurisdiction for Matters Outside Bronx County		
Types of Matters Heard in New York City Criminal Court		
	Misdemeanors and Petty Offenses	Felony Offenses
Arraignment	NYC Criminal Court Has Trial Jurisdiction over misdemeanors and petty offenses (those where the defendant faces no more than one year in jail upon conviction after trial).	NYC Criminal Court Has Preliminary Jurisdiction over felony offenses (those where the defendant faces more than one year in jail upon conviction after trial).
All Purpose Part	Trial Jurisdiction means that once the defendant has been accused of the offense, the Court has the authority to accept a plea of guilty, conduct a trial, or otherwise dispose of the charges. Criminal Court handles all aspects of these cases from arraignment to trial readiness to final disposition. Criminal Court never loses jurisdiction over these cases as it might with a case over which it has Preliminary Jurisdiction . The one exception is when the district attorney files notice that they intend to present the case to a grand jury and seek indictment. If the district attorney obtains an indictment the case is then transferred to Supreme Court. If no indictment follows, Criminal Court retains Trial Jurisdiction.	Preliminary Jurisdiction means that a criminal action is started in the Court and the Court may conduct proceedings which will lead to prosecution and final disposition in another court that has trial jurisdiction. Felonies are arraigned in Criminal Court and typically sent to the Felony Waiver Part to await grand jury action. Dispositions are taken in the Felony Waiver Part. If a Grand Jury indicts, the case is transferred to Supreme Court.
Trial		

* See Bronx Criminal Division Section on page 26



Calendar Year 2007 - Executive Summary

This report profiles the work and accomplishments of the Criminal Court of the City of New York over the past year. The report is divided into three sections; the first part is an introduction and summary of the organizational structure of the Court, the second part describes court operations - a summary of the Court's work, arraignments, all-purpose parts, trial parts and community courts and other specialized courtrooms, along with a description of the Court's back office - the last section takes a look at the laws and legislation that effected the Court over the course of 2007. This report explains how each court operation functions and then provides a quantitative analysis of the work in an effort to give the reader a snapshot of the volume and outcomes.

In 2004, the Bronx Criminal Division assumed administrative responsibility over many aspects of misdemeanor case processing in the Bronx. For the most part we do not address statistical information relating to Bronx misdemeanor operations. There are exceptions, however. We do report on summons, arraignment statistics and revenue numbers in the Bronx as part of the entire Criminal Court picture. We have also clearly marked any table or graph that contains Bronx statistics. (See page 26

for further information).

Here are some 2007 Criminal Court milestones :

- 24.07 hour average arrest-to-arraignment time
- 358,079* online arrest/DAT cases arraigned;
- 601,457* summons filings;
- 358,079* online arrest/DAT dispositions;
- 973,765 cases calendared;
- 536,472 cases calendared in all purpose parts;
- 22,772 felony dispositions in Criminal Court felony waiver parts compared to 20,916 dispositions in all corresponding four Supreme Courts, Criminal Term;
- 904 pre-trial hearings commenced;
- 2,036 trial verdicts (combined arrest/DAT and summons);
- \$36,361,744* in revenue; and
- \$123,895,534* operating budget.

In addition to the analysis of work done by the entire Criminal Court, this report also includes a description of new initiatives and improved services implemented during the past year and the Court's response to new laws and legislation and executive branch initiatives, such as Operation Spotlight.

NYC Criminal Court 2007 By the Numbers

Budget:	\$123,895,534*	Non-judicial personnel:	1,218
Total revenue:	\$36,361,744*	Hearings commenced:	904
Fine revenue:	\$15,097,796*	Court officers:	525
Bail revenue:	\$12,977,327*	Trial verdicts (arrest cases):	464
Summons revenue:	\$8,130,368*	Clerks:	204
Summons filings:	601,457*	Judges authorized by statute:	107
Arraignments (Online/DATs):	358,079*	Court Reporters:	81
Misdemeanor filings:	295,651*	Court Interpreters:	65.5
Felony filings:	61,374*	Court Attorneys:	59
Jurors serving:	4,275	Judges actually sitting:	55
Trials (summons cases):	1,572*	Courthouses:	9*

* Includes Bronx information



2007
New York City Criminal Court

Hon. Juanita Bing Newton
Administrative Judge

NEW YORK

Hon. Eileen Koretz
Supervising Judge

Criminal Court Judges

Hon. James Burke
Hon. Abraham Clott
Hon. Ellen Coin
Hon. James Gibbons
Hon. Melissa Jackson
Hon. Neil Ross
Hon. Larry Stephen

Civil Court Judges

Hon. Dena Douglas
Hon. Anthony Ferrara
Hon. Tanya Kennedy
Hon. Elisa Koenderman
Hon. Evelyn Laporte
Hon. Robert Mandelbaum
Hon. Rita Mella
Hon. Shawndya Simpson
Hon. Marc Whiten

Acting Supreme Court Justice

Hon. Patricia Nunez

Midtown Community Court

Hon. Richard Weinberg

KINGS-RICHMOND

Hon. William Miller
Supervising Judge

Criminal Court Judges

Hon. Richard Allman
Hon. Miriam Best
Hon. Miriam Cyrulnik
Hon. Alexander Jeong
Hon. William McGuire
Hon. Suzanne Mondo
Hon. Matthew Sciarrino (SI)
Hon. Toko Serita
Hon. Ruth E. Smith
Hon. Alvin Yearwood

Civil Court Judges

Hon. Michael Gerstein
Hon. Desmond Green (SI)
Hon. Kenneth Holder
Hon. Shari Michels
Hon. Eileen Nadelson
Hon. Geraldine Pickett
Hon. Betty Williams
Hon. Jacqueline Williams
Hon. John Wilson

Acting Supreme Court Justices

Hon. William Garnett
Hon. Joseph Gubbay
Hon. Alan Meyer (SI)

Red Hook CJC

Hon. Alex Calabrese

William H. Etheridge III, Chief Clerk
Vincent Modica, First Deputy Chief Clerk

Serena Springle,
New York Borough Chief Clerk
Donald Vasti,
New York Deputy Borough Chief Clerk

John Hayes,
Kings Borough Chief Clerk
Timothy McGrath,
Kings Deputy Borough Chief Clerk
Andrew Hassell,
Richmond Borough Chief Clerk

QUEENS

Hon. Deborah Stevens Modica
Supervising Judge

Criminal Court Judges

Hon. Fernando Camacho
Hon. William Harrington
Hon. Gene Lopez
Hon. Suzanne Melendez
Hon. Mary O'Donoghue
Hon. Robert Raciti
Hon. Joseph Zayas
Hon. Alex Zigman

Civil Court Judges

Hon. Ira Margulis
Hon. Steven Paynter

Acting Supreme Court Justices

Hon. Dorothy Chin Brandt
Hon. Pauline Mullings

Brian Wynne,
Queens Borough Chief Clerk
Carey Wone,
Queens Deputy Borough Chief Clerk



Organizational Structure of NYC Criminal Court

By statute, Criminal Court has 107 authorized judgeships. Each Criminal Court judge must be a resident of New York City. The judges are appointed for terms of ten years by the Mayor of the City of New York. Any vacancies which occur prior to the expiration of a term also are filled through appointment by the Mayor.

Many of the 107 judges appointed to the Criminal Court have been assigned to the Criminal Term of the Supreme Court in order to handle felony cases. To assist in processing Criminal Court cases, court administrators have assigned to the Criminal Court, New York City Civil Court Judges and, on occasion, a Judge of the New York City Family Court. All judges presiding over a Criminal Court Part on December 31, 2007 are listed on page 7.

The Court is headed by a citywide Administrative Judge who is responsible for the overall operation of the Court. Administrative Judge Juanita Bing Newton was assisted in 2007 in this task by three supervising judges, one for Manhattan - Hon. Eileen Koretz, one for Queens - Hon. Deborah Stevens Modica and a third who supervises our courts in Kings and Richmond counties - Hon. William Miller.

Under the direction of the Administrative

Judge, the Chief Clerk of the court oversees the Court's staff of non-judicial personnel. Chief Clerk William H. Etheridge III is assisted in this task by the First Deputy Chief Clerk for citywide operations, Vincent Modica. In addition, the Chief Clerk is supported by four Borough Chief Clerks who, along with the supervising judges, oversee day-to-day operations in each county - Serena Springle (New York), John Hayes (Kings), Brian Wynne (Queens) and Andrew Hassell (Richmond). The city-wide summons operation is supervised by Robert Cassidy and Joseph Vitolo and Toni Bullock-Stallings oversee operations at Midtown Community Court and Red Hook Criminal Justice Center, respectively.

Central Administration staff also include Major Walter Glowacz (court officers); Ada Molina (personnel); Alice Hegarty (technology); Patrick Iannotto (supply and records); Jacqueline Dupree (data entry); Fernando Smith (interpreters); and Marilyn Vializ (court reporters).

The Administrative Judge's staff include Beverly Russell (Counsel); Michael Yavinsky (Chief Court Attorney); Justin Barry (Drug Courts); and Lisa Lindsay (DV Courts).



346 Broadway, Lobby

CRIMINAL COURT CITY OF NEW YORK MANAGEMENT ORGANIZATION

2007

SUPERVISING JUDGES

New York
Eileen Koretz

Kings/Richmond
William Miller

Queens
Deborah Modica





Juanita Bing Newton
Administrative Judge



CHIEF COURT ATTORNEY

Michael Yavinsky
Chief Court Attorney



William Etheridge
Chief Clerk



ADMINISTRATIVE JUDGE'S OFFICE

Beverly Russell
Counsel

Justin Barry
Drug Court Coordinator

Lisa Lindsay
DV Coordinator





BOROUGH CHIEF CLERKS

New York
Sorena Springle

Kings
John Hayes

Richmond
Andrew Hassell

Queens
Brian Wynne

1st Dep. Chief Clerk
Vincent Modica

Red Hook CJC
Toni Bullock-Stallings

Midtown CC
Joseph Vitolo









CITYWIDE SUPERVISORS

Ada Molina
Personnel

Patrick Iannitto
Supply and Records



Maj. Walter Glowacz
Court Officers


Marilyn Vializ
Court Reporters

Jacqueline Dupree
Data Entry

Fernando Smith
Interpreters

Alice Hegarty
Technology


Robert Cassidy
Summons






New Initiatives and Improved Service in 2007

Over the past year, Criminal Court continued to look for ways to increase the quality and efficiency of the delivery of justice throughout New York City, as well as making the courthouses more user-friendly. Some of these initiatives are listed below:

Arraignment Bar Code Scanning

The Court developed a sophisticated system for measuring the efficiency of the arrest-to-arraignment process from the time a case is first delivered to Court staff until it is arraigned. The project used a computer system with bar code scanning devices and a custom written software program and database that allowed Court staff to record timestamps at critical stages in the arraignment process. The data gathered from this system is now being analyzed to determine any improvements that could reduce overall arrest-to-arraignment times. The Court implemented the project in Manhattan and Brooklyn.

Queens Mental Health Recovery Court

An innovative alternative-to-incarceration program designed to connect misdemeanor offenders with mental health issues with necessary services, the Queens Mental Health Recovery Court (QMHC) was implemented in 2007. The program is a partnership with the local public defenders office, Treatment Alternatives to Street Crime, city agencies and local mental health providers.

Video Hospital Arraignments

In 2007 Criminal Court implemented a pilot project in Manhattan Criminal Court that allows hospitalized defendants awaiting arraignment to appear before a judge by videoconference. Arraignment of hospitalized defendants are a significant drain on the Court's scarce judicial resources, requiring a judge, lawyers and court staff to spend half-day or more visiting a hospital to arraign a handful of defendants. In the same time period a judge presiding in an arraignment part can arraign upwards of fifty cases. The Court's video arraignment project with Bellevue Hospital now allows judges in any courthouse to arraign these defendants in a matter of minutes in the courthouse, rather than hours

spent traveling throughout Manhattan. The Court has begun the process of bringing this capability to other hospitals with Elmhurst Hospital slated to go live in early 2008.

Trial Part Reservation System

The Trial Part Reservation System uses the Court's computer network to allow judges and clerks to reserve trial time in Manhattan's increasingly scarce trial parts. Updated regularly by clerical staff, the system allows judges sitting in parts throughout the courthouse to access real time information on the availability of trial parts. The system has resulted in a more efficient use of the trial parts and faster dispositions of all cases.

Drunk Driving Screenings and Assessments

Taking a leading role for the entire NYS Unified Court System, Criminal Court developed and implemented the first protocol to evaluate all defendants charged with a drunk driving offense for alcohol or substance abuse dependency in accordance with new provisions of the Vehicle and Traffic Law. The Court's protocols allow for treatment professionals to evaluate defendants even before arraignment on the charges.

Citywide Training

In 2007 citywide training days were offered for court clerks and court assistants as well as all judges. Topics covered for non-judicial staff included updates on the Universal Case Management System and Domestic Violence Web Registry. Judges covered new initiatives to curb Human Trafficking and substance abuse in adolescents.

Treatment Readiness Program

Further improving the continuum of substance abuse treatment services and education offered in Brooklyn, Criminal Court contracted with CASES to provide an updated two day treatment readiness program for defendants charged with low level offenses. The program is designed to educate defendants concerning the drug and alcohol abuse and let them know where they can turn for help.



Introduction – Administrative Judge Juanita Bing Newton

New York City Criminal Court truly does it all—from our trial and all-purpose parts (that are among the busiest in the world) to our problem-solving domestic violence courts and drug courts that are models for the rest of the nation. Criminal Court is home to Midtown Community Court and the Red Hook Community Justice Center which have become required stops for judges and court administrators from around the world trying to learn how to effectively target “quality of life” crimes and give the community “ownership” in the court system.

With our limited resources we are doing more with less. The Trial Part Reservation System computer program has given us the ability to better manage scarce trial resources. Our Hospital Video Arraignment program has allowed our judges to remain in the courthouse, rather than losing a half-days work to arraign a handful of defendants too sick to come to Court. The Queens Mental Health Recovery Court was started with existing resources to give mentally-ill misdemeanor offenders an opportunity to get treatment rather than spend time in jail, where the underlying cause of their criminal behavior remains unaddressed. Nowhere, however, is doing more with less more evident than in one of our core functions - arraignments.

We saw an eight percent (8%) increase in online/DAT filings this year over the year before. With little or no increase in the number of judges and non-judicial staff to handle this critical function, the Court once again rose to the task of arraigning defendants quickly and fairly. In Brooklyn, arraignments have increased by 44% in the past three years. The Court has responded with extra weekend and night arraignment shift - an 8% increase over last year - staffed by the same number of judges and non-judicial staff.



Honorable Juanita Bing Newton
Administrative Judge

Even with this dramatic increase in arraignment work, arrest-to-arraignment times have remained relatively stable. We attribute this to our hard-working judges and staff. This year, the Court decided to quantify and show how well we handle our arraignment responsibilities. In the following pages you will read about our Bar Code Scanning Project, that measured every stage of every case arraigned in Brooklyn and Manhattan in the second half of 2007 and showed the extraordinary efficiency with which our arraignment parts work.

The work of the Criminal Court is difficult and never really stops, but our incredible judges and staff are always up to the challenge!

This report discusses online arrest/Desk Appearance Ticket (DAT) and summonses arraignments and filings. Online arrest/DAT refers to those cases that are filed with the court subsequent to an arrest by a law enforcement officer and the filing of a formal complaint. With online arrest/DAT cases, the defendant is typically detained either at a local police precinct or central booking while fingerprints are taken and a criminal history report returned. Online arrest defendants are held until seen by a judge. DAT defendant are released after printing, at the discretion of law en-

forcement, and given a notice to appear in court on a future date. Unless indicated, this report groups these two types of cases together into one category.

Summons cases are started when a law enforcement officer issues an appearance ticket to a defendant with instructions to report to court on a certain date. Typically, the defendant is not detained prior to release and no fingerprints are taken. A complaint is then filed with the Criminal Court to commence the case.



Criminal Court Caseload – A 10 Year Overview

Criminal Court saw a 8% increase in arrest/DAT arraignments in the past year and a 13% increase over the past two years. While felony filings increased by 3% over a one year period and 7% over two years, misdemeanor and other types of online/DAT arrests saw an even sharper increase of 9% for one year and 14% for two years.

New York City law enforcement continues to focus on “quality of life” crimes. While summons filings were almost the same as the year before, they are up over 56% from 1997. When you look at online/DAT arrest and summons filings, Criminal Court saw a 24% increase in its combined filings from 1997 to 2007. Only 2000 and 2005 saw the Court handling more combined filings than 2007.

Another indicator of the increase in workload is the 16% increase in the number of calendared

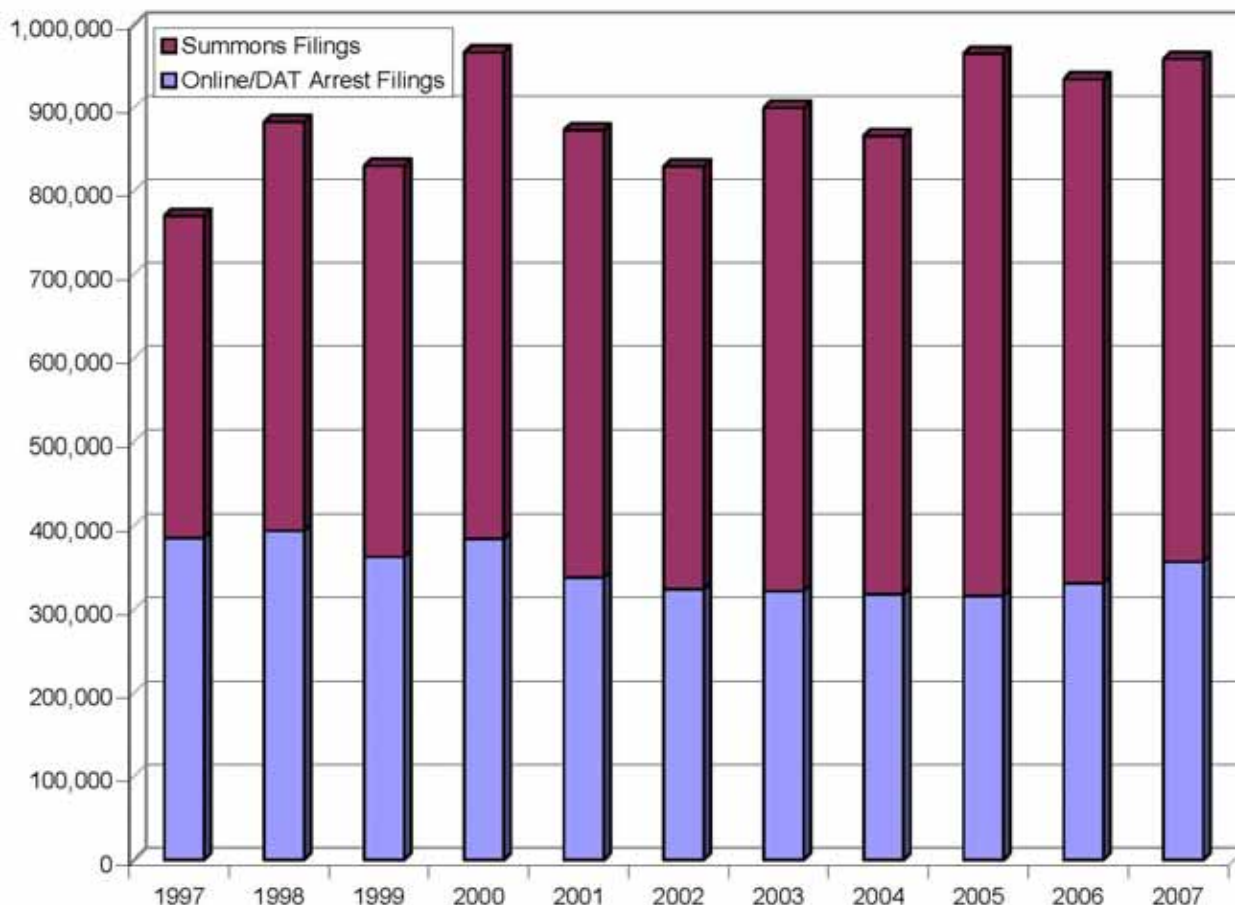
online/DAT cases in the last three years from 841,894 in 2004 to 973,765 in 2007. In the same period the number of pending cases on December 31 increased 32% from 36,325 in 2004 to 47,885 in 2007.

While the Court’s workload has steadily risen, the amount of judges available to preside in the Court has remained static with the Court logging 12,199 judge days in 2007 compared to 12,184 in 2004. Over the course of the past year there has only been a 0.1% increase in judge days.

The Court’s productivity has never been higher. Five years ago the Court brought 254,743 online/DAT cases to final disposition. This year the number was 282,684 - an 11% increase.

Criminal Court is managing an increasing workload with less resources than it has had in past years.

Combined Online/DAT Arrest and Summons Filings





COURT OPERATIONS – SUMMARY INFORMATION

The charts on pages 12-18 give a good summary of the work Criminal Court accomplishes using limited resources - judicial and otherwise - over the course of the year.

Caseloads

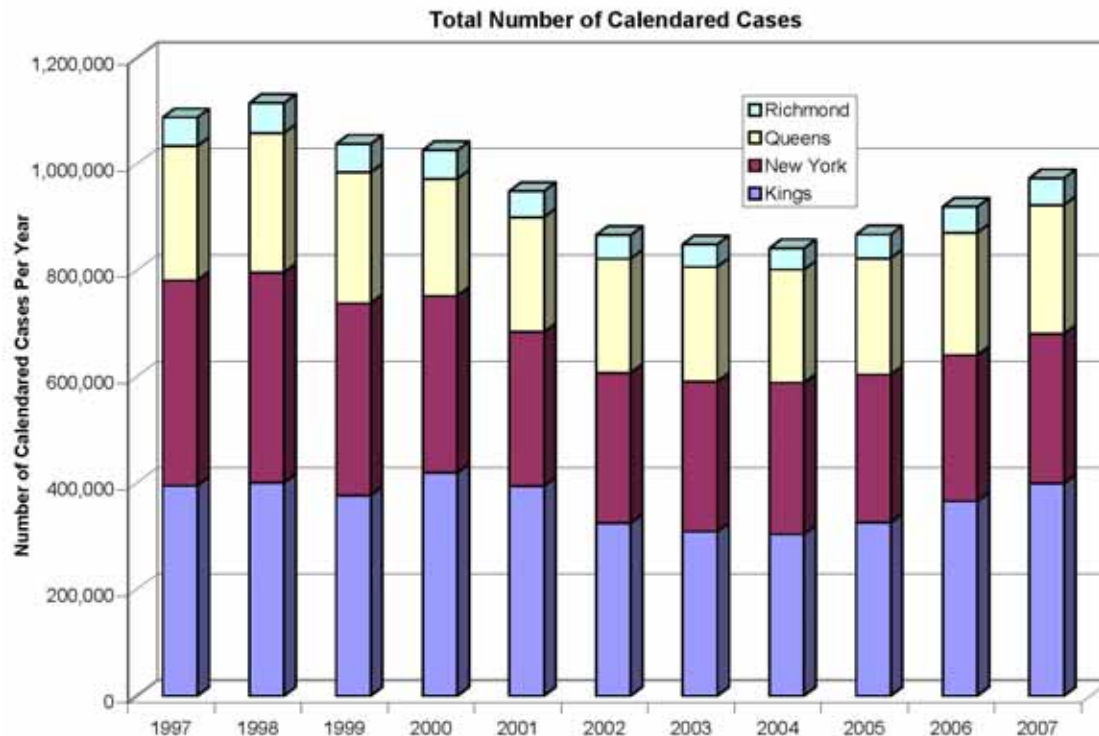
The charts on pages 12-15 show the number of cases Criminal Court calendars each year and its daily caseload, or number of cases in Criminal Court citywide, pending as of the last day of the

year. These pending caseload numbers are a good indication of the amount of work pending in the Court at any given time and the amount of work handled by judges and non-judicial personnel.

Dispositions

The chart on page 16 indicates the numbers and types of dispositions (or the numbers of cases Criminal Court closes) reported every year since 1997.

	Number of Calendared Cases				
	Citywide	Kings	New York	Queens	Richmond
2007	973,765	399,345	281,697	242,091	50,632
2006	920,043	366,072	274,794	230,191	48,986
2005	867,854	325,857	278,246	218,928	44,823
2004	841,894	303,784	285,290	212,554	40,266
2003	849,238	308,943	282,329	215,626	42,340
2002	866,741	324,795	282,887	214,488	44,571
2001	949,347	394,457	290,179	215,756	48,955
2000	1,026,461	419,609	332,850	219,934	54,068
1999	1,038,085	377,172	361,385	246,048	53,480
1998	1,114,940	400,751	395,730	262,143	56,316
1997	1,087,846	395,108	386,456	252,738	53,544





COURT OPERATIONS – SUMMARY INFORMATION

Dockets Pending on December 31 (Snapshot of Pending Cases)

	Citywide	Kings	New York	Queens	Richmond
2007 Total	47,885	18,503	16,899	10,141	2,342
<i>Total Pending Disposition</i>	45,151	17,506	16,491	9,091	2,063
<i>Felony</i>	10,435	2,973	3,999	3,036	427
<i>Misd/Inf/Viol/Oth</i>	34,716	14,533	12,492	6,055	1,636
<i>Total Pending Sentence</i>	2,734	997	408	1,050	279
2006 Total	43,858	15,594	15,538	10,271	2,455
<i>Total Pending Disposition</i>	41,360	14,684	15,133	9,338	2,205
<i>Felony</i>	9,865	2,639	3,602	3,192	432
<i>Misd/Inf/Viol/Oth</i>	31,495	12,045	11,531	6,146	1,773
<i>Total Pending Sentence</i>	2,498	910	405	933	250
2005 Total	38,830	12,530	15,020	9,397	1,883
<i>Total Pending Disposition</i>	36,071	11,475	14,534	8,407	1,655
<i>Felony</i>	8,913	1,856	3,808	2,905	344
<i>Misd/Inf/Viol/Oth</i>	27,158	9,619	10,726	5,502	1,311
<i>Total Pending Sentence</i>	2,759	1,055	486	990	228
2004 Total	36,325	10,209	15,787	8,671	1,658
<i>Total Pending Disposition</i>	33,849	9,330	15,206	7,817	1,496
<i>Felony</i>	8,225	1,248	3,729	2,935	313
<i>Misd/Inf/Viol/Oth</i>	25,624	8,082	11,477	4,882	1,183
<i>Total Pending Sentence</i>	2,476	879	581	854	162
2003 Total	35,936	10,355	15,194	8,721	1,666
<i>Total Pending Disposition</i>	33,720	9,540	14,665	7,951	1,564
<i>Felony</i>	8,539	1,927	3,659	2,641	312
<i>Misd/Inf/Viol/Oth</i>	25,181	7,613	11,006	5,310	1,252
<i>Total Pending Sentence</i>	2,216	815	529	770	102
2002 Total	32,845	9,137	14,297	7,657	1,754
<i>Total Pending Disposition</i>	30,896	8,474	13,740	7,035	1,647
<i>Felony</i>	8,446	897	4,620	2,540	389
<i>Misd/Inf/Viol/Oth</i>	22,450	7,577	9,120	4,495	1,258
<i>Total Pending Sentence</i>	1,949	663	557	622	107
2001 Total	28,832	8,590	11,709	7,093	1,440
<i>Total Pending Disposition</i>	27,230	8,021	11,252	6,605	1,352
<i>Felony</i>	8,091	907	4,455	2,371	358
<i>Misd/Inf/Viol/Oth</i>	19,139	7,114	6,797	4,234	994
<i>Total Pending Sentence</i>	1,602	569	457	488	88
2000 Total	32,688	10,501	13,103	7,276	1,808
<i>Total Pending Disposition</i>	30,999	9,821	12,593	6,904	1,681
<i>Felony</i>	8,077	1,143	4,361	2,105	468
<i>Misd/Inf/Viol/Oth</i>	22,922	8,678	8,232	4,799	1,213
<i>Total Pending Sentence</i>	1,689	680	510	372	127

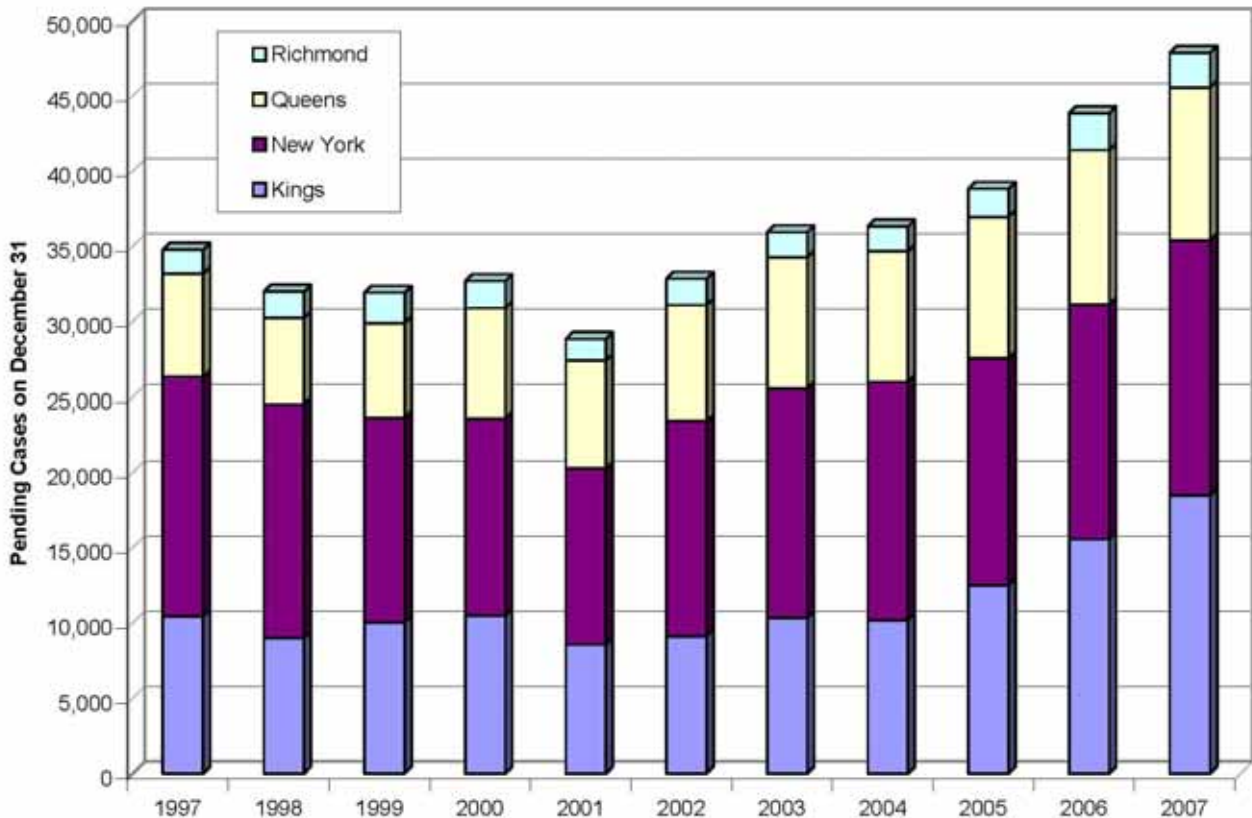


COURT OPERATIONS – SUMMARY INFORMATION

Dockets Pending on December 31 (Snapshot of Pending Cases)

	Citywide	Kings	New York	Queens	Richmond
1 Total	31,908	10,047	13,596	6,241	2,024
9 Total Pending Disposition	30,472	9,589	13,118	5,878	1,887
9 Felony	9,274	2,102	4,338	2,318	516
Misd/Inf/Viol/Oth	21,198	7,487	8,780	3,560	1,371
Total Pending Sentence	1,436	458	478	363	137
1 Total	31,991	9,016	15,524	5,696	1,755
9 Total Pending Disposition	30,406	8,507	15,056	5,283	1,560
8 Felony	9,499	2,144	4,977	1,984	394
Misd/Inf/Viol/Oth	20,907	6,363	10,079	3,299	1,166
Total Pending Sentence	1,585	509	468	413	195
1 Total	34,782	10,475	15,876	6,837	1,594
9 Total Pending Disposition	33,233	9,992	15,329	6,454	1,458
7 Felony	9,778	2,133	5,085	2,270	290
Misd/Inf/Viol/Oth	23,455	7,859	10,244	4,184	1,168
Total Pending Sentence	1,549	483	547	383	136

Pending Cases





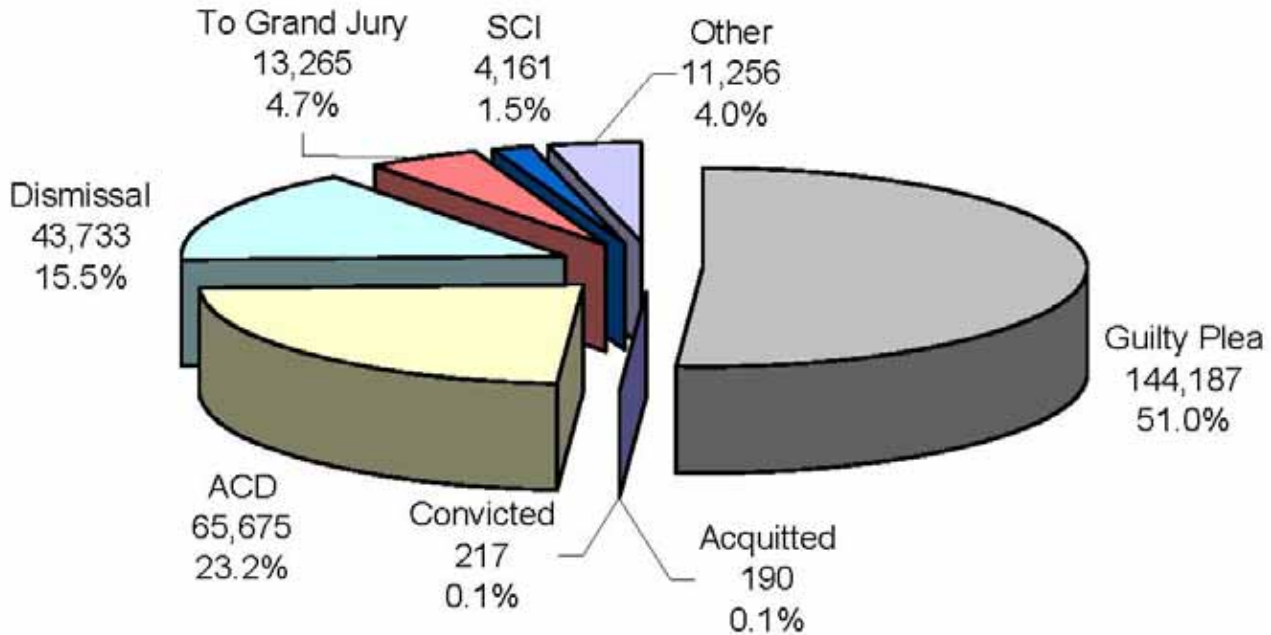
COURT OPERATIONS – SUMMARY INFORMATION

Citywide Dispositions

	Total	Guilty Plea	Convicted	Acquitted	ACD	Dismissal	To Grand Jury	SCI	Other*
2007	282,684	144,187	217	190	65,675	43,733	13,265	4,161	11,256
2006	264,295	133,981	283	216	58,650	43,244	12,819	4,698	10,404
2005	251,684	125,139	330	252	59,161	41,130	12,296	4,457	8,919
2004	252,494	124,438	305	253	57,348	40,607	12,194	4,582	12,767
2003	249,824	121,485	325	261	60,311	35,729	12,614	4,462	14,637
2002	254,743	122,920	419	295	60,468	38,644	13,580	4,839	13,578
2001	274,545	132,233	329	245	66,595	41,813	13,394	4,794	15,142
2000	303,981	146,642	335	247	71,176	45,265	14,859	5,231	20,226
1999	292,454	136,540	327	241	74,331	42,291	16,280	4,700	17,744
1998	320,155	151,830	263	215	77,552	47,119	19,276	6,094	17,806
1997	311,335	153,734	202	171	64,894	47,838	20,235	5,283	18,978

* Dispositions in the "Other" category include resolutions of Criminal Court warrants outstanding in another county; resolutions of Family Court warrants and Orders of Protection outstanding; removals to Family Court; extradition matters; and transfers to another court.

Criminal Court Dispositions 2007





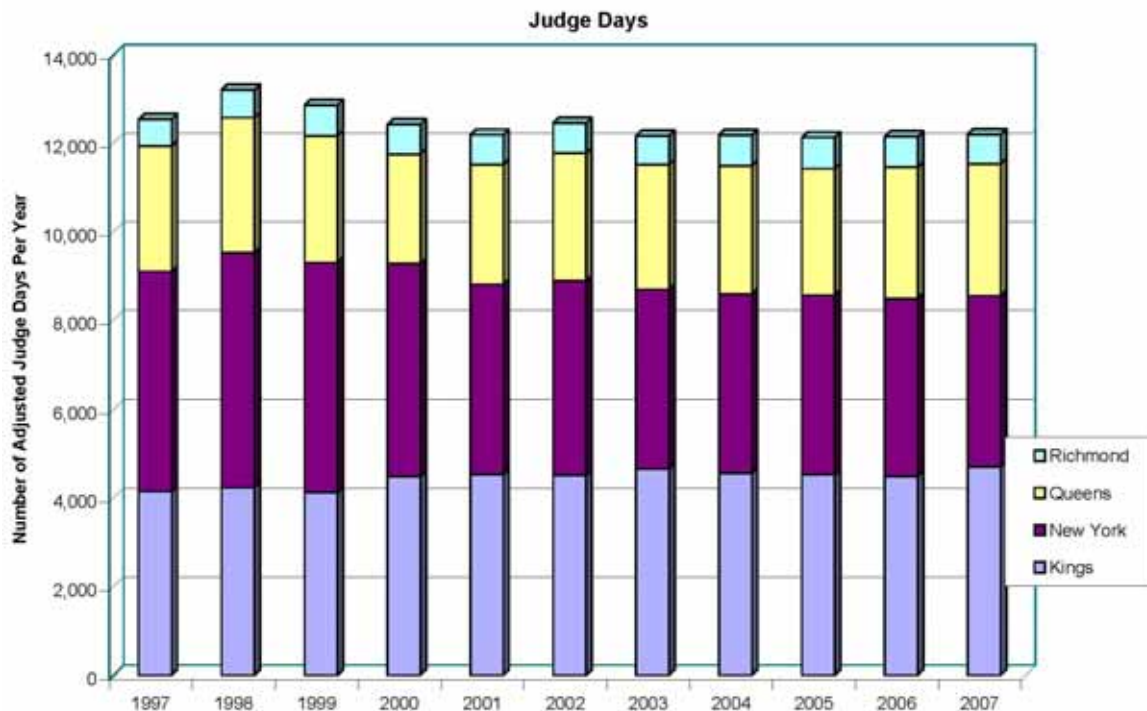
COURT OPERATIONS – SUMMARY INFORMATION

This page and the following show the amount of judicial resources that Criminal Court has available to handle the workload that it is mandated to handle over the past ten years. Adjusted Judges Days shows the combined number of days each Criminal Court judge worked over the course of a year. More judges assigned to the Court generally means more judge days. Less judges generally means less judge days for a given year.

While judge days have remained relatively static, workload, as evidenced in the calendared cases chart on page 13 has been steadily increasing. The chart on the following page is an attempt to show the relationship between judges assigned to the Court and its workload, or caseload per judge. The statistics show that this ratio has been steadily increasing in every county for the past four years.

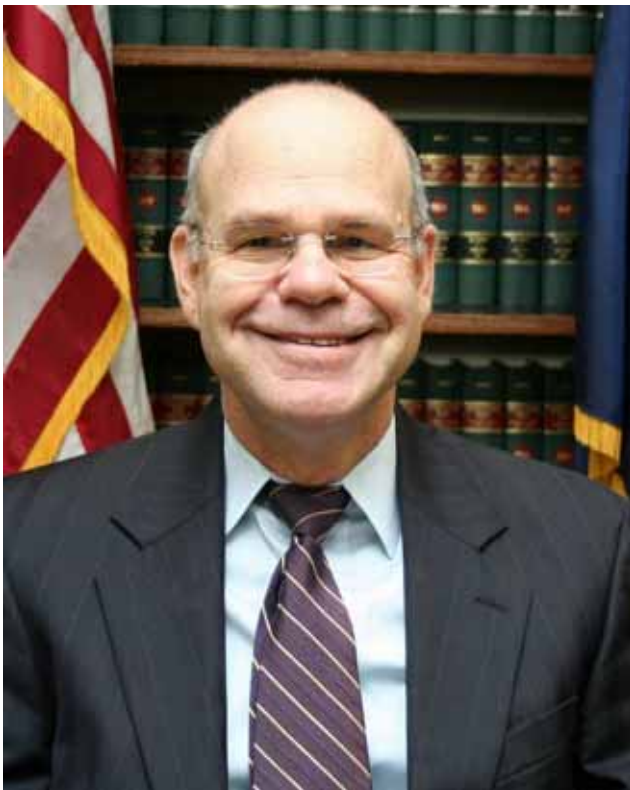
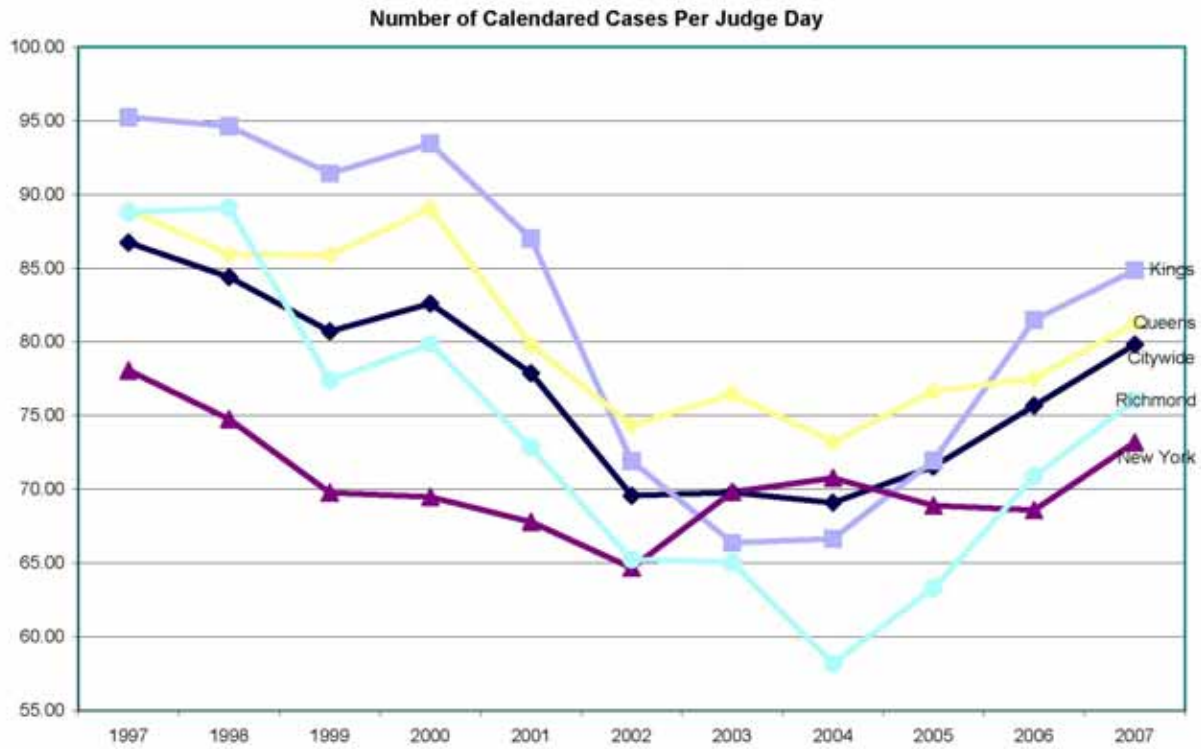
	Number of Adjusted Judge Days				
	Citywide	Kings	New York	Queens	Richmond
2007	12,199	4,705	3,849	2,979	666
2006	12,167	4,492	4,015	2,969	691
2005	12,130	4,528	4,038	2,856	708
2004	12,184	4,558	4,031	2,903	692
2003	12,168	4,654	4,043	2,820	651
2002	12,457	4,516	4,374	2,884	683
2001	12,189	4,533	4,280	2,704	672
2000	12,427	4,490	4,790	2,470	677
1999	12,860	4,125	5,179	2,865	691
1998	13,210	4,235	5,293	3,050	632
1997	12,542	4,148	4,950	2,841	603

Note: The Judge day recorded was adjusted by a macro in the SAS program and this count is recorded on the executive summaries. Judge Days are entered on the CC1 Part Activity form. A count of one is recorded for each judge per day. If a judge works more than one part, the SAS macro written by OCA adjusts the judges day to total 1 per judge per day by part hierarchy (Arraignments Parts > All Purpose Parts > Jury Parts > Other Parts).





COURT OPERATIONS – SUMMARY INFORMATION



Honorable William Miller
Supervising Judge, Kings County



Honorable Eileen Koretz
Supervising Judge, New York County



Focus on Arraignments - 2007 Bar Code Scanning Project

Criminal Court of the City of New York conducted a comprehensive timestamp study of its arraignment operations in Kings and New York Counties from April to December, 2007. The purpose of the study was to measure the efficiency of these operations and to make recommendations that would help reduce overall arrest-to-arraignment times.

The study tracked six discrete stages of the Court's arraignment process. The Court's technology department, after developing a comprehensive software application, set up scanners in the arraignment clerks' offices and courtrooms. Most court papers in each county followed the six stages, but the scanning application was written to accommodate cases that did not follow a typical path. Clerk supervisor's computers were equipped with a scanner to handle special cases. In order to gauge the effect of opening and closing courtrooms and back office operations, the protocols called for supervisors to indicate the beginning and end of back office shifts and courtroom sessions. Courtroom staff also scanned times that judges took and left the bench. While the primary design of the system was to gather data on on-line arrest cases, staff also measured the progress of Desk Appearance Ticket (DAT) cases, since the processing and calling of these cases impact the processing of on-line arrest cases.

An analysis of the data collected showed several significant points including the following.

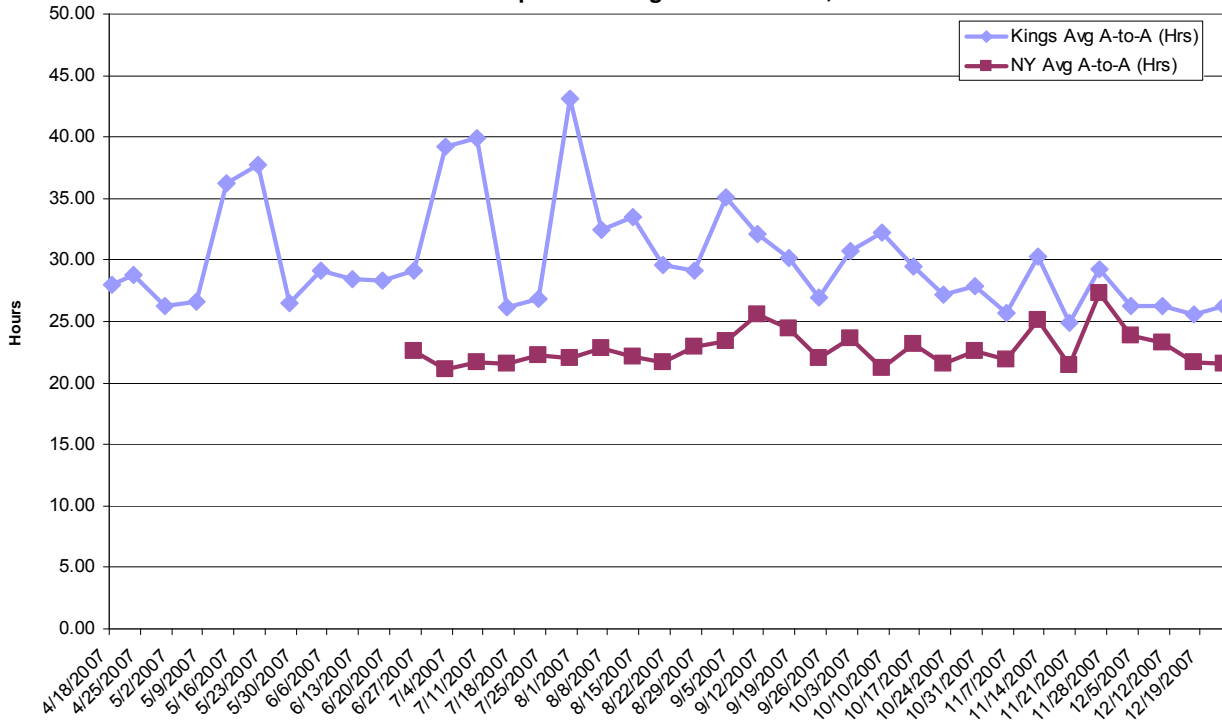
- The court process required to complete the steps from docketing to arraignment for a new cases takes about one hour less in Kings County than it does in New York County. Nonetheless the times to complete Kings County's arrest-to-arraignment process are consistently higher than those of New York.
- Cases arraigned during weekend day sessions take significantly longer to complete than cases arraigned during weekdays and all night sessions. This effect is significant in New York County. Most of the weekend day delay is attributable to an increase in the amount of time between completion of the Court back office staff work and the production of the defendant in the holding area which are located adjacent to the courtroom.
- Arraignment volume, that is, the number of cases in the system, is the most significant driving force in the amount of time necessary to bring a case from docketing to arraignment. This is especially clear from this study's analysis of time and volume of arraignments by day of the week. The stage of the process that experiences the highest degree of negative effect of increased volume is prisoner production, i.e., the higher the volume, the more time it takes to deliver a defendant to the holding area behind the courtroom.
- "Holding a Case Over" to the next arraignment session can have a significant detrimental effect on the time in which a case progresses through the arraignment process. These "holdovers" also have a serious impact on the average "docketing-to-arraigned" times for all the cases measured over the course of the study.
- The data shows that in Kings County, the Court process takes an average of five hours and nineteen minutes. Slightly more than half of all cases in Kings are delivered to the Court to start the docketing-to-arraignment process within 22 hours from arrest. The remaining cases are submitted to the Court when they are more than 22 hours old. It is therefore inevitable that the average arrest-to-arraignment time is in excess of the twenty-four hour mandate. Contrast this to New York County, where the court process is slightly longer, delivery time shorter and arrest-to-arraignment time is well under twenty-four hours.

Four data summary charts are shown on the following two pages. The full report with recommendations may be viewed at <http://nycourts.gov/courts/nyc/criminal/index.shtml>.

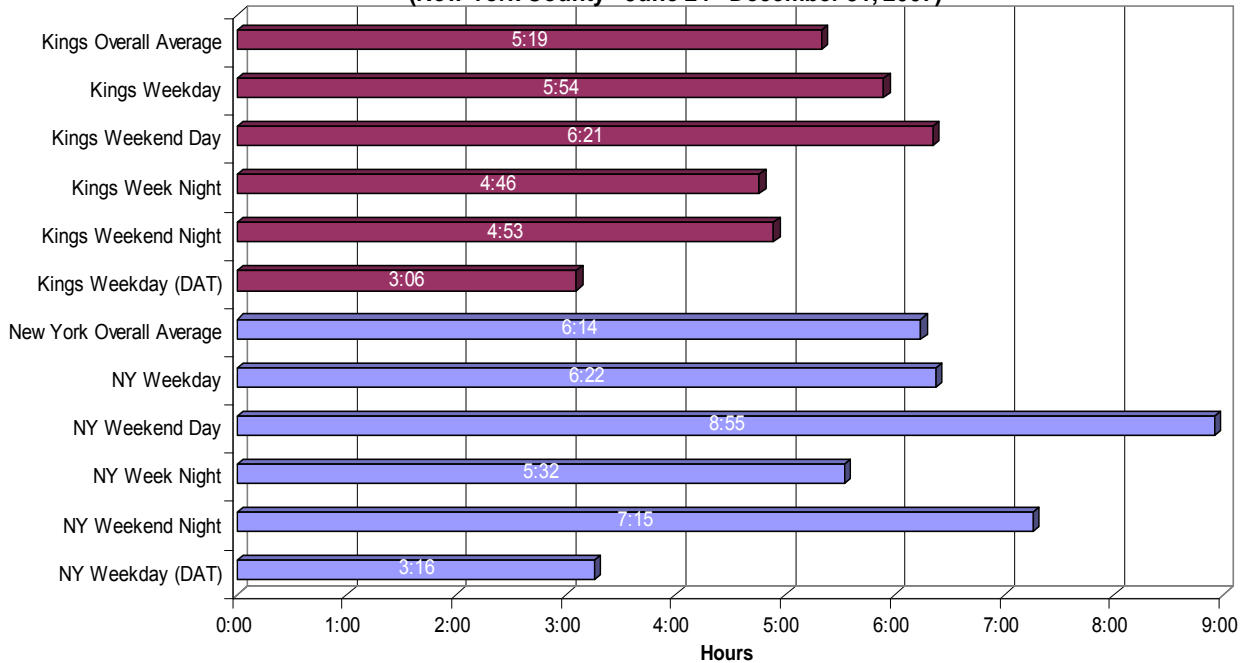


Focus on Arraignments - Bar Code Scanning

Average Weekly Arrest to Arraignment Time - Comparison of Kings and New York Counties - Weeks of April 18 through December 25, 2007

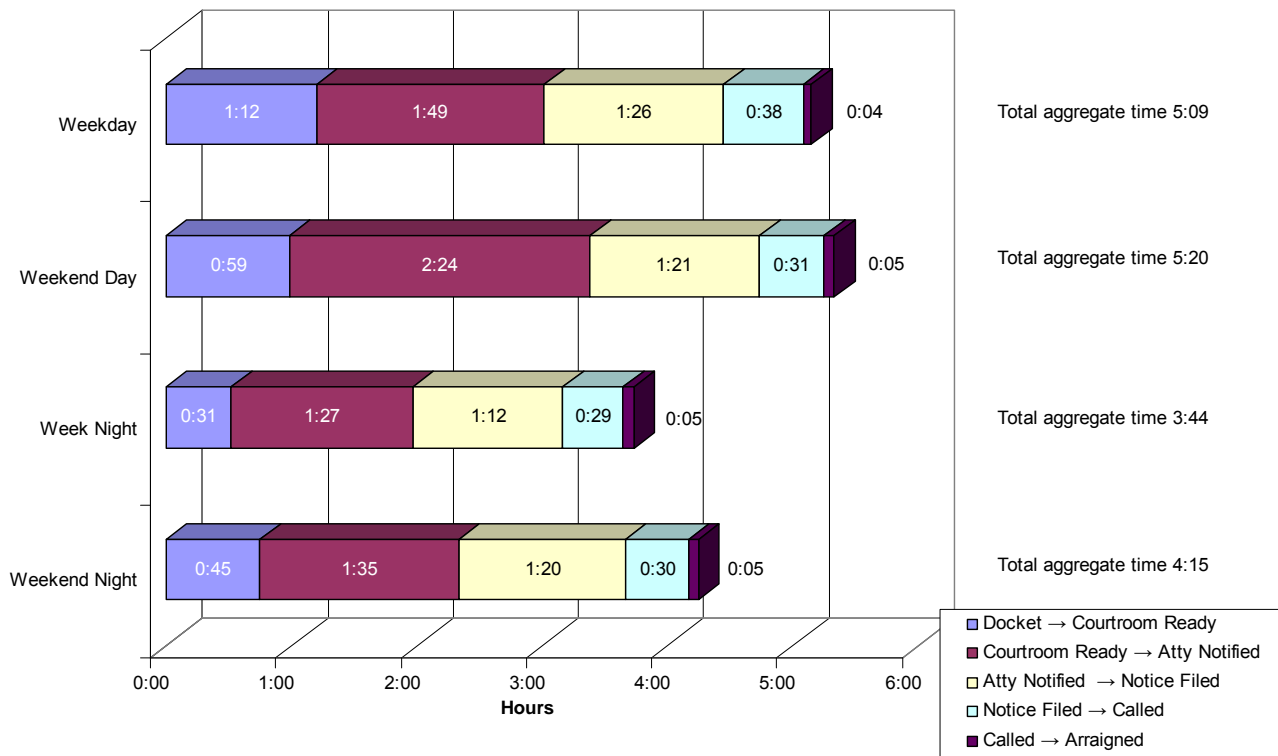


**Average Elapsed Time Between Docketed and Arraigned Scans
(Kings County April 15 - December 31, 2007)
(New York County - June 24 - December 31, 2007)**

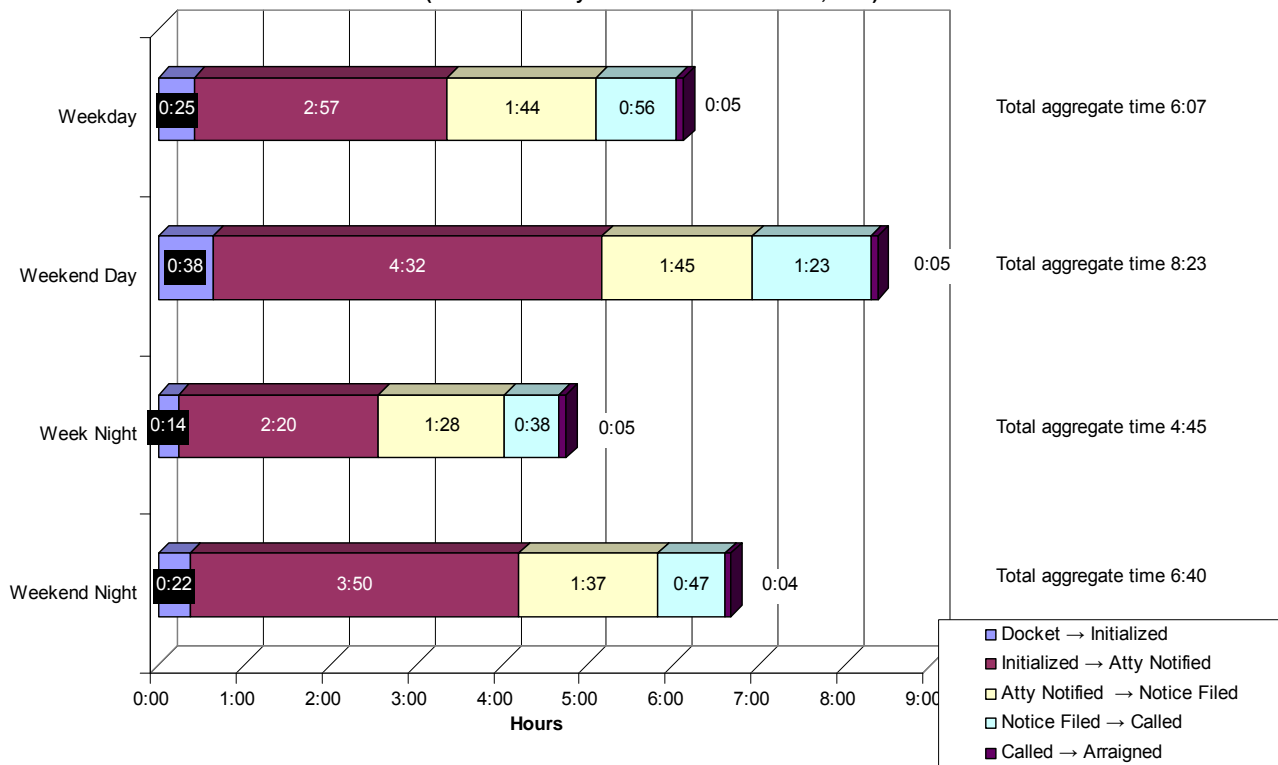




**Aggregate Averages of Arraignment Bar Code Scanning Times
(Kings County - April 15 to December 31, 2007)**



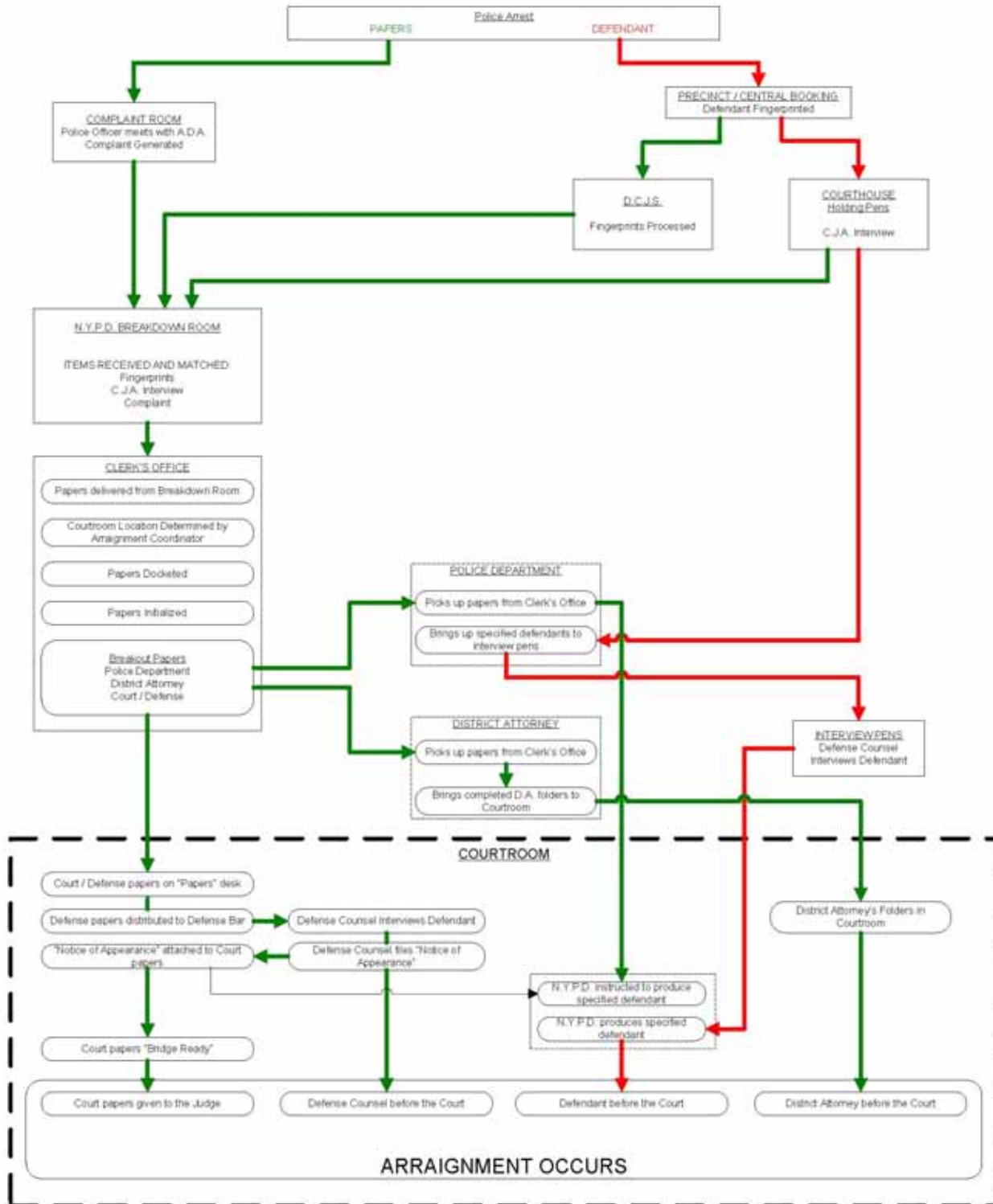
**Aggregate Averages of Arraignment Bar Code Scanning Times
(New York County - June 24 to December 31, 2007)**





Arrest to Arraignment – The Path of the Case

ARREST TO ARRAIGNMENT FLOWCHART





Arrest to Arraignment – The Process

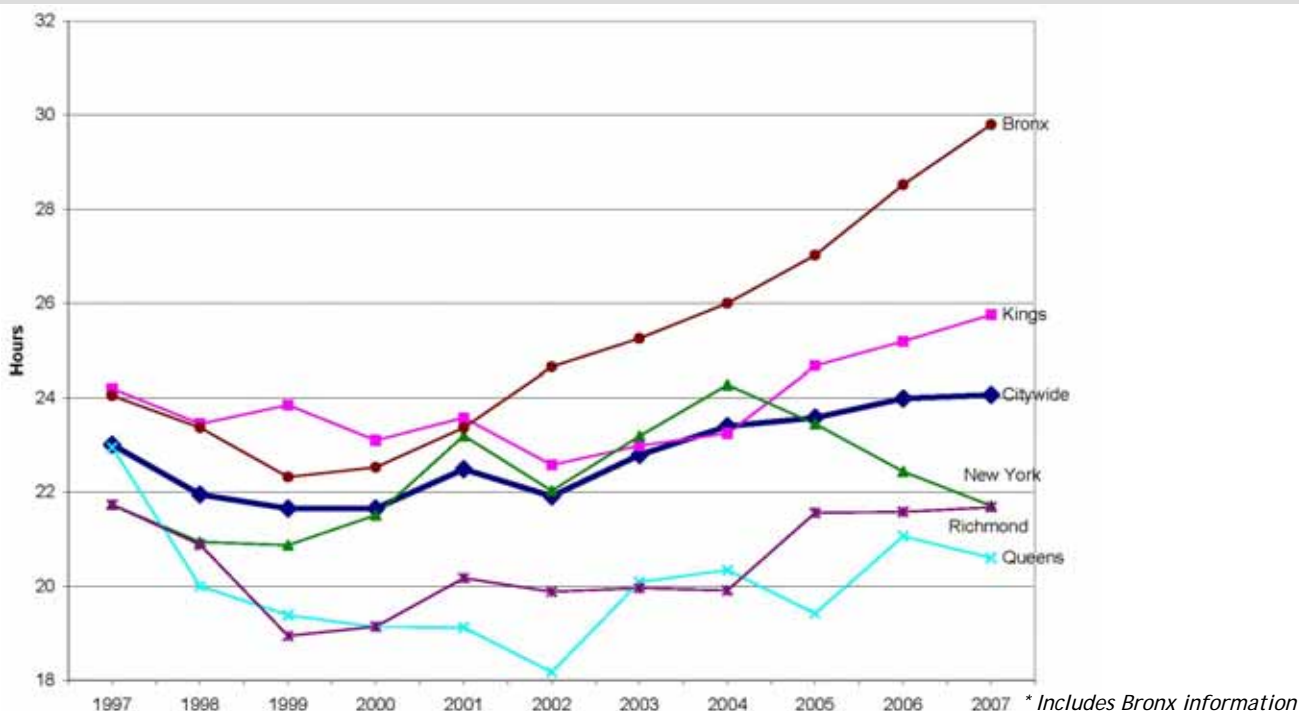
There is a tremendous amount of work that must be done after the police arrest a defendant and before the defendant is ready to appear in front of a judge at arraignment. The police must meet with the District Attorney’s Office, which will in turn draft a complaint. The police must also send the defendant’s fingerprints to DCJS in Albany and await the return of a criminal history. The court arraignment clerks must create a court file, docket number and enter the information into the court’s database. Meanwhile, the Criminal Justice Agency

must interview the defendant and make a bail recommendation.

Only after all of this takes place, does a defense attorney speak to the defendant and file notice that the defendant is ready to be arraigned by the Court. This page highlights the average time between arrest and arraignment for 2007 and how that compares with the previous 10 years. This time period is made all the more important by a mandate from the Court of Appeals to complete this process within twenty-four hours.

Average Arrest to Arraignment Times (Hours)*

	Citywide	Bronx	Kings	New York	Queens	Richmond
2007	24.07	29.80	25.75	21.71	20.60	21.68
2006	23.99	28.52	25.19	22.44	21.06	21.58
2005	23.58	27.02	24.67	23.45	19.42	21.56
2004	23.40	26.00	23.25	24.28	20.34	19.91
2003	22.79	25.25	22.99	23.19	20.09	19.96
2002	21.91	24.65	22.58	22.03	18.17	19.88
2001	22.49	23.37	23.58	23.20	19.12	20.17
2000	21.65	22.53	23.10	21.51	19.13	19.14
1999	21.65	22.32	23.85	20.87	19.38	18.94
1998	21.95	23.37	23.45	20.94	20.00	20.88
1997	23.01	24.05	24.20	21.73	22.95	21.73





Bronx Criminal Division

In an effort to better utilize scarce judicial resources and react more efficiently and effectively to changes in arrest patterns, Criminal Court has participated in a pilot project to reorganize the case processing structure of the Bronx criminal justice system. Starting in 2004, administrative oversight of many Criminal Court operations in the Bronx was transferred to the newly created Bronx Criminal Division. Criminal Court continues to maintain an operational and support presence in the Bronx. Criminal Court adjudicates all summons matters in the Bronx. All felony and misdemeanor

arraignments are heard by judges sitting in the Criminal Court and misdemeanor cases are only transferred to the Bronx Criminal Division if they survive this initial court appearance.

This report details information relating to Bronx Criminal Court's budget and its summons operation. We also list, below, a statistical overview of arraignments in the Bronx from 1997 to 2007. Other statistics relating to misdemeanor and preliminary felony case processing are not reported at length here.

Bronx Online/DAT Arrest Arraignment Statistics

	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997
Arraignments - Total	76,631	67,839	66,764	67,170	69,995	70,972	70,759	84,234	76,292	83,513	77,136
Felony Arraignments	16,042	14,120	14,003	14,262	14,239	16,825	17,166	17,865	19,418	23,459	23,099
Misd. Arraignments	56,439	49,053	47,782	46,353	48,560	48,241	46,955	58,471	50,395	54,625	49,443
Inf/Viol Arraignments	1,319	2,022	2,498	3,020	3,067	1,818	1,982	2,558	2,100	1,571	1,032
Other Arraignments	2,831	2,644	2,481	3,535	4,129	4,088	4,656	5,340	4,379	3,858	3,562



100 Centre Street, Lobby



COURT OPERATIONS – ARRAIGNMENTS

The arraignment marks the first time that a criminal defendant appears in court. Criminal Court operates arraignment parts day and night, every day of the year in all five counties of the city. In 2007, 358,079 cases were arraigned citywide on On-Line arrest or Desk Appearance Ticket (DAT) cases, an 8% increase over 2006.

Arraignments are actually the final stage of the arrest process in New York City. Before the defendant appears before the Judge, a complicated series of steps must occur, all typically within a twenty-four hour period. The flowchart on page 24 shows all of the necessary steps that must occur between a defendant's arrest and the time that he or she first appears in court. The defendant must be brought to Central Booking where his arrest photo and fingerprints are taken. The fingerprints are electronically sent to the Division of Criminal Justice Services (DCJS) where a criminal history or rap sheet is produced and returned to the police in Central Booking. Meanwhile the Criminal Justice Agency (CJA) interviews each defendant for the purpose of making a bail recommendation and the arresting officer meets with an Assistant District Attorney in order to draft the complaint that will start the criminal prosecution. All of these items - complaint, rap sheet and CJA report - must be compiled before the court may arraign the defendant. Once the necessary paperwork is completed, it is all delivered to court arraignment clerks who prepare a final file for the court and attorneys, assign a docket number to the case and initialize the case in the court's computer system. Defense counsel - either assigned or private - is then given an opportunity to interview the defendant before he or she sees the judge.



Honorable Deborah Stevens Modica
Supervising Judge, Queens County

In the Arraignment Part, defendants are notified of the charges that have been filed against them and their rights. The judge will also hear arguments from the assistant district attorney and defense counsel concerning bail - whether it is appropriate and, if so, what form the bail should take and how much.

Arraignment is also the first opportunity to dispose of misdemeanor cases. In 2007 there were 179,973 cases disposed of throughout all of Criminal Court's five county arraignment parts, almost 50% of all arrest cases arraigned.

	Number of Weekly Arraignment Parts - 2007							
	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
Arraignment Parts	26.6*	5.9	7.3	1.0	6.8	4.1*	0.5*	1.1*
Day	9.3*	2.2	2.0	1.0	2.0	1.1*	0.5*	0.6*
Night	5.6	1.0	1.8	0	1.8	1.0	0	0
Weekend Day	5.7*	1.7	1.5	0	1.0	1.0	0	0.5*
Weekend Night	6.0	1.0	2.0	0	2.0	1.0	0	0

* Some arraignment parts are listed as a fraction. In Queens, the arraignment part that is only open one day/week is listed as 0.1. In Red Hook and Richmond the parts listed operate half of the time as an arraignment part and the other half as either an all-purpose part or a trial part. Summons courtrooms are not included in this list.



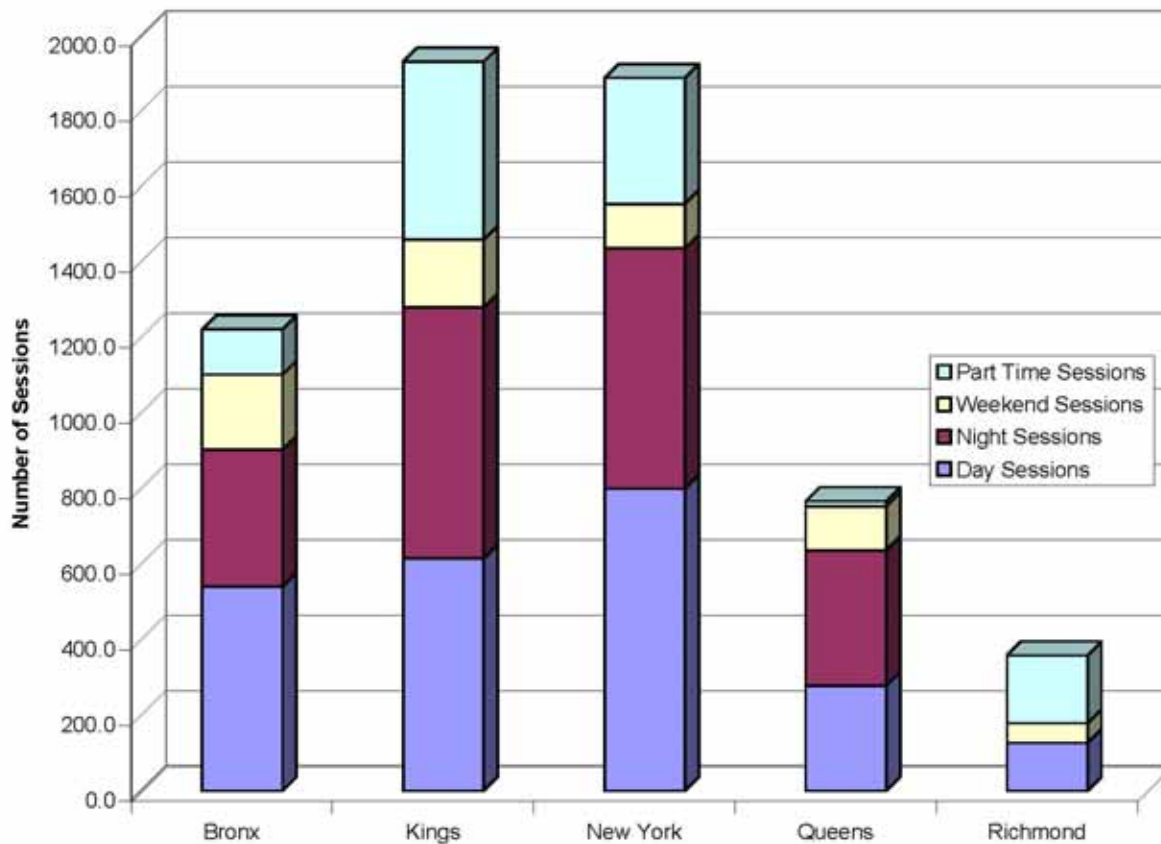
COURT OPERATIONS – ARRAIGNMENTS

Arraignment Sessions* - 2007

	Citywide	Bronx	Kings**	Midtown	New York	Queens	Red Hook	Richmond***
Total Sessions	5,048.3	1,102.0	1,352.0	244.0	1,310.0	753.0	108.0	179.3
Day Sessions	2,360.8	540.0	508.0	244.0	556.0	278.0	108.0	126.8
Night Sessions	2,024.0	364.0	664.0	0	637.0	359.0	0	0.0
Weekend Day Sessions	663.5	198.0	180.0	0	117.0	116.0	0	52.5

* Arraignment sessions are the number of judge days for the year devoted to arraignments. ** Kings County APAR6 opened for 1/2 day. The total sessions for this part is the adjusted judge days times 1/2. *** Richmond County sessions were computed as follows: APAR1 # of judge days times 1/2, APAR2 # of judge days times 1/4, APAR4 # of judge days times 1/2. Richmond DAT is not credited with a part day since it is only opened 1/2 hour per day. **** Counties did not enter data for the Hospital ARR Part, except for NY County.

Arraignment Sessions - 2007



346 Broadway, ceiling



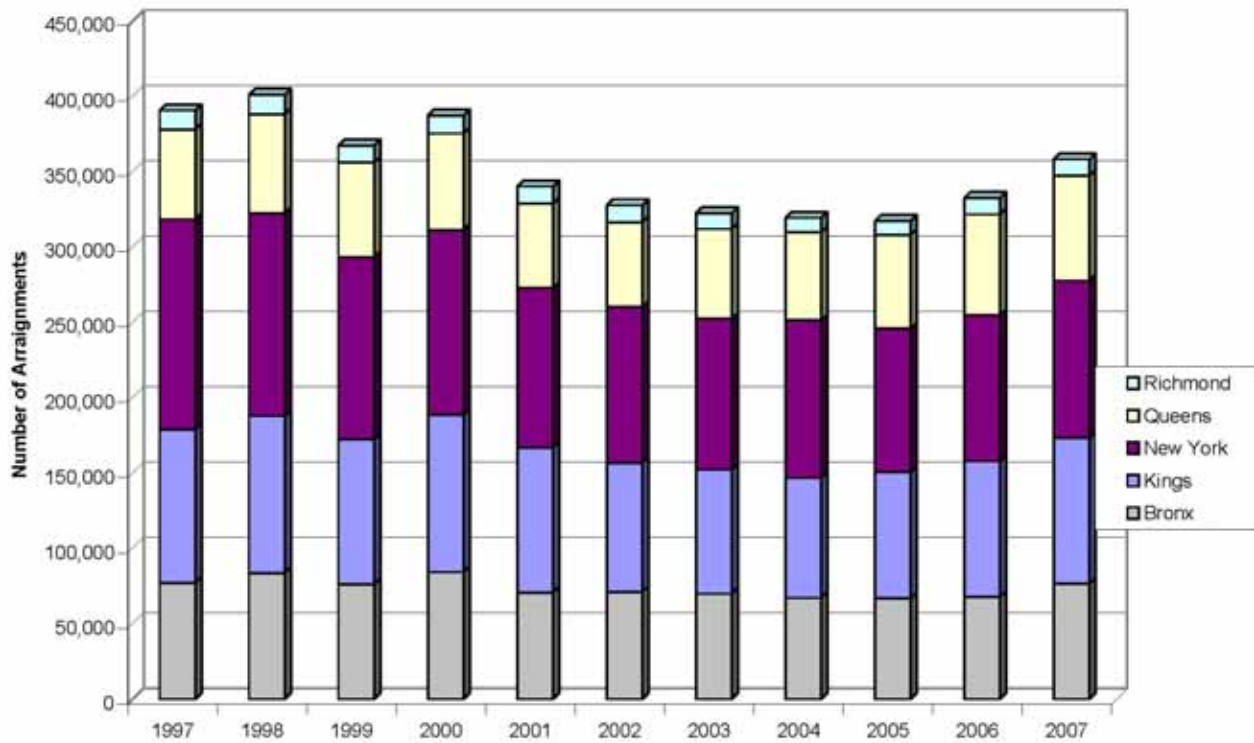
		DAT/On-Line Arraignments*					
		Citywide	Bronx	Kings	New York	Queens	Richmond
2007	Total Arraignments	358,079	76,631	96,760	104,333	69,500	10,855
	<i>DAT</i>	27,146	9,423	3,742	10,275	2,931	775
	<i>On-Line Arrests</i>	330,933	67,208	93,018	94,058	66,569	10,080
2006	Total Arraignments	332,496	67,839	89,975	96,876	67,003	10,803
	<i>DAT</i>	17,950	3,840	2,427	8,496	2,510	677
	<i>On-Line Arrests</i>	314,546	63,999	87,548	88,380	64,493	10,126
2005	Total Arraignments	317,286	66,764	83,692	95,661	61,926	9,243
	<i>DAT</i>	20,515	4,842	3,245	9,450	2,262	716
	<i>On-Line Arrests</i>	296,771	61,922	80,447	86,211	59,664	8,527
2004	Total Arraignments	319,306	67,170	79,506	104,857	58,386	9,387
	<i>DAT</i>	21,687	4,469	3,745	10,175	2,335	963
	<i>On-Line Arrests</i>	297,619	62,701	75,761	94,682	56,051	8,424
2003	Total Arraignments	322,385	69,995	82,241	100,076	59,668	10,405
	<i>DAT</i>	20,049	4,662	4,520	7,131	2,424	1,312
	<i>On-Line Arrests</i>	302,336	65,333	77,721	92,945	57,244	9,093
2002	Total Arraignments	327,592	70,972	85,541	103,671	56,318	11,090
	<i>DAT</i>	17,773	3,404	3,626	6,597	2,809	1,337
	<i>On-Line Arrests</i>	309,819	67,568	81,915	97,074	53,509	9,753
2001	Total Arraignments	339,993	70,759	96,174	105,746	55,937	11,377
	<i>DAT</i>	17,793	4,512	3,420	5,563	2,959	1,339
	<i>On-Line Arrests</i>	322,200	66,247	92,754	100,183	52,978	10,038
2000	Total Arraignments	387,094	84,234	104,325	122,803	63,786	11,946
	<i>DAT</i>	17,695	4,713	3,534	5,040	2,948	1,460
	<i>On-Line Arrests</i>	369,399	79,521	100,791	117,763	60,838	10,486
1999	Total Arraignments	367,962	76,292	95,904	121,068	62,632	12,066
	<i>DAT</i>	18,853	4,555	4,541	5,154	3,099	1,504
	<i>On-Line Arrests</i>	349,109	71,737	91,363	115,914	59,533	10,562
1998	Total Arraignments	400,886	83,513	104,389	134,404	65,772	12,808
	<i>DAT</i>	51,569	10,610	14,499	16,676	7,627	2,157
	<i>On-Line Arrests</i>	349,317	72,903	89,890	117,728	58,145	10,651
1997	Total Arraignments	390,499	77,136	101,619	139,751	59,388	12,605
	<i>DAT</i>	78,066	18,673	20,628	27,916	8,475	2,374
	<i>On-Line Arrests</i>	312,433	58,463	80,991	111,835	50,913	10,231

* Includes Bronx information

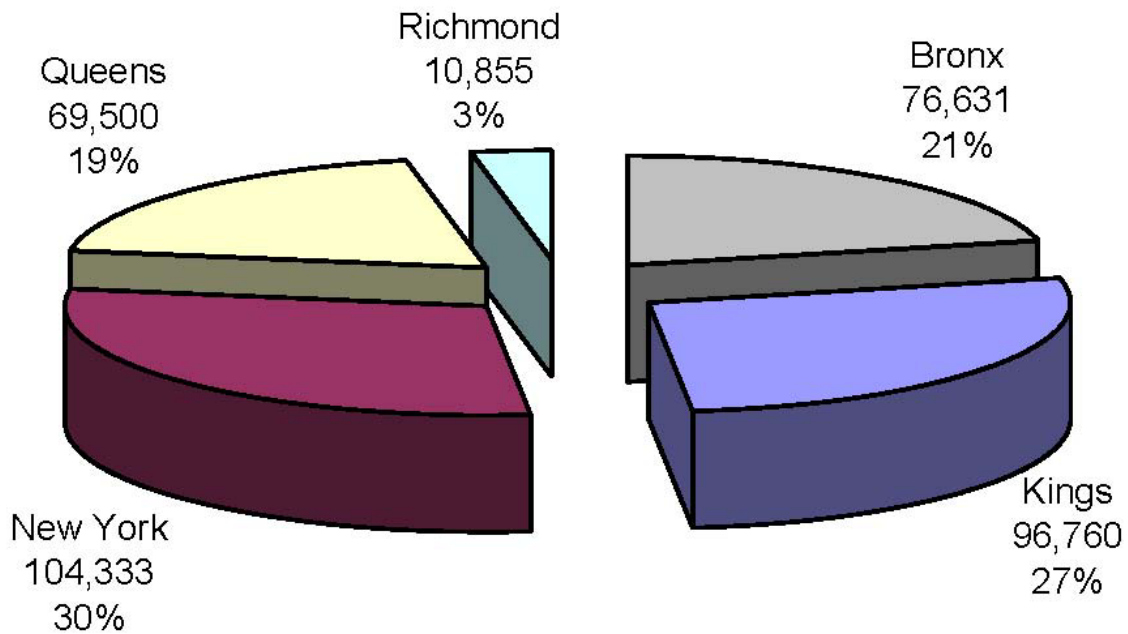


COURT OPERATIONS – ARRAIGNMENTS

Online/DAT Arraignments

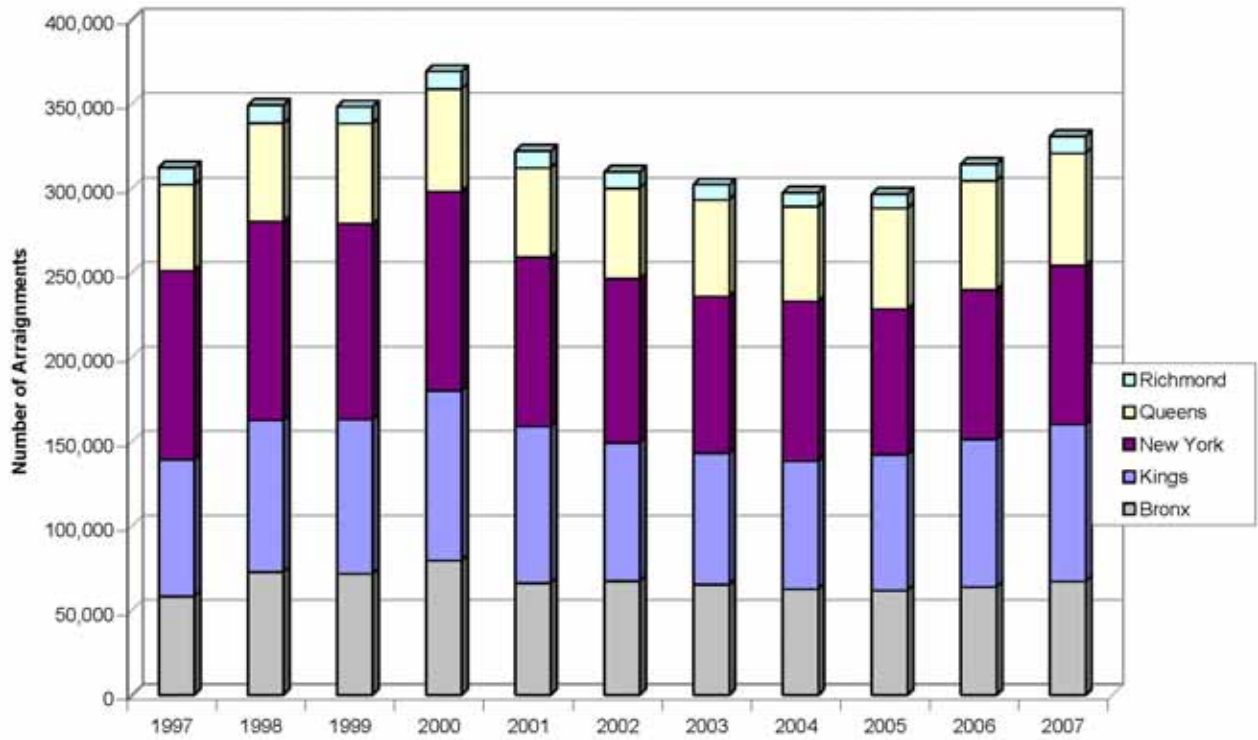


Criminal Court Arraignments - 2007

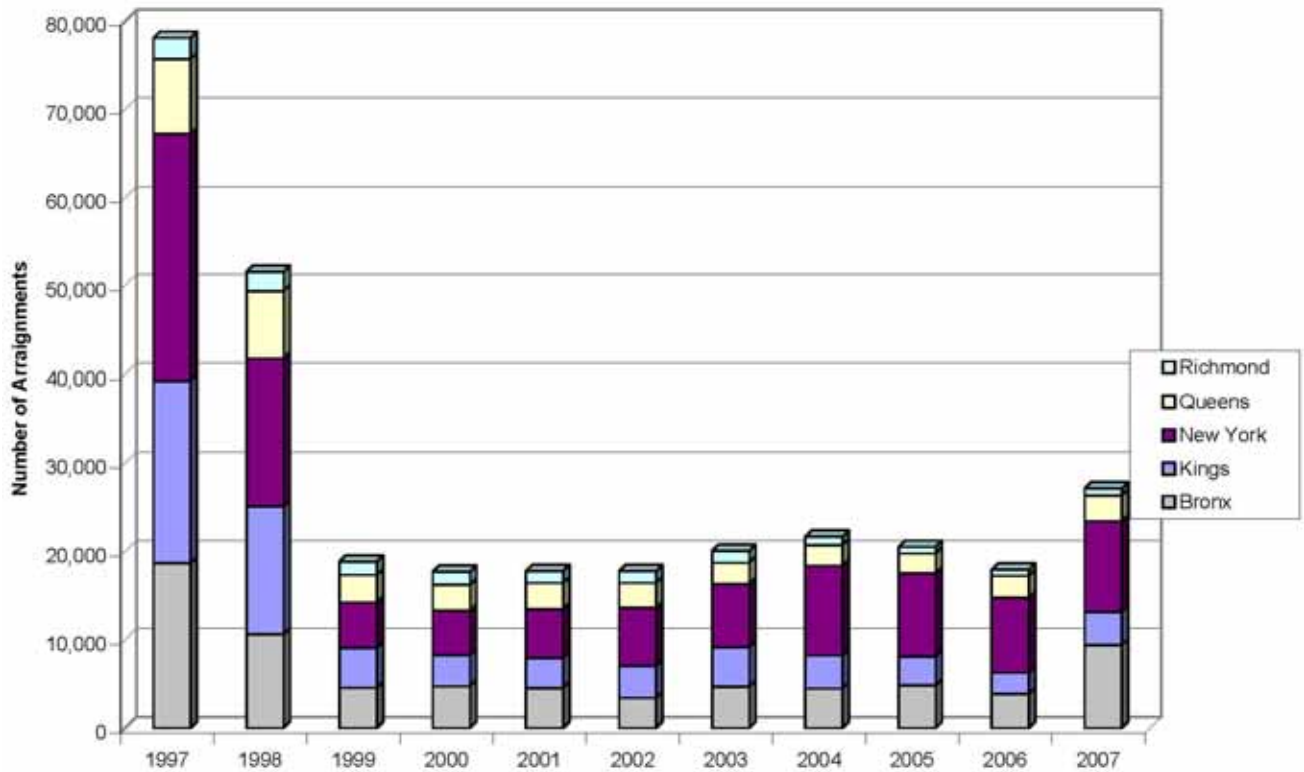




Online Arraignments



DAT Arraignments





Arraignments – Types of Charges

		Types of Online/DAT Arraignments*†					
		Citywide	Bronx	Kings	New York	Queens	Richmond
2007	Total	358,079	76,631	96,760	104,333	69,500	10,855
	Felony	61,396	16,042	16,497	16,215	10,602	2,040
	Misdemeanor	257,202	56,439	68,776	75,882	47,973	8,132
	Infraction/Violation	27,090	1,319	8,288	8,640	8,502	341
	Other	12,391	2,831	3,199	3,596	2,423	342
2006	Total	332,496	67,839	89,975	96,876	67,003	10,803
	Felony	59,637	14,120	16,377	16,344	10,735	2,061
	Misdemeanor	238,665	49,053	63,860	70,216	47,443	8,093
	Infraction/Violation	22,527	2,022	6,448	7,067	6,670	320
	Other	11,667	2,644	3,290	3,249	2,155	329
2005	Total	317,286	66,764	83,692	95,661	61,926	9,243
	Felony	57,475	14,003	14,314	16,846	10,465	1,847
	Misdemeanor	228,285	47,782	60,506	69,396	43,803	6,798
	Infraction/Violation	20,946	2,498	5,765	6,432	5,912	339
	Other	10,580	2,481	3,107	2,987	1,746	259
2004	Total	319,306	67,170	79,506	104,857	58,386	9,387
	Felony	55,187	14,262	11,615	17,357	10,349	1,604
	Misdemeanor	226,769	46,353	59,659	73,222	40,629	6,906
	Infraction/Violation	21,749	3,020	4,388	8,950	4,857	534
	Other	15,601	3,535	3,844	5,328	2,551	343
2003	Total	322,385	69,995	82,241	100,076	59,668	10,405
	Felony	55,422	14,239	11,962	17,548	9,996	1,677
	Misdemeanor	229,524	48,560	62,436	68,457	42,521	7,550
	Infraction/Violation	19,065	3,067	3,609	7,028	4,609	752
	Other	18,374	4,129	4,234	7,043	2,542	426
2002	Total	327,592	70,972	85,541	103,671	56,318	11,090
	Felony	60,021	16,825	11,401	19,747	9,972	2,076
	Misdemeanor	233,325	48,241	66,015	71,456	40,114	7,499
	Infraction/Violation	16,714	1,818	3,796	5,783	4,382	935
	Other	17,532	4,088	4,329	6,685	1,850	580
2001	Total	339,993	70,759	96,174	105,746	55,937	11,377
	Felony	60,791	17,166	12,738	19,459	9,068	2,360
	Misdemeanor	242,518	46,955	74,637	73,000	40,719	7,207
	Infraction/Violation	17,069	1,982	3,619	6,320	3,952	1,196
	Other	19,615	4,656	5,180	6,967	2,198	614

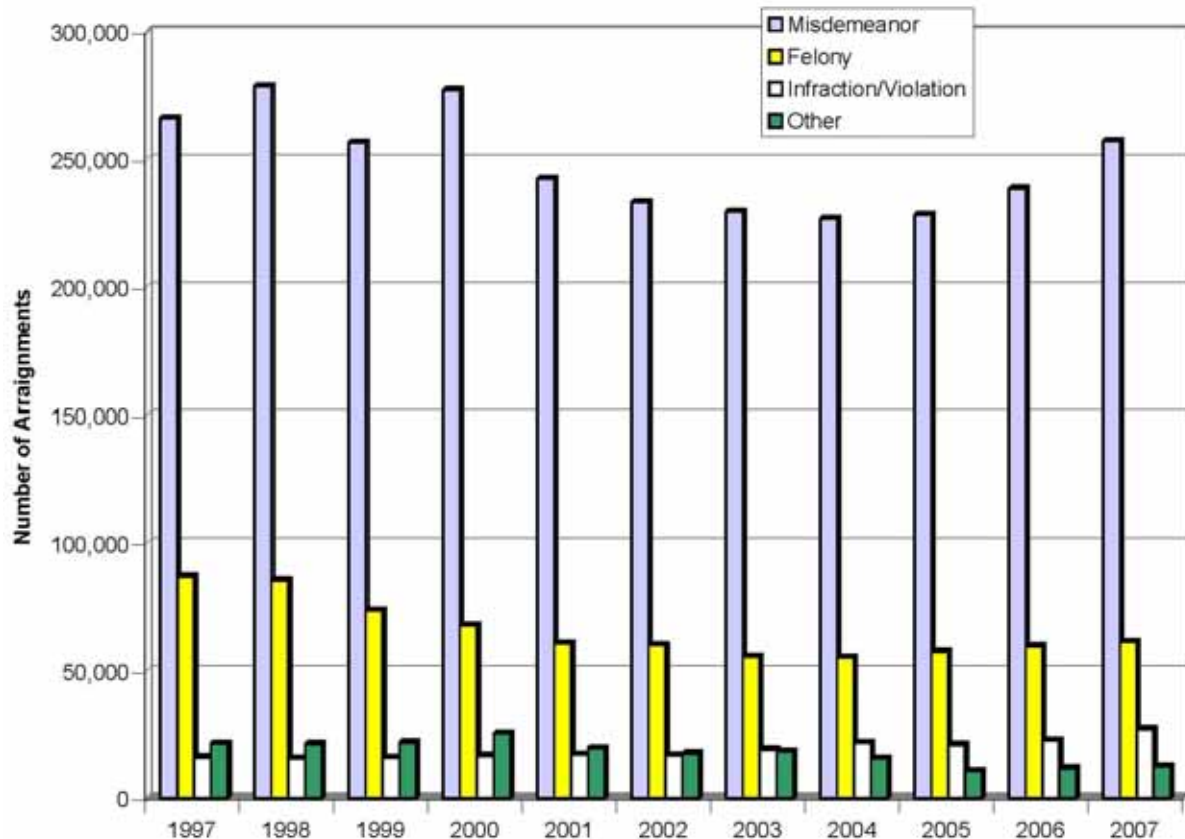
* Includes Bronx information

† Excludes arraignments on summonses. For discussion of summons matters, see page 44.



		Citywide	Bronx	Kings	New York	Queens	Richmond
2000	Total	387,094	84,234	104,325	122,803	63,786	11,946
	Felony	67,827	17,865	15,155	21,544	10,458	2,805
	Misdemeanor	277,280	58,471	80,104	84,095	47,196	7,414
	Infraction/Violation	16,615	2,558	3,768	5,268	3,878	1,143
	Other	25,372	5,340	5,298	11,896	2,254	584
1999	Total	367,962	76,292	95,904	121,068	62,632	12,066
	Felony	73,664	19,418	16,898	23,542	10,863	2,943
	Misdemeanor	256,511	50,395	69,889	83,568	45,422	7,237
	Infraction/Violation	15,893	2,100	4,071	4,043	4,280	1,399
	Other	21,894	4,379	5,046	9,915	2,067	487
1998	Total	400,886	83,513	104,389	134,404	65,772	12,808
	Felony	85,380	23,459	20,185	26,650	12,214	2,872
	Misdemeanor	278,727	54,625	74,291	94,057	47,789	7,965
	Infraction/Violation	15,538	1,571	4,695	4,370	3,354	1,548
	Other	21,241	3,858	5,218	9,327	2,415	423
1997	Total	390,499	77,136	101,619	139,751	59,388	12,605
	Felony	86,928	23,099	19,830	27,708	13,189	3,102
	Misdemeanor	266,091	49,443	72,633	96,421	40,172	7,422
	Infraction/Violation	16,003	1,032	4,019	5,822	3,466	1,664
	Other	21,477	3,562	5,137	9,800	2,561	417

Types of Arraignment Charges - Citywide





Most Frequently Charged Offenses At Arraignments

Top 10 Arraignment Charges Citywide

Comparison by most frequently arraigned		2007	2002	1997	1992
PL	221.10 Crim poss marihuana 5°	1	1	6	—
PL	220.03 Crim poss CS 7°	2	2	2	4
PL	120.00 Assault 3°	3	3	3	2
PL	155.25 Petit larceny	4	4	4	5
VTL	511.1 Agg unlicensed op MV 3'	5	—	—	—
PL	165.15 Theft of services	6	6	1	1
PL	140.15 Criminal trespass 2°	7	8	8	—
AC	10-125 Pub. consumption alc	8	—	—	—
PL	220.39 Crim sale CS 3'	9	7	5	3
VTL	1192.2 DWI	10	—	—	—
VTL	511.1A Agg unlicensed op MV 3'	—	5	7	—
AC	20-453 Unlicensed Gen Vendor	—	9	—	—
PL	120.14 Menacing 2°	—	10	—	—
PL	120.05 Assault 2°	—	—	9	7
VTL	511.2 Agg unlicensed op MV 2'	—	—	10	—
PL	160.15 Robbery 1°	—	—	—	6
PL	240.37 Loitering/Prostitution	—	—	—	8
PL	220.16 Crim poss CS 3°	—	—	—	9
PL	160.10 Robbery 2°	—	—	—	10

Top 10 Felony Arraignment Charges Citywide

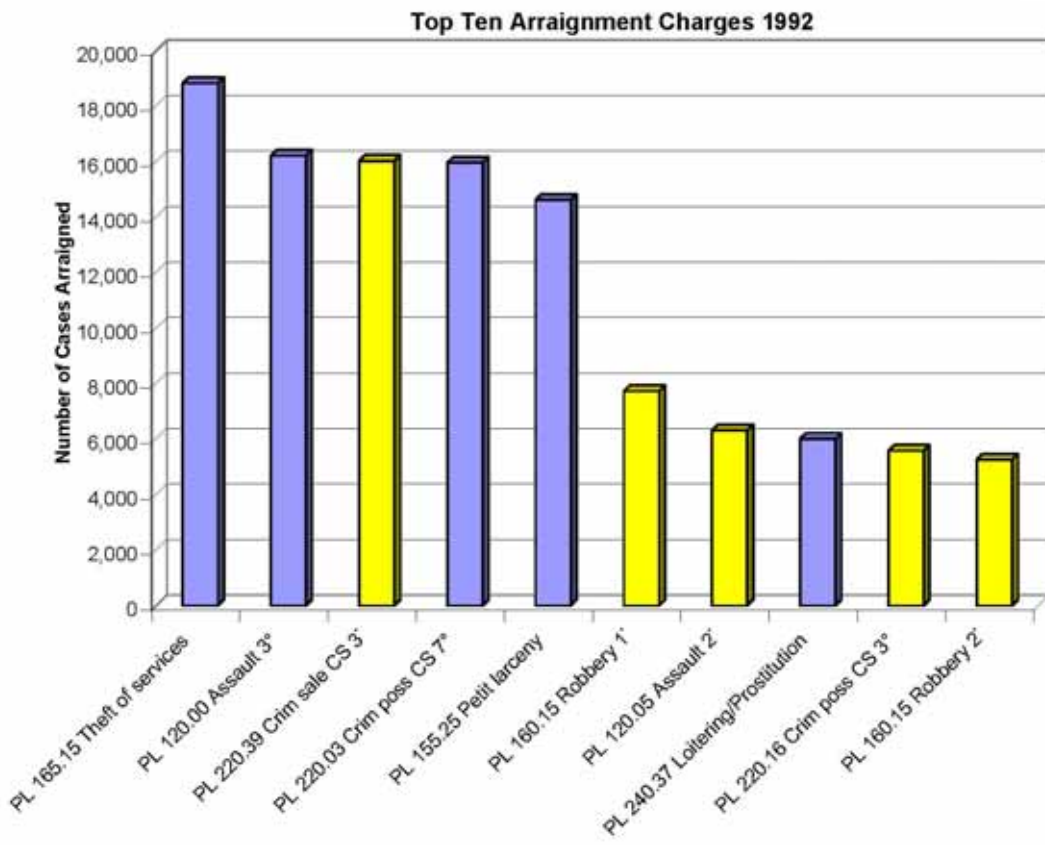
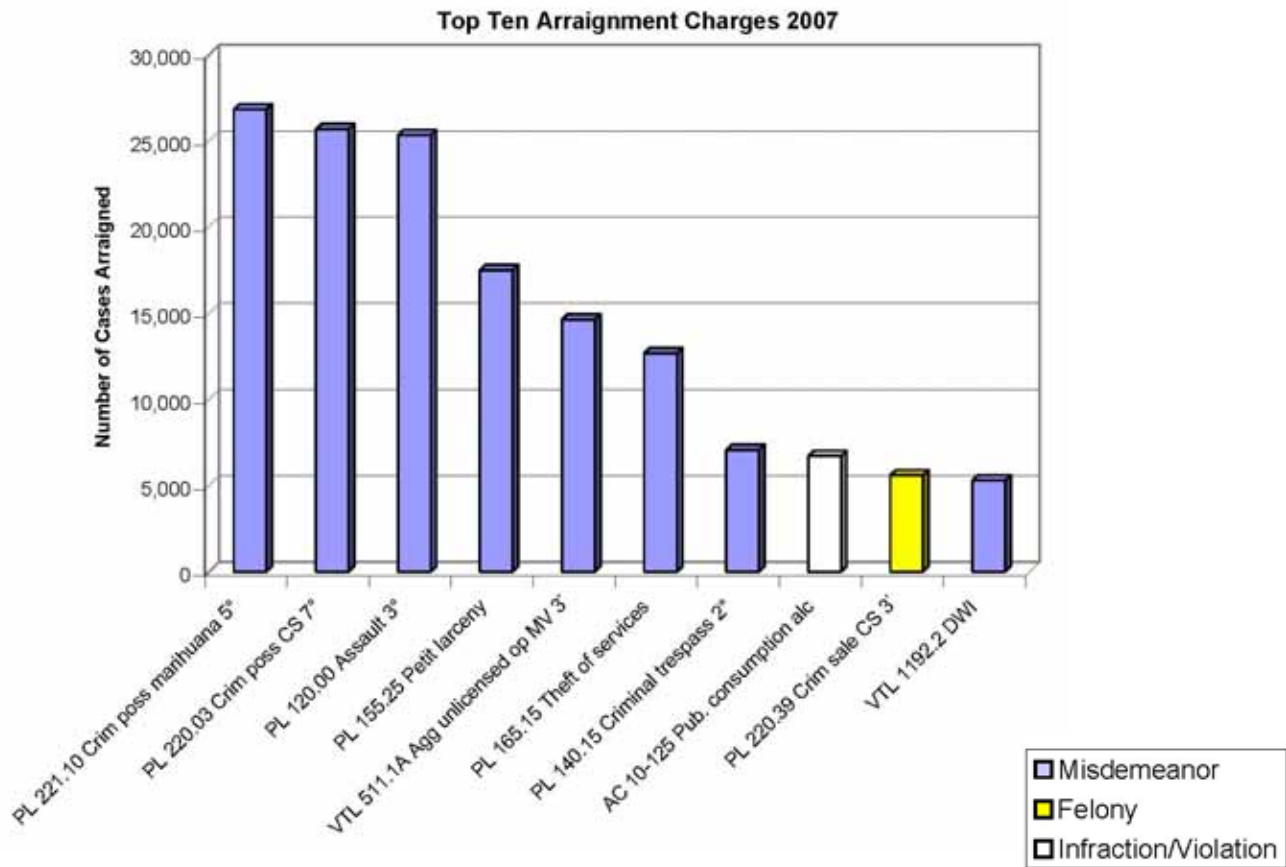
Comparison by most frequently arraigned		2007	2002	1997	1992
PL	220.39 Crim sale CS 3°	1	1	1	1
PL	120.05 Assault 2°	2	3	2	3
PL	220.16 Crim poss CS 3°	3	2	4	4
PL	160.10 Robbery 2°	4	5	5	5
PL	160.15 Robbery 1°	5	4	3	2
PL	155.30 Grand larceny 4°	6	8	7	9
PL	265.03 Crim poss weapon 2°	7	—	—	—
PL	155.35 Grand larceny 3°	8	6	10	—
PL	140.25 Burglary 2°	9	10	9	10
PL	170.25 Crim poss forged ln 2°	10	7	—	—
PL	265.02 Crim poss weapon 3°	—	9	8	6
PL	215.51 Criminal Contempt 2°	—	—	6	—
PL	220.06 Crim poss CS 5°	—	—	—	7
PL	140.20 Burglary 3°	—	—	—	8

Top 10 Misdemeanor Arraignment Charges Citywide

Comparison by most frequently arraigned		2007	2002	1997	1992
PL	221.10 Crim poss marihuana 5°	1	1	5	—
PL	220.03 Crim poss CS 7°	2	2	2	3
PL	120.00 Assault 3°	3	3	3	2
PL	155.25 Petit larceny	4	4	4	4
VTL	511.1 Agg unlicensed op MV 3'	5	—	—	—
PL	165.15 Theft of services	6	6	1	1
PL	140.15 Criminal trespass 2°	7	7	7	—
AC	10-125 Pub. consumption alc	8	—	—	—
VTL	1192.2 DWI	9	—	—	9
PL	205.30 Resisting arrest	10	—	—	7
VTL	511.1A Agg unlicensed op MV 3'	—	5	6	—
AC	20-453 Unlicensed gen vendor	—	8	—	—
PL	120.14 Menacing 2°	—	9	—	—
PL	140.10 Criminal trespass 3°	—	10	—	—
VTL	511.2 Agg unlicensed op MV 2'	—	—	8	—
PL	221.40 Crim sale marihuana 4°	—	—	9	—
PL	120.14 Menacing 2°	—	—	10	—
PL	240.37 Loitering/prostitution	—	—	—	5
PL	140.35 Poss burglar's tools	—	—	—	6
PL	145.00 Crim Mischief 4°	—	—	—	8
PL	165.40 Crim poss stol prop 5°	—	—	—	10

Top 10 DAT Arraignment Charges Citywide

Comparison by most frequently arraigned		2007	2002	1997	1992
PL	155.25 Petit larceny	1	4	3	2
PL	221.10 Crim poss marihuana 5°	2	1	5	—
VTL	511.1A Agg unlicensed op MV 3'	3	10	—	—
PL	120.00 Assault 3°	4	3	6	4
AC	20-453 Unlicensed vendor	5	9	7	6
PL	165.15 Theft of services	6	2	1	1
PL	240.30 Agg harassment 2°	7	6	10	—
PL	220.03 Crim poss CS 7°	8	7	2	3
PL	145.00 Crim Mischief 4°	9	8	—	7
PL	165.71 Trademark Counter 3'	10	—	—	—
VTL	511.1 Agg unlicensed op MV 3'	—	5	4	10
PL	140.15 Criminal trespass 2°	—	—	8	—
PL	140.10 Criminal trespass 3°	—	—	9	—
PL	205.30 Resisting arrest	—	—	—	5
PL	140.35 Poss burglar's tools	—	—	—	8
PL	165.40 Crim poss stol prop 5°	—	—	—	9





Arraignment Dispositions

While only the first court appearance, more cases are disposed of in arraignment than at any other stage in the life of a Criminal Court filing. City-wide, slightly less than half of all case filings were disposed of at their initial court appearance. Al-

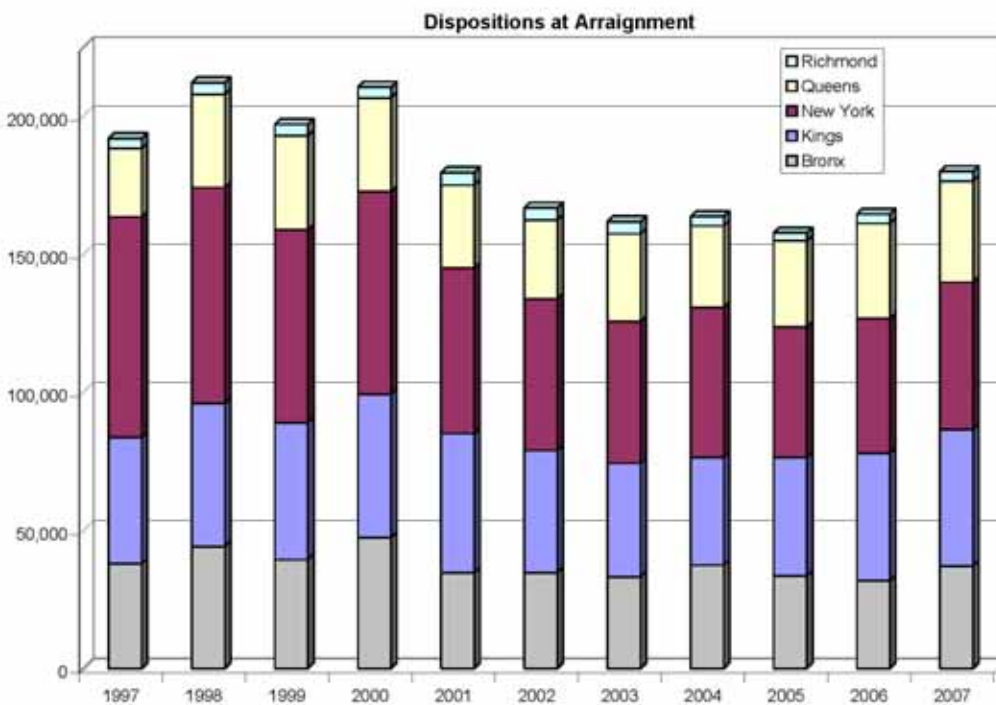
most all of these dispositions involved misdemeanor or other petty offenses. Disposition rates in the five counties are fairly consistent except for Staten Island where only a little less than one third of all cases are disposed of in arraignments.

Dispositions at Arraignment**†

	Citywide		Bronx		Kings		New York		Queens		Richmond	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2007	179,973	49.9	37,026	48.3	49,504	50.5	53,335	51.5	36,611	52.2	3,497	31.8
2006	164,491	49.3	31,793	46.9	46,127	50.7	48,831	50.4	34,427	52.0	3,313	32.3
2005	157,728	49.4	33,524	50.2	42,885	50.3	47,233	49.1	31,249	51.2	2,837	31.3
2004	159,017	48.1	32,744	48.7	39,018	48.7	54,350	52.1	29,506	50.5	3,399	35.7
2003	161,759	51.0	33,187	49.2	41,165	50.5	51,365	51.8	31,684	54.1	4,358	41.2
2002	166,782	51.3	34,695	49.2	44,276	51.7	54,847	53.7	28,536	51.0	4,428	40.4
2001	179,567	52.0	34,607	49.0	50,502	51.1	59,882	55.8	30,060	53.2	4,516	37.8
2000	210,513	54.3	47,417	56.4	51,898	49.4	73,361	59.3	33,942	54.1	3,895	31.5
1999	197,022	53.5	39,408	51.9	49,621	51.9	69,875	56.9	34,020	54.8	4,098	34.5
1998	212,119	52.6	44,111	53.2	51,927	48.9	78,105	58.2	33,794	50.5	4,182	32.7
1997	191,877	49.3	37,908	48.9	45,822	45.3	79,832	57.5	24,725	42.0	3,590	28.5

* Includes Bronx information

† Figures listed are the percentage of all of that year's dispositions



346 Broadway, lobby lamp



Citywide Summons Operation

In the past year, the personnel supporting the Citywide Summons Operation processed over 600,000 summons filings.

The twenty-nine clerks, data entry and office assistants who comprise the Citywide Summons Operation are responsible for scanning, initializing and docketing every summons case filed with Criminal Court.

Summonses come from over forty certified agencies including the New York City Police Department, Metropolitan Transportation Authority, the New York City Fire Department, the American Society for the Prevention of Cruelty to Animals, Taxi and Limousine Commission, Off Track Betting Corporation, Tax Enforcement, Roosevelt Island Authority and the Unified Court System.

Authorized agencies deliver summonses to the Court's Central Receiving Unit. The Central Receiving Unit separates these summonses by county and appearance date and then looks for serious defects which would prohibit the summons from being docketed, such as a missing signature or narrative, or improper return date. The summonses are then copied into the Court's computer system by high speed scanners which recognize each ticket's bar coded summons number and then produce a digital image of the ticket.

Once the summonses are scanned into the Sum-

mons Automated Management System (SAMS), data entry personnel enter all the pertinent information into the SAMS database and assign each summons a docket number.

After data entry staff log the information and create a docket, the summonses are then forwarded to the appropriate county's summons office where the Associate Court Clerk in charge coordinates with the Supervising Judge's office to ensure that a timely review for legal sufficiency takes place prior to the scheduled arraignment date. Summonses that survive judicial review are then calendared for arraignment.

While individual counties still hear and, if necessary, try the individual summons cases, the Citywide Summons Operations responsibilities do not end when the cases are sent to the individual counties (Brooklyn and Manhattan cases are heard at 346 Broadway). The Summons team also sends out notices to defendants for cases rejected because of defect or dismissed after judicial review. They are also the central repository for all summons records. Certificates of disposition are given after a review of the SAMS system for cases adjudicated after 1999. For older cases books and computer printouts are used by the Summons clerical staff to locate and verify summons dispositions going back to 1970.

Summonses – Revenue

Summons Revenue* - 2007

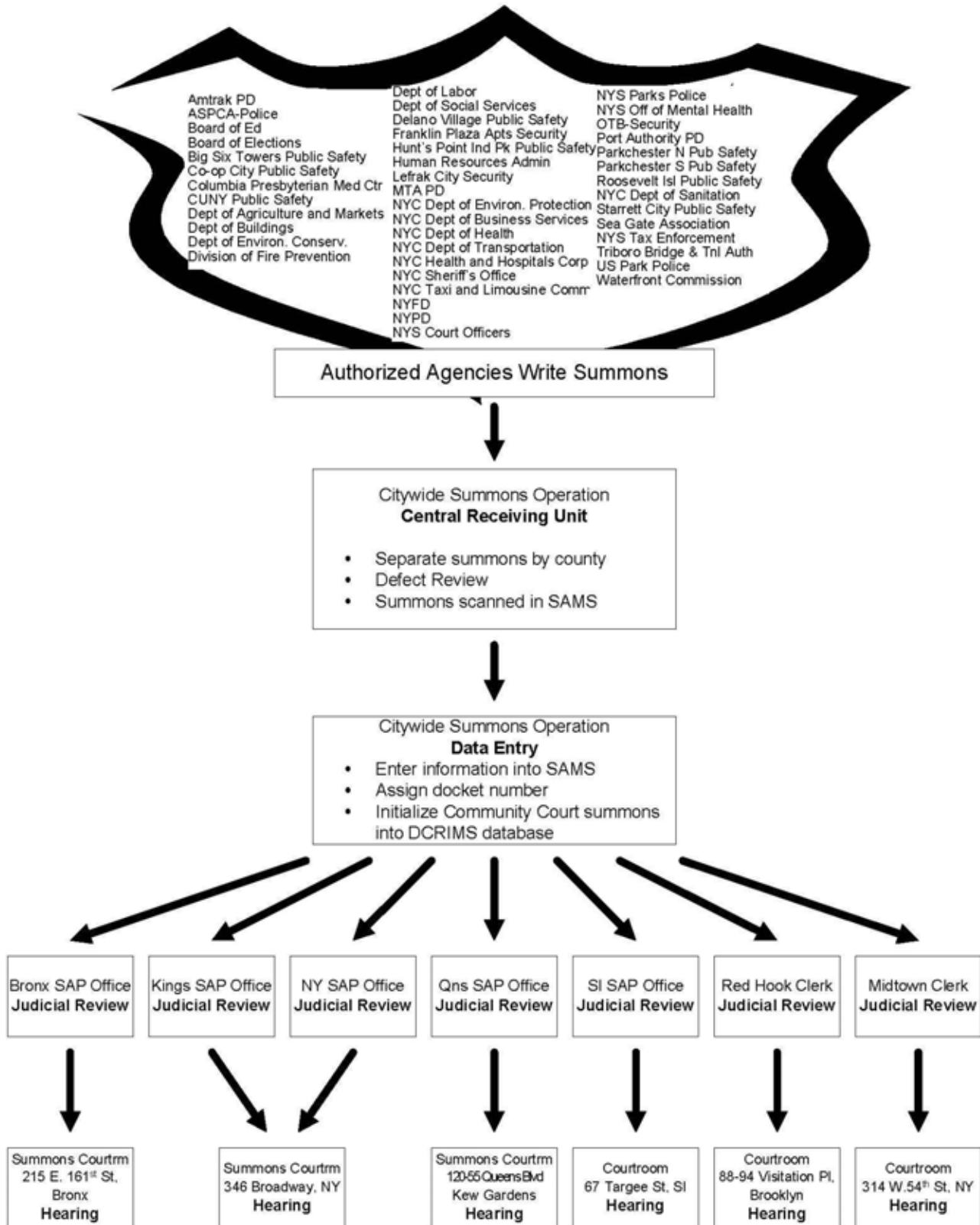
	Citywide	Bronx	Kings**	New York**	Queens	Richmond
Fine City	\$4,923,500	\$640,620	\$557,950	\$2,330,620	\$1,310,615	\$83,695
Fine State	\$1,877,670	\$499,450	\$214,937	\$710,070	\$389,303	\$63,910
Surcharge CVAF	\$271,108	\$25,950	\$41,533	\$104,530	\$90,640	\$8,455
Surcharge Misd	\$8,685	\$1,885	\$260	\$5,695	\$645	\$200
Surcharge Violation	\$990,905	\$93,390	\$155,260	\$379,690	\$332,810	\$29,755
Surcharge VTL	\$58,500	\$7,930	\$3,025	\$22,500	\$19,975	\$5,070
Total	\$8,130,368	\$1,269,225	\$972,965	\$3,553,105	\$2,143,988	\$191,085

* Includes Bronx information

** Money received from summonses issued in Brooklyn that are disposed and paid at 346 Broadway are included in the New York county figures. Over \$500,000 in fines and surcharges from Brooklyn summonses are included in the New York total.



Summonses – From Ticket to Hearing



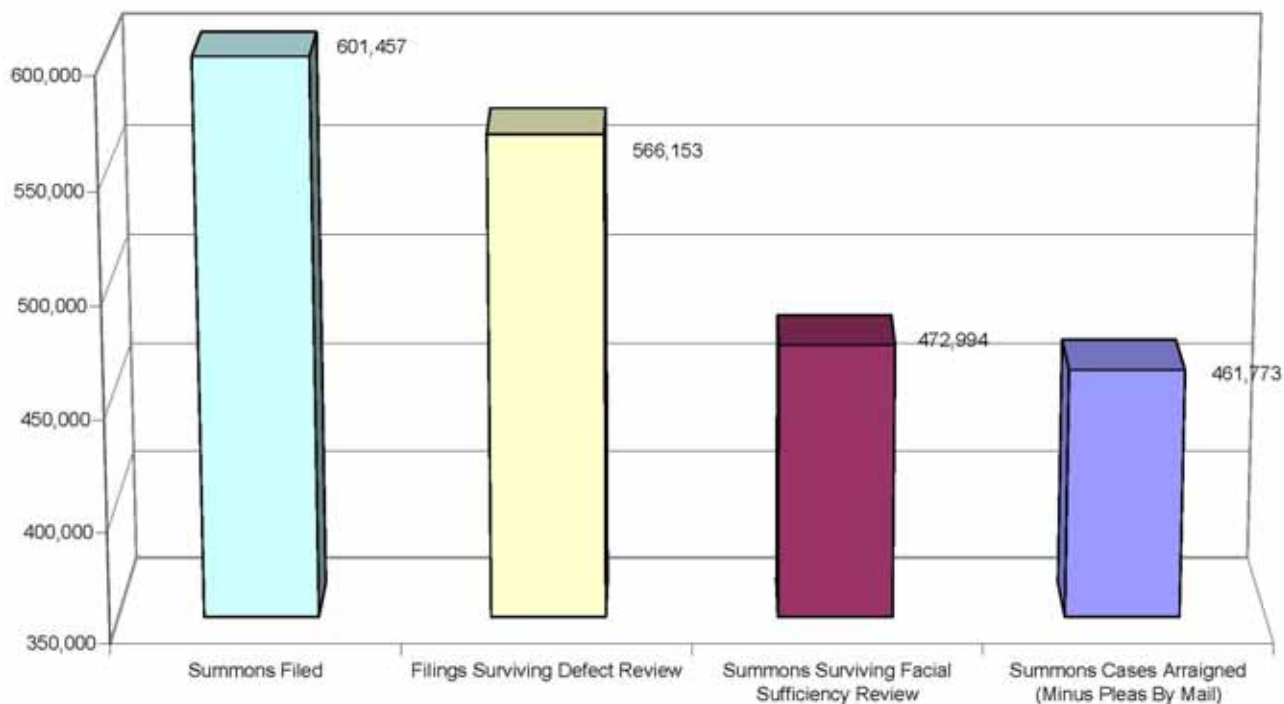


Summonses – Filings, Docketing and Arraignments

Summary of Summons Filings* - 2007

	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
Filings	601,457	123,034	165,339	18,734	156,882	112,163	10,057	15,248
Defects (-)	(35,304)	(9,086)	(11,067)	0	(9,124)	(5,292)	0	(735)
Docketed Filings	566,153	113,948	154,272	18,734	147,758	106,871	10,057	14,513
Dism Insuff (-)	(93,159)	(14,512)	(36,823)	(3,526)	(32,361)	(5,937)	0	0
Plea By Mail (-)	(11,221)	(887)	(2,272)	0	(3,306)	(4,743)	0	13
Arraigned	461,773	98,549	115,177	15,208	112,091	96,191	10,057	14,500

Summons Surviving Defect and Facial Sufficiency Review (Citywide) - 2007



Summons Filings (Surviving Defect Review and Docketed)*

	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
2006	602,944	128,551	158,444	15,884	157,356	113,018	11,924	17,767
2005	608,188	137,624	160,267	13,170	158,310	108,191	13,467	17,159
2004	548,134	127,151	126,011	16,455	143,468	106,076	10,811	18,162
2003	578,095	154,396	132,924	15,982	133,168	106,084	16,038	19,503
2002	505,331	123,323	134,171	12,926	115,164	92,881	10,376	16,490
2001	534,586	139,113	138,624	11,796	116,274	96,803	12,045	19,931
2000	581,841	138,487	157,790	14,044	130,364	109,153	6,559	25,444
1999	467,591	96,721	121,180	—	136,280	93,006	—	20,404
1998	488,651	100,919	136,175	—	136,146	89,911	—	25,500
1997	384,434	65,417	129,430	—	105,984	67,599	—	16,004

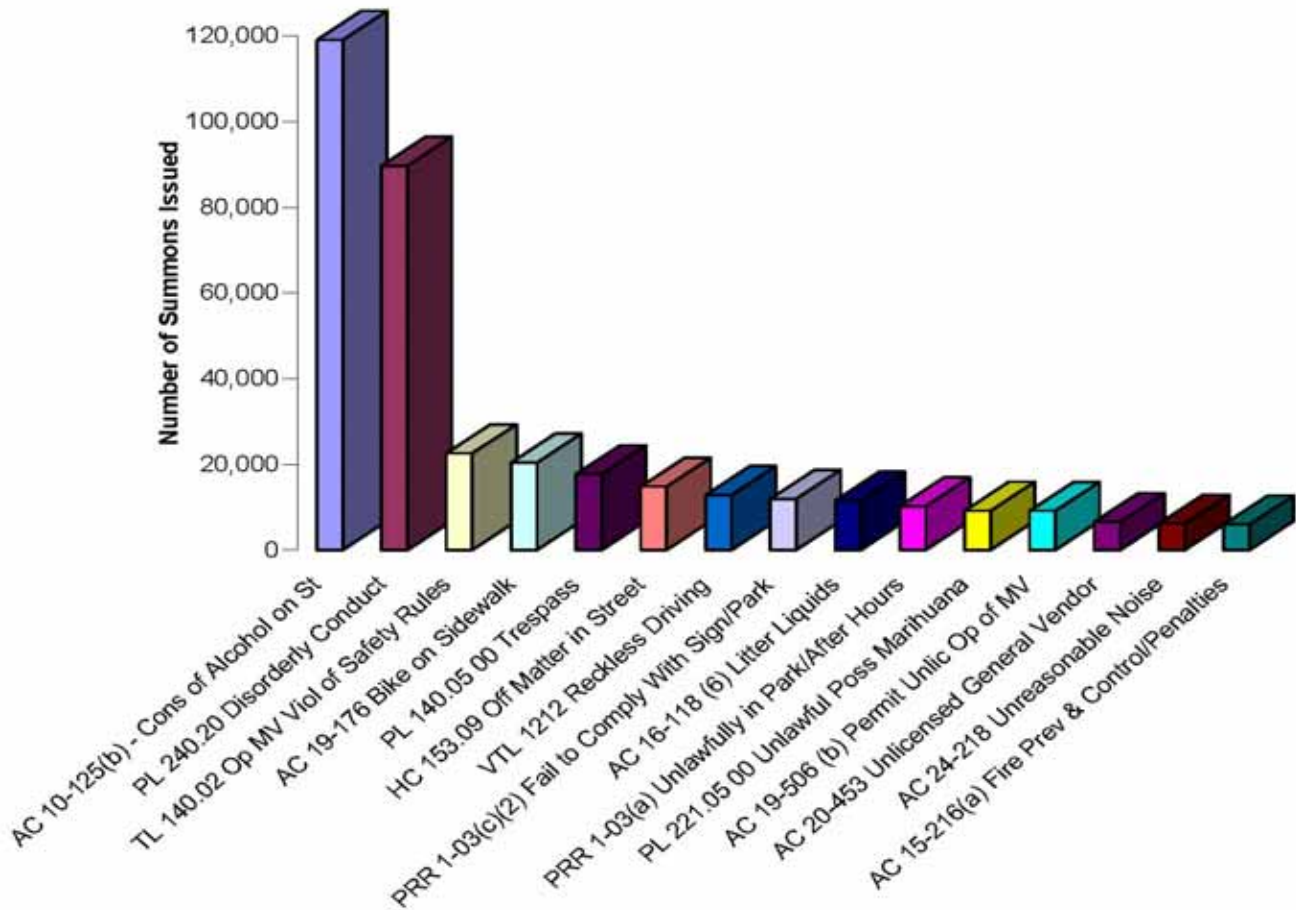
Note: Defective Summonses for Midtown and Red Hook are included in the New York and Brooklyn defects. Dism. Insuff represents the number of summonses dismissed as part of the pre-arraignment review (SAP-D calendar). Midtown, Red Hook and Richmond review summonses for legal sufficiency at the scheduled arraignment session.

* Includes Bronx information



Most Frequently Charged Summons Offenses* 2007

Top 15 Summons Charges - Docket Year 2007



Plea By Mail

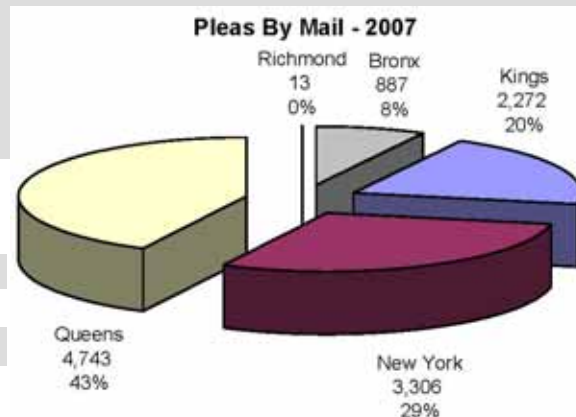
2005 was the first full calendar year that individuals receiving a Criminal Court summons citing a violation of Section 10-125 (2)(b) of the N.Y.C. Administrative Code- "Consumption of Alcohol on Streets Prohibited" (also known as "Consumption of Alcohol in Public") were eligible to plead guilty and pay a \$25 fine by mail. 2005 also marked the first year that this program, originally piloted in Queens county, was expanded to the entire city.

In 2007, 11,221 people chose to plead guilty by mail and send a check or money order to the court. These individuals did not appear in court. This program is another example of the new initiatives that Criminal Court has instituted to more efficiently manage limited staffing resources.

Pleas By Mail*

City	Bronx	Kings	New York	Queens	Richmond
2007	11,221	887	2,272	3,306	4,743
2006	8,554	659	1,803	2,497	3,575
2005	9,724	895	1,840	3,055	3,907
2004	5,128	319	409	496	3,898

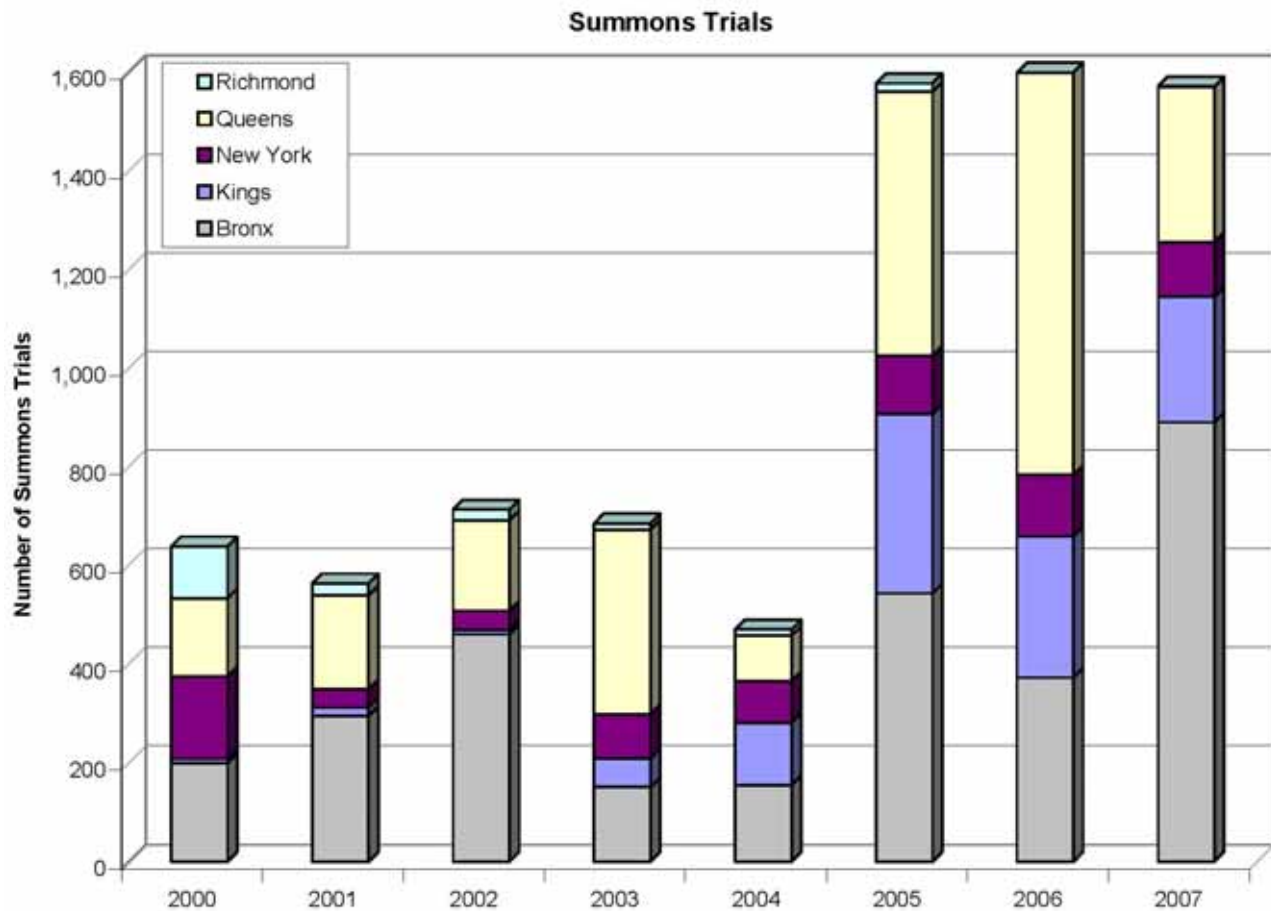
* Includes Bronx information





Summonses – Trials

Summons Trials*						
	Citywide	Bronx	Kings	New York	Queens	Richmond
2007	1,572	891	254	111	315	1
2006	1,613	373	286	126	824	4
2005	1,578	544	364	118	535	17
2004	471	155	126	85	92	13
2003	686	151	58	90	374	13
2002	714	461	9	39	183	22
2001	564	295	17	38	190	24
2000	639	199	9	167	159	105



* Includes Bronx information



67 Targee Street, facade



COURT OPERATIONS – PRE-TRIAL ALL-PURPOSE PARTS

The All-Purpose or "AP" parts are the motion parts of the Criminal Court. Extensive plea negotiations take place in these courtrooms prior to the case being in a trial-ready posture. In addition, depending upon caseloads, the judges in the AP parts may conduct pre-trial hearings, felony hearings and bench trials.

Misdemeanors are typically sent to the AP part from arraignments so that the case may be made ready for trial. If, at arraignment, the defendant was arraigned on a misdemeanor complaint and the case was not converted to an information, the AP part is where the prosecutor will file the necessary affidavits and depositions to make the allegations non-hearsay.

AP parts throughout the city dispose of tens of thousands of cases each year as a result of negotiations between defense counsel and prosecutor. In the four counties, there were 123,701 cases disposed of in AP parts, accounting for 44% of all dispositions throughout the year.

AP parts decide most of the motions submitted on misdemeanor cases. The majority of motions to dismiss for such grounds as facial insufficiency, denial of speedy trial rights, in the furtherance of justice or any other jurisdictional or legal impediment are typically raised in the AP part. Omnibus motions, which include discovery requests, bills of particulars, motions to suppress evidence and requests for pre-trial hearings are usually filed and decided in the AP part. Increasingly, district attor-

neys' offices are agreeing to open file discovery in the AP part, which involves the prosecutor turning over to defense counsel most of the police reports and information in the district attorney's files, speeding the way to real trial readiness.

However, the AP part truly lives up to its name. These parts also hear bail applications; act as the return parts for defendants brought back on bench warrants; hear violation of probation matters; and, to a limited degree, conduct pre-trial hearings and bench trials. Over the years, some of the AP parts have become specialized. Included in this section are problem-solving courts designed to focus on various societal problems, including Domestic Violence Courts, Drug Courts and Persistent Misdemeanant or "Spotlight" parts. Also included in this section is an accounting of the various Compliance parts throughout the city. These parts follow the progress of sentenced defendants on domestic violence cases or their compliance with court-ordered conditions of discharge, probation or release, taking some of the burden off the busy AP parts.

Note: While these specialized parts are AP parts, for the purposes of this report they are reported separately. Statistics on AP parts include only "non-specialized courtrooms." Information on the "specialized" courtrooms appears in separate sections. For a full discussion of the NYC Criminal Court Drug Court Initiative, please see the separate drug court Annual Report.

	Citywide	Kings	New York	Queens	Richmond
Number of AP Parts—2007	25.9	10.50	7.00	6.8	1.6
Average # AP Parts Open Daily 2007	22.6	8.6	6.6	6.2	1.3



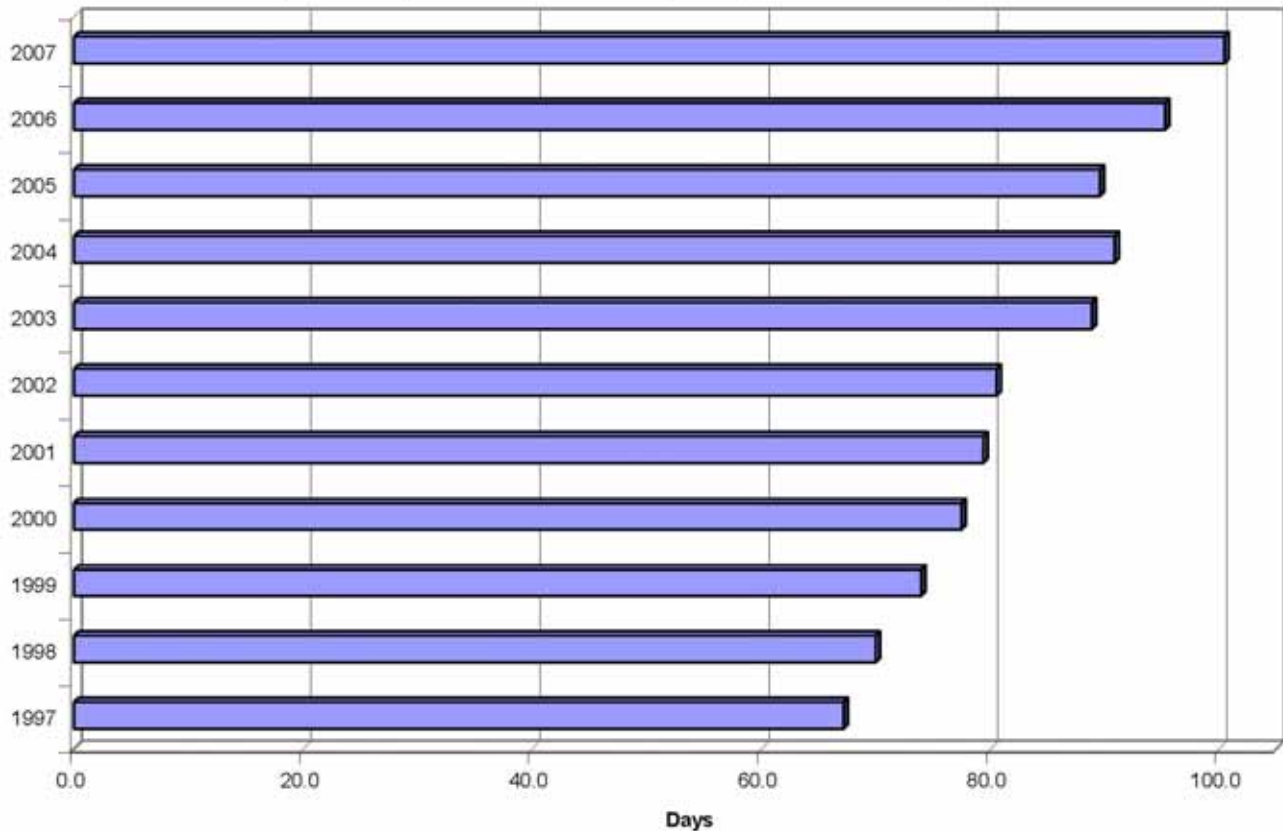
Mean Disposition Age of Dockets Surviving Arraignments and Disposed in AP Parts (Days)

	Citywide	Kings	New York	Queens	Richmond
2007	100.5	90.7	109.7	98.2	103.6
2006	95.3	82.3	108.7	93.1	88.3
2005	89.6	73.5	104.0	86.5	88.0
2004	90.9	74.8	104.9	87.6	84.6
2003	88.9	69.1	105.3	83.7	88.9
2002	80.8	66.4	92.1	79.4	83.9
2001	79.4	67.6	88.1	82.5	82.5
2000	77.4	68.3	86.6	74.3	84.7
1999	74.0	64.6	88.0	63.2	72.2
1998	70.0	61.9	82.8	63.2	65.1
1997	67.2	57.8	78.9	62.7	62.7

Mean Number of Appearances of Dockets Surviving Arraignments and Disposed in AP Parts Citywide

2007	4.4	4.5	4.0	4.9	4.9
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Mean Disposition Age of Dockets Surviving Arraignments and Disposed in AP Parts





COURT OPERATIONS – PRE-TRIAL ALL-PURPOSE PARTS

Number of Calendared Cases in AP Parts

	Citywide	Kings	New York	Queens	Richmond
2007	536,472	212,943	141,377	143,828	38,324
2006	519,258	199,014	142,900	140,704	36,640
2005	500,705	175,467	151,792	140,548	32,898
2004	487,132	161,863	155,117	139,946	30,206
2003	501,038	163,743	163,209	143,074	31,012
2002	506,027	172,468	156,363	144,423	32,773
2001	540,984	208,200	150,605	145,934	36,245
2000	586,958	229,488	169,300	147,534	40,636
1999	621,566	231,295	196,289	154,060	39,922
1998	671,296	252,856	214,710	161,388	42,342
1997	663,430	247,688	202,003	174,065	39,674

Mean Number of Cases Calendared Per Day in AP Parts

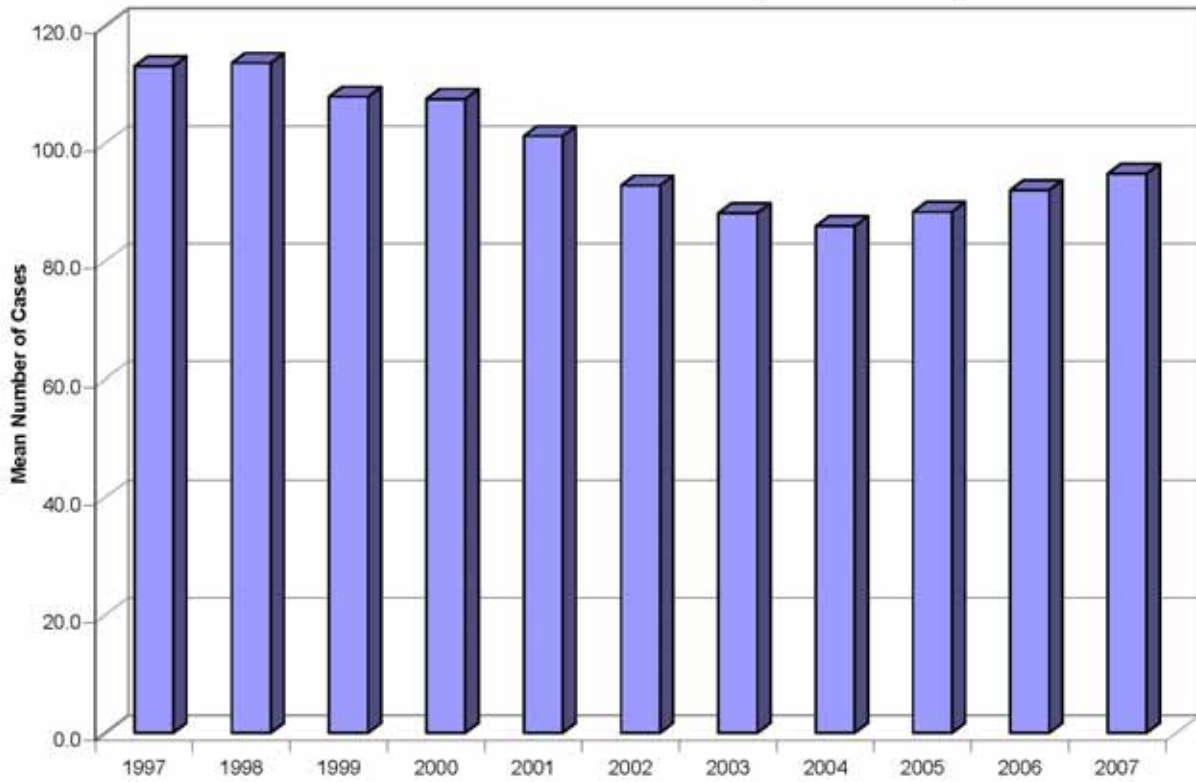
2007	94.9	98.6	86.9	93.7	114.5
2006	92.1	93.3	87.2	91.5	112.1
2005	88.4	82.7	90.1	91.4	103.5
2004	86.0	76.6	94.3	88.1	94.6
2003	88.2	75.4	95.8	95.2	101.7
2002	92.9	86.8	94.9	96.5	104.1
2001	101.3	103.3	93.4	104.1	117.5
2000	107.6	112.8	98.1	107.8	124.8
1999	108.0	106.4	104.3	111.2	128.0
1998	113.7	112.5	116.2	107.3	139.4
1997	113.2	117.4	108.8	108.0	139.5

Total Dispositions in AP Parts

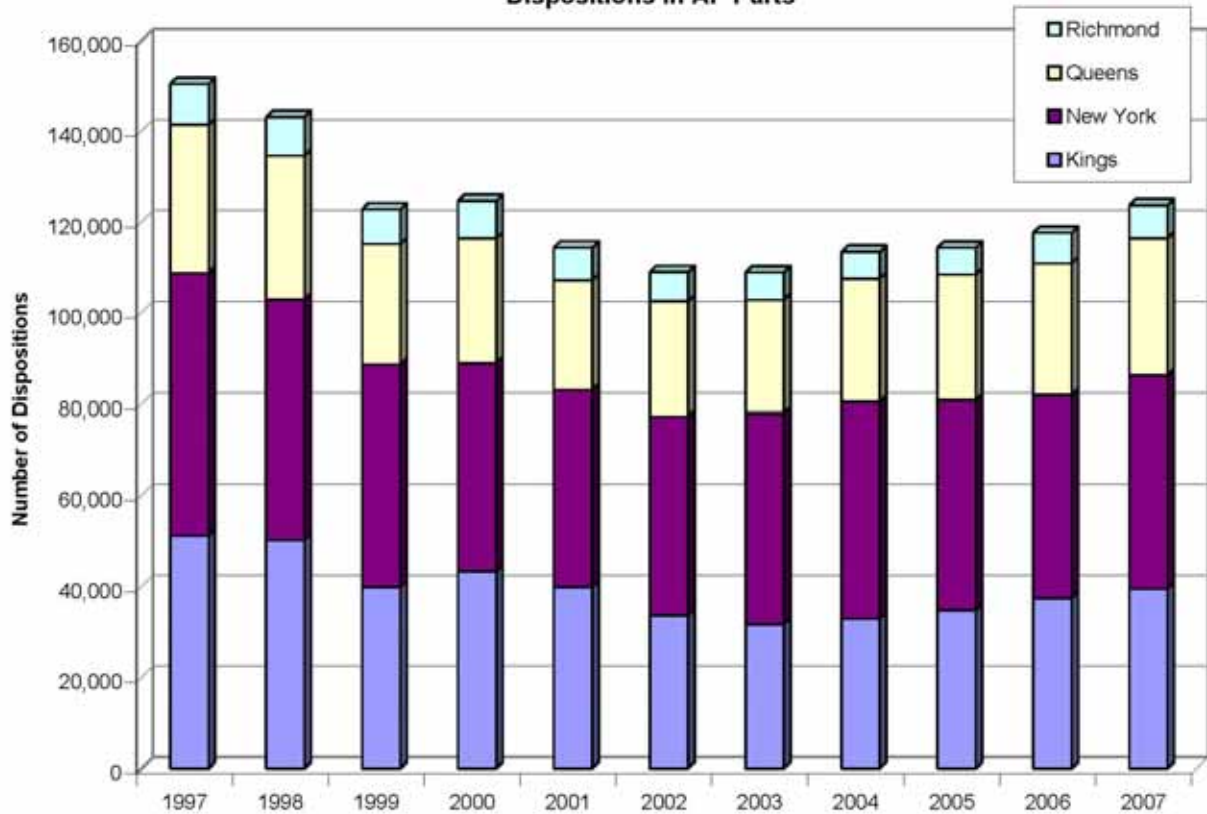
2007	123,701	39,533	46,844	30,130	7,194
2006	117,679	37,506	44,551	28,906	6,716
2005	114,389	34,914	46,016	27,567	5,892
2004	113,496	32,973	47,611	26,998	5,914
2003	108,965	31,783	46,318	24,785	6,079
2002	109,016	33,747	43,643	25,214	6,412
2001	114,424	39,910	43,256	24,062	7,196
2000	124,663	43,453	45,577	27,386	8,247
1999	122,811	39,973	48,760	26,484	7,594
1998	143,096	50,268	52,675	31,682	8,471
1997	150,424	51,215	57,619	32,680	8,910



Mean Number of Cases Calendared Per Day in AP Parts - Citywide



Dispositions in AP Parts





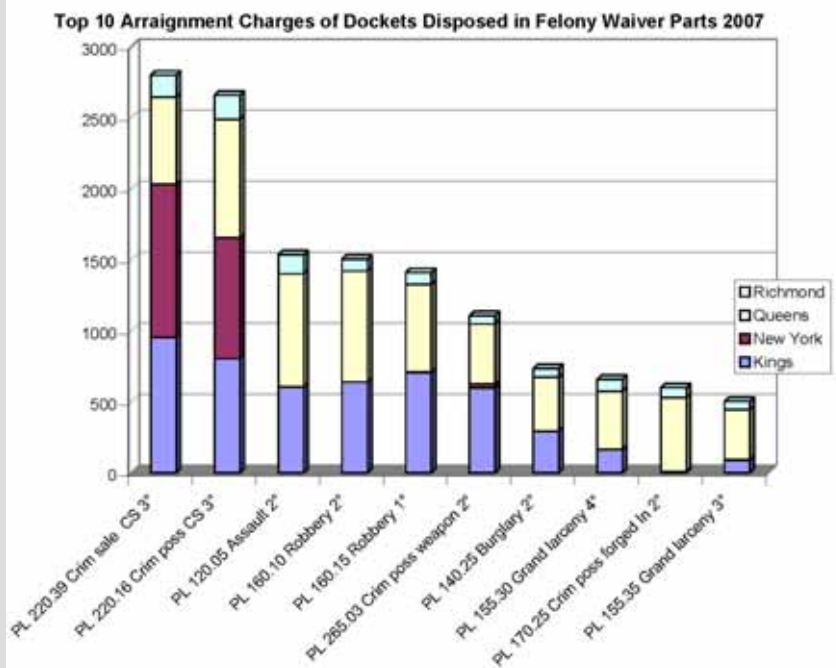
Felony Waiver Parts

Criminal Court has preliminary jurisdiction over felony cases filed in New York City. Criminal Court retains jurisdiction of the felony cases until a grand jury hears the case and indicts the defendant. Defendants charged with felonies are arraigned in the Criminal Court arraignment parts and cases are then usually sent to a felony waiver part to await grand jury action. Once the prosecutor notifies the court that indictment has been voted, the case is transferred to Supreme Court.

Felony waiver parts are staffed by Criminal Court judges designated as Acting Supreme Court justices. District Attorneys' Offices will often negotiate plea bargains in these parts by offering the defendant the opportunity to plead guilty to a reduced charge or receive a reduced sentence. Defendants agreeing to plead guilty to a felony in these parts must waive their right to be prosecuted by indictment and agree to prosecution by a Superior Court Information or "SCI," an accusation drafted by the district attorney rather than the grand jury. Almost 23,000 dispositions were taken in felony waiver parts in the four counties in 2007.

Felony waiver parts also hear motions, bail applications and extradition matters among other things. They are among some of the most productive courtrooms in the city. Almost 111,000 appearances on cases were calendared in Criminal Court's felony waiver parts throughout the city of which almost 23,000 were disposed. Compare this with the approximately 21,000 dispositions combined in the corresponding four Supreme Courts.

While every county disposes of a large amount of drug cases in their felony waiver parts, the prac-



Top Ten Arraignment Charges of Dockets Disposed in Felony Waiver Parts 2007

Number of dispositions for each charge	Citywide	Kings	New York	Queens	Richmond
1 PL 220.39 Crim sale CS 3°	2,799	953	1,078	613	155
2 PL 220.16 Crim poss CS 3°	2,658	804	851	832	171
3 PL 120.05 Assault 2°	1,535	604	2	795	134
4 PL 160.10 Robbery 2°	1,503	639	0	781	83
5 PL 160.15 Robbery 1°	1,409	706	3	616	84
6 PL 265.03 Crim poss weapon 2°	1,106	598	28	422	58
7 PL 140.25 Burglary 2°	734	292	2	378	62
8 PL 155.30 Grand larceny 4°	657	163	1	410	83
9 PL 170.25 Crim poss forged instr 2°	599	10	0	520	69
10 PL 155.35 Grand larceny 3°	503	90	2	352	59



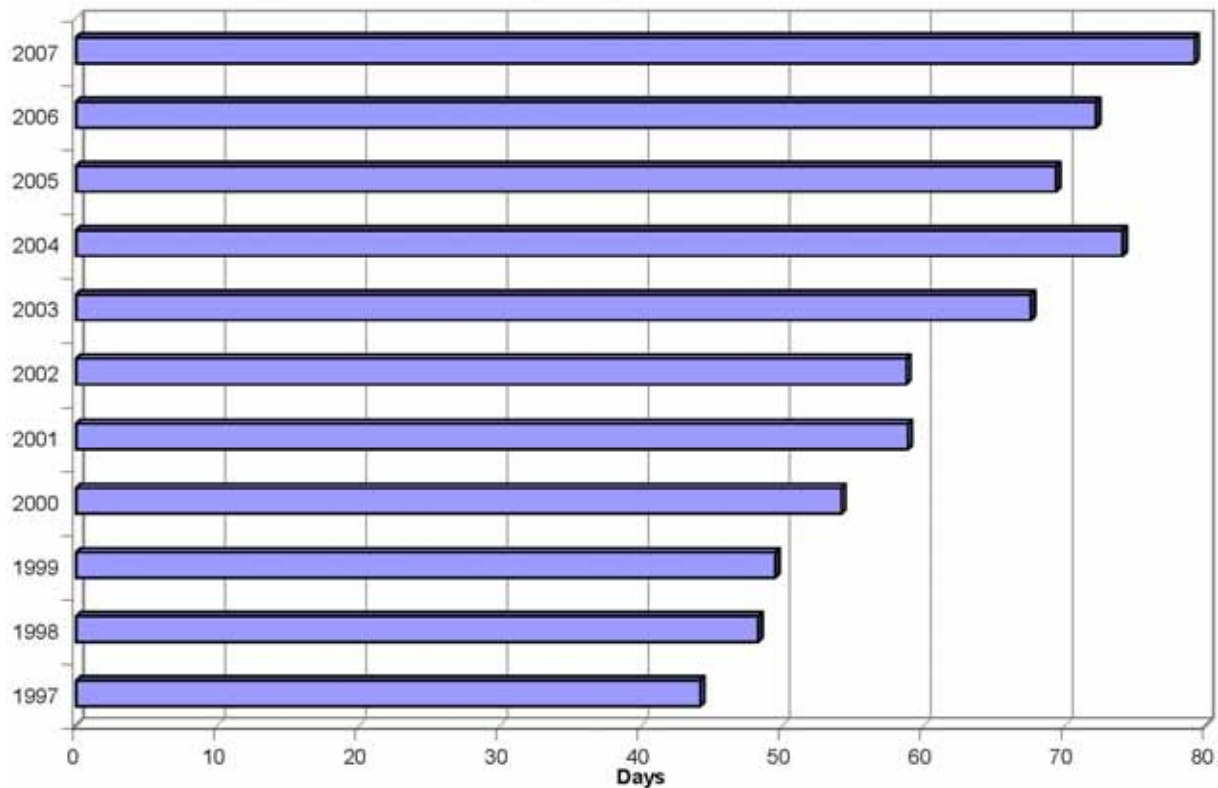
Number of Felony Waiver Parts

	Citywide	Kings	New York	Queens	Richmond
2007	5.7	2.0	1.0	2.2	.5

Mean Disposition Age of Dockets Surviving Arraignments and Disposed in Felony Waiver Parts (in days)

	Citywide	Kings	New York	Queens	Richmond
2007	79.2	45.2	51.3	115.1	78.6
2006	72.2	42.1	53.4	110.9	71.0
2005	69.4	43.2	49.4	103.0	72.1
2004	74.1	58.9	52.5	100.6	69.8
2003	67.6	39.9	54.6	95.8	70.2
2002	58.8	29.3	48.6	91.2	69.6
2001	58.9	30.1	47.3	92.5	74.2
2000	54.2	26.0	38.0	85.4	73.1
1999	49.5	29.3	35.1	77.7	61.7
1998	48.3	32.1	36.8	74.5	56.8
1997	44.2	29.3	35.1	64.8	58.0

Mean Age of Dockets Surviving Arraignments and Disposed in Felony Waiver Parts



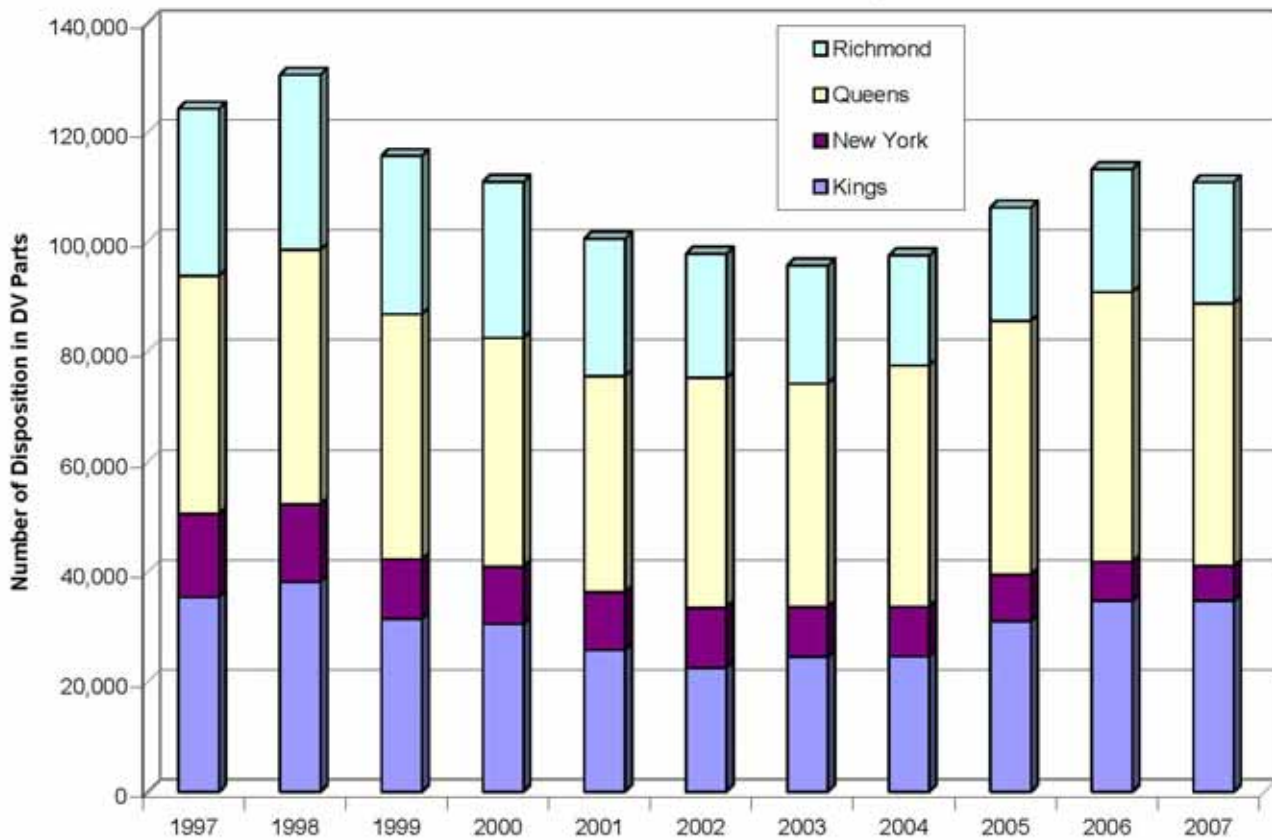


Felony Waiver Parts

Number of Calendared Cases Heard in Felony Waiver Parts

	Citywide	Kings	New York	Queens	Richmond
2007	110,901	34,852	6,255	47,663	22,131
2006	113,317	34,778	7,176	48,914	22,449
2005	106,306	31,058	8,501	46,118	20,629
2004	97,556	24,690	9,055	43,747	20,064
2003	95,734	24,594	9,047	40,574	21,519
2002	97,875	22,613	10,924	41,691	22,647
2001	100,610	25,835	10,538	39,173	25,064
2000	110,958	30,592	10,440	41,490	28,436
1999	115,682	31,529	10,854	44,469	28,830
1998	130,499	38,225	14,119	46,213	31,942
1997	124,306	35,476	15,186	43,226	30,418

Number of Calendared Cases Heard in Felony Waiver Parts





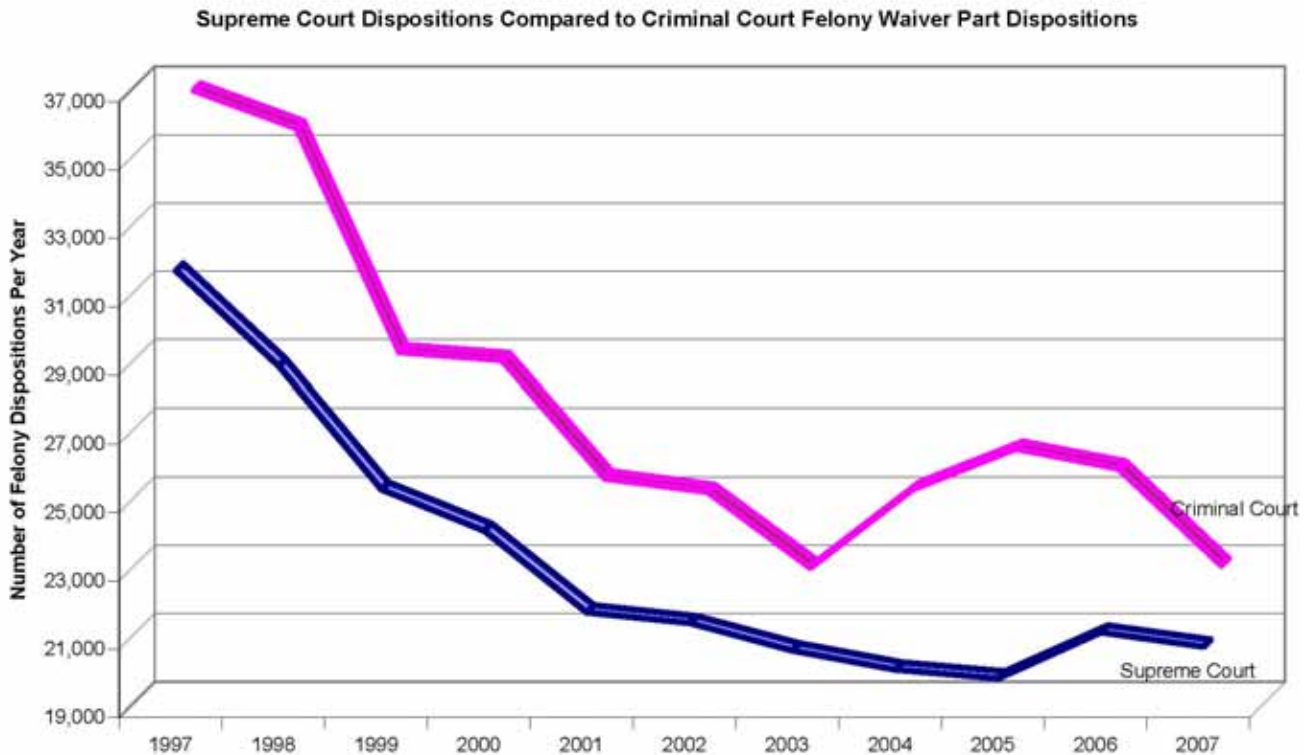
Total Dispositions in Felony Waiver Parts

		Citywide	Kings	New York	Queens	Richmond
2007	Total Dispositions	22,772	7,423	2,792	9,260	3,297
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	50.2	—	—	—	—
2006	Total Dispositions	25,613	9,748	3,207	9,239	3,419
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	56.3	—	—	—	—
2005	Total Dispositions	26,195	9,524	3,939	9,500	3,232
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	60.3	—	—	—	—
2004	Total Dispositions	25,008	8,784	3,995	8,840	3,389
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	61.1	—	—	—	—
2003	Total Dispositions	22,708	7,042	3,818	8,326	3,522
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	55.1	—	—	—	—
2002	Total Dispositions	24,929	8,638	4,425	8,024	3,842
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	57.7	—	—	—	—
2001	Total Dispositions	25,315	9,302	4,213	7,446	4,354
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	58.0	—	—	—	—
2000	Total Dispositions	28,763	10,249	4,730	8,664	5,120
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	57.6	—	—	—	—
1999	Total Dispositions	28,992	10,464	5,500	8,299	4,729
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	53.4	—	—	—	—
1998	Total Dispositions	35,548	13,185	7,246	9,648	5,469
	% of Arraigned Felony Cases Disposed of in Felony Waiver Pts	57.4	—	—	—	—
1997	Total Dispositions	36,649	13,174	8,157	9,314	6,004
	% of Felony Cases Arraigned Disposed of in Felony Waiver Pts	57.4	—	—	—	—



Felony Waiver Parts

	Supreme Court Dispositions			
	Citywide	Kings/Richmond	New York	Queens
2007	20,916	8,017	8,212	4,687
2006	21,334	8,321	8,183	4,830
2005	19,987	6,370	8,534	5,083
2004	20,245	6,614	8,596	5,035
2003	20,804	6,521	9,590	4,693
2002	21,607	6,483	10,242	4,882
2001	21,919	6,945	10,039	4,935
2000	24,311	7,249	11,647	5,415
1999	25,521	7,544	12,929	5,048
1998	29,110	9,276	13,394	6,440
1997	31,903	11,156	14,120	6,627



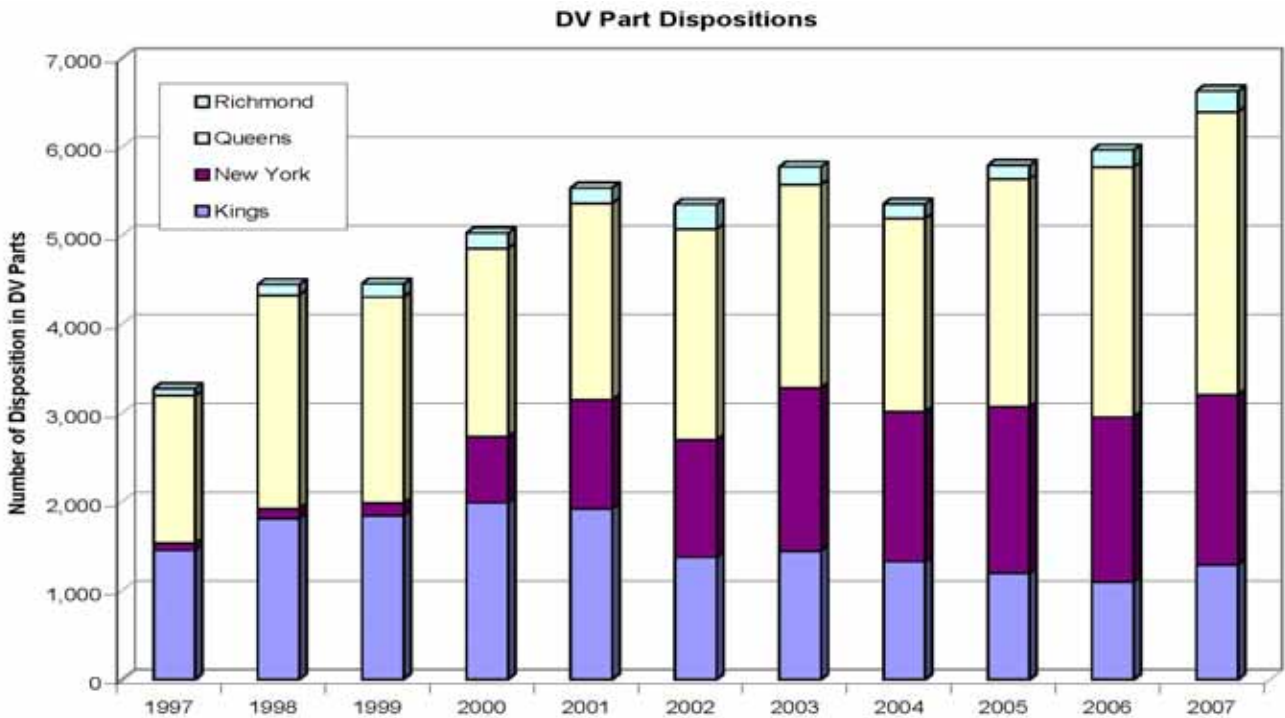


Domestic Violence Courts

Criminal Court currently operates Domestic Violence or DV courts within every county. Brooklyn, Manhattan and Queens operate DV Complexes, which include an All-Purpose part, Trial part and Compliance parts dedicated to adjudicating these types of crimes. All told, Criminal Court has six

courtrooms dedicated to handling these types of offenses.

Domestic Violence courts are forums that focus on crimes related to domestic violence and abuse and improving the administration of justice surrounding these types of crimes.



* In Kings, New York and Queens county, the Domestic Violence Compliance (DVC) Parts are not open 5 times/week and are listed as fractions depending on the number of days they are open. In Brooklyn DVC is open 2 days/week, Manhattan DVC is open 1 day/week and in Queens, DVC (which is combined with a hearing part) is open 3 days/week. In Richmond county, the domestic violence part (AP2DV) is called in a combined part with 3 other types of calendars and cases.

	Number of Domestic Violence Court Parts in Criminal Court *				
	Citywide	Kings	New York	Queens	Richmond
2007	6.0	2.4	2.2	1.2	.2
Total Number of Plea Dispositions in DV Parts					
2007	6,629	1,290	1,917	3,186	236
2006	5,965	1,100	1,857	2,815	193
2005	5,793	1,197	1,874	2,568	154
2004	5,357	1,328	1,689	2,176	164
2003	5,775	1,446	1,840	2,288	201
2002	5,352	1,379	1,322	2,372	279
2001	5,537	1,925	1,225	2,214	173
2000	5,029	1,990	744	2,121	174
1999	4,458	1,847	139	2,323	149
1998	4,451	1,813	112	2,404	122
1997	3,277	1,456	80	1,662	79



Spotlight Parts

Operation Spotlight, a multi-agency initiative sponsored by the Mayor's Office of the Criminal Justice Coordinator, launched in 2002, focuses on chronic misdemeanor offenders who commit a disproportionate amount of crime throughout the city. Parts were designated in all five boroughs to hear these cases. The initiative has expedited processing of narcotics laboratory reports, fast-tracked probation and parole revocations, increased trial capacity and links to services for addicted and mentally ill defendants.

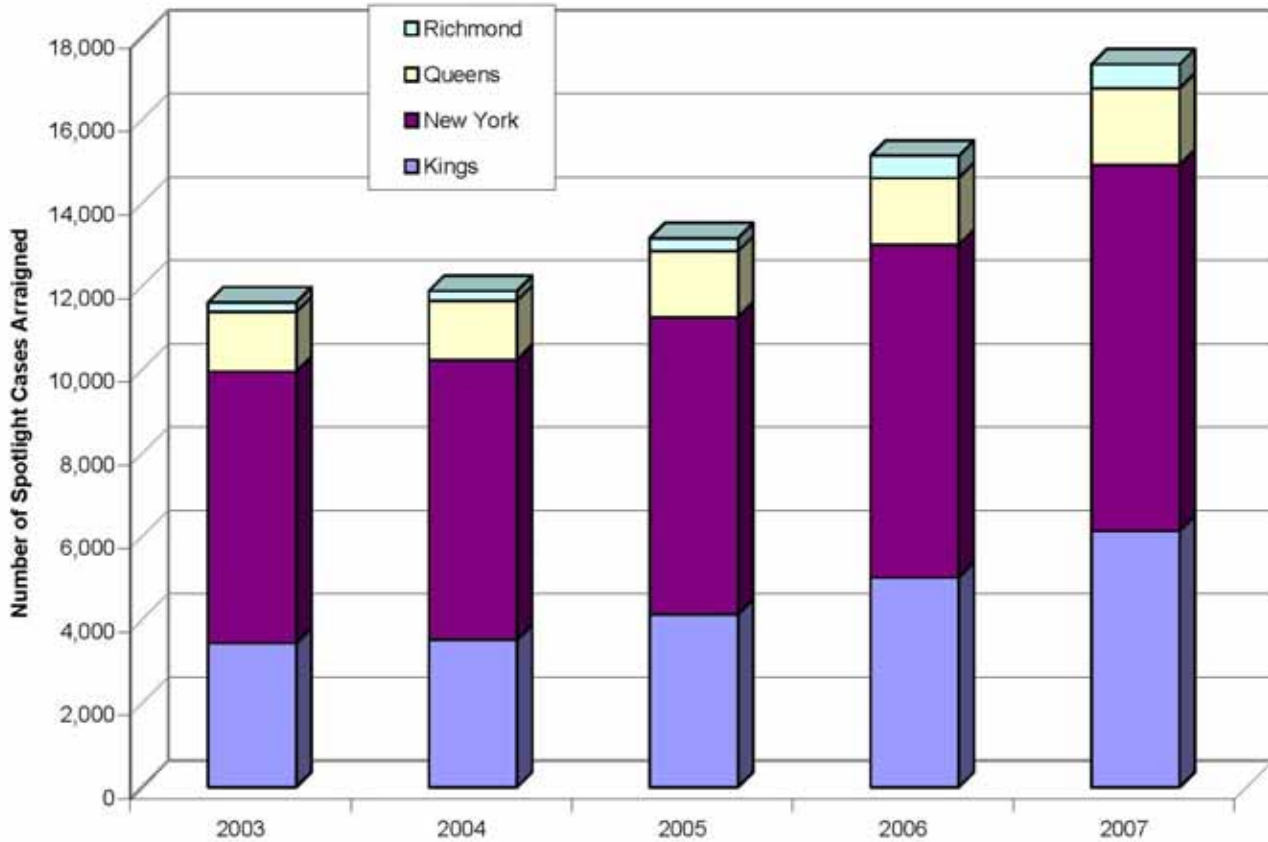
The Mayor's office defines an "Operation Spotlight" defendant as someone whose criminal record shows:

1. 3 or more arrests within the last 12 months, at least 2 of which must be for non-felony offenses; and
2. 2 or more misdemeanor convictions, at least 1 occurring within the last 12 months.

Number of Spotlight Cases Arraigned

	Citywide	Kings	New York	Queens	Richmond
2007	17,344	6,146	8,783	1,841	574
2006	15,153	5,030	7,985	1,600	538
2005	13,171	4,146	7,130	1,583	312
2004	11,904	3,536	6,718	1,419	231
2003	11,636	3,458	6,516	1,426	236

Spotlight Cases Arraigned





Drug Treatment Court Initiative

Criminal Court's six drug courts handle cases involving drug-abusing offenders. Each seeks to change drug-abusing behavior through comprehensive supervision, drug testing, treatment services and immediate sanctions and incentives.

Drug court staff interview eligible non-violent defendants to determine whether they abuse drugs and are able to enter into a substance abuse treatment program. If the defendant is interested in participating, he or she pleads guilty and agrees to enter treatment for anywhere from 8 months to 2 years (depending on the court, the severity of the crime and length of the defendant's criminal record). With the help of the drug court staff, the judge supervises the defendant's progress in treatment with frequent drug tests, visits to court and intense case management. The court will impose interim sanctions (including jail) if the defendant tests positive for drugs or fails to go to treatment and will offer interim incentives (such as increasing amounts of freedom) if the defendant does consistently well. If the defendant completes treatment, the court will either dismiss the charges or impose a non-jail sentence. If the defendant ultimately fails to follow through on his/her court mandate, the court will impose a jail sentence.

Drug courts offer not only substance abuse treat-

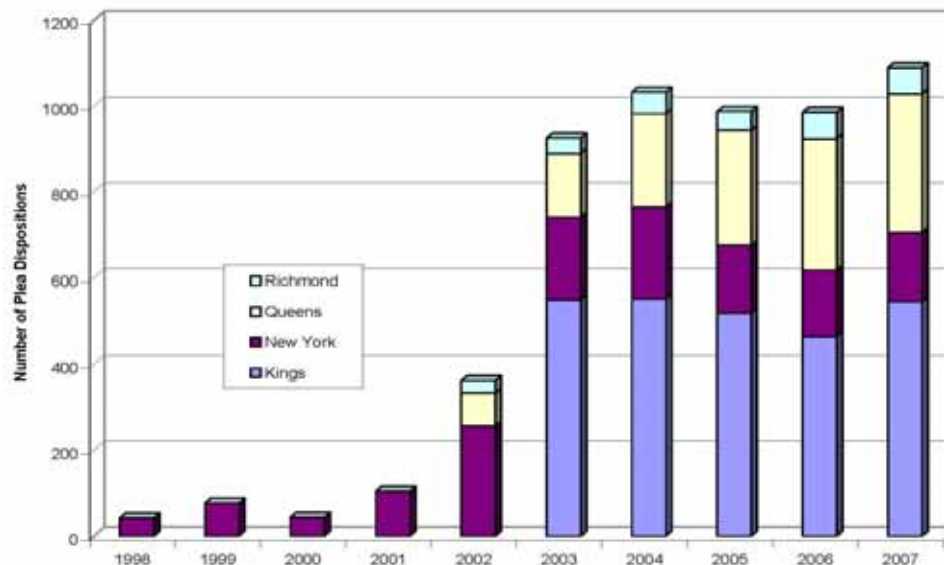
ment to participating defendants, but also other services such as medical and psychiatric care, educational services, vocational training and job placement.

Criminal Court has also instituted Comprehensive Screening, a system of ensuring that all defendants eligible to participate in a drug court are given that opportunity within a day or two of their arrest. It is a two step process involving a review of a defendant's rap sheet and charges by a court clerk prior to arraignment and a clinical assessment the day after arraignment by a drug court case manager to determine whether the defendant abuses drugs and is eligible for treatment.

	Number of Drug Court Parts in Criminal Court				
	Citywide	Kings	New York	Queens	Richmond
2007	6	2	2	1	1

	Number of Plea Dispositions taken in Drug Courts				
	Citywide	Kings	New York	Queens	Richmond
2007	1,055	546	159	323	61
2006	949	465	153	305	62
2005	972	520	156	268	43
2004	994	552	213	217	50
2003	889	550	191	148	36
2002	362	0	256	77	29
2001	104	0	104	0	0
2000	43	0	43	0	0
1999	77	0	77	0	0
1998	42	0	42	0	0

Number of Plea Dispositions in Drug Courts





Compliance Parts

Every county except Richmond has a Domestic Violence Compliance part. In these parts, cases in which a Domestic Violence Court judge orders defendants to attend batterer intervention, substance abuse, mental health or parenting skills programs are monitored by a Judicial Hearing Officer to ensure that the defendants comply with the judges' directives. Defendants who do not comply are re-

ferred back to the original judge for appropriate action.

In addition to DVC, Queens and New York have compliance calendars that monitor defendants' performance of conditions of sentence and/or release. Cases are referred from all Queens and New York courtrooms other than the domestic violence part.

Number of Cases Calendared in DV Compliance Parts

	Citywide	Kings	New York	Queens
2007	5,034	1,255	1,409	2,370
2006	4,854	986	1,492	2,376
2005	5,763	1,516	1,444	2,803
2004	6,658	2,218	1,094	3,346
2003	5,409	2,359	1,514	1,536
2002	9,777	3,843	1,733	4,201
2001	12,714	6,199	1,824	4,691
2000	13,258	5,668	2,821	4,769

Court Dispute Referral Centers

Criminal Court has Court Dispute Referral Centers (CDRCs) in each borough. CDRC staff assist people who wish to make a complaint against another person. CDRC staff evaluate the complaint and provide the complainant with options and information for resolving the dispute.

Disputes brought to CDRC may be between neighbors, acquaintances, family members, landlords and tenants, or consumer and merchant. The disputes may involve harassment, assault, vio-

lence, property damage, trespass or larceny. Many of these cases, after review by the CDRC staff, proceed to outside mediation where they are resolved. Mediation is a voluntary process in which disputing parties meet with a neutral third party, the mediator, who helps them come to a resolution of their problem. Some disputes are referred to other courts or social service agencies. Domestic violence and abuse cases are referred to the District Attorney's office.

CDRC Referrals*

	Citywide	Bronx	Kings	New York	Queens
2007	15,134	4,647	4,979	3,078	2,430
2006	16,145	5,038	5,222	3,267	2,618
2005	16,778	4,979	5,411	3,451	2,937
2004	18,891	5,330	6,511	3,975	3,075
2003	18,984	5,887	6,063	3,277	3,757
2002	19,358	6,391	5,748	2,681	4,538
2001	21,869	6,377	7,093	3,097	5,302
2000	23,816	7,178	7,710	3,523	5,405
1999	24,812	7,472	7,852	3,781	5,707
1998	23,890	7,565	6,921	3,947	5,457
1997	24,221	7,759	6,874	4,219	5,369

* Includes Bronx information

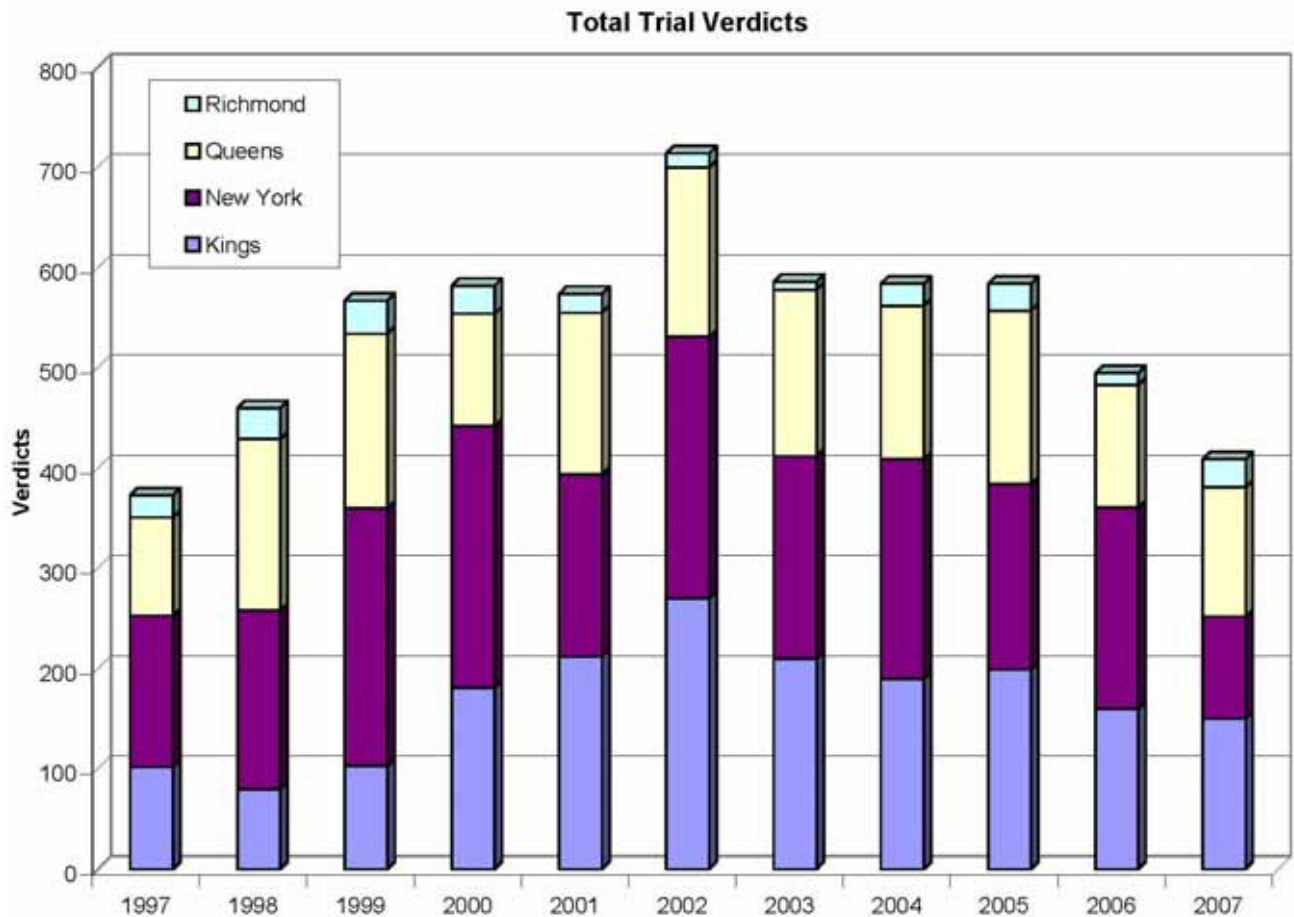


COURT OPERATIONS – TRIAL PARTS

Trial Parts in the Criminal Court handle most of the trials – both bench and jury. (Some trials are conducted in the Court’s AP parts). In New York State only those individuals charged with a serious crime, defined as one where the defendant faces more than six (6) months in jail, are entitled to a jury trial. Those defendants facing six (6) months incarceration or less are entitled to a bench trial before a judge.

Trial Parts also handle many of the pre-trial hearings that must be conducted before the trial begins. These include suppression, *Sandoval*, *Molineux* and other evidentiary hearings.

Criminal Court also conducts a limited amount of hearings upon felony complaints.





COURT OPERATIONS – TRIAL PARTS

Trial Verdicts

		Citywide			Kings			New York			Queens			Richmond		
		Conv	Acq	Tot	Conv	Acq	Tot	Conv	Acq	Tot	Conv	Acq	Tot	Conv	Acq	Tot
2007	Jury	89	91	180	22	33	55	39	30	69	25	24	49	3	4	7
	Bench	130	99	229	53	42	95	21	12	33	39	41	80	17	4	21
	Total	219	190	409	75	75	150	60	42	102	64	65	129	20	8	28
2006	Jury	124	80	204	25	21	46	74	28	102	22	27	49	3	4	7
	Bench	159	136	295	63	51	114	52	47	99	39	37	76	5	1	6
	Total	283	216	499	88	72	160	126	75	201	61	64	125	8	5	13
2005	Jury	127	101	228	33	32	65	57	30	87	27	31	58	10	8	18
	Bench	205	151	356	87	47	134	59	39	98	55	60	115	4	5	9
	Total	332	252	584	120	79	199	116	69	185	82	91	173	14	13	27
2004	Jury	140	107	247	28	28	56	77	42	119	30	33	63	5	4	9
	Bench	186	151	337	83	51	134	52	48	100	47	43	90	4	9	13
	Total	326	258	584	111	79	190	129	90	219	77	76	153	9	13	22
2003	Jury	115	123	238	33	36	69	63	60	123	17	26	43	2	1	3
	Bench	210	138	348	94	47	141	53	26	79	63	60	123	0	5	5
	Total	325	261	586	127	83	210	116	86	202	80	86	166	2	6	8
2002	Jury	145	104	249	37	29	66	81	48	129	24	27	51	3	0	3
	Bench	274	191	465	132	72	204	81	51	132	55	63	118	6	5	11
	Total	419	295	714	169	101	270	162	99	261	79	90	169	9	5	14
2001	Jury	114	82	196	45	19	64	45	33	78	23	24	47	1	6	7
	Bench	215	163	378	103	45	148	64	40	104	44	70	114	4	8	12
	Total	329	245	574	148	64	212	109	73	182	67	94	161	5	14	19
2000	Jury	107	92	199	37	20	57	60	53	113	7	12	19	3	7	10
	Bench	228	155	383	71	53	124	101	47	148	43	50	93	13	5	18
	Total	335	247	582	108	73	181	161	100	261	50	62	112	16	12	28
1999	Jury	121	103	224	30	20	50	74	66	140	12	13	25	5	4	9
	Bench	206	138	344	36	17	53	80	38	118	73	76	149	17	7	24
	Total	327	241	568	66	37	103	154	104	258	85	89	174	22	11	33
1998	Jury	91	78	169	14	13	27	55	44	99	16	15	31	6	6	12
	Bench	171	136	307	36	17	53	58	37	95	67	73	140	10	9	19
	Total	262	214	476	50	30	80	113	81	194	83	88	171	16	15	31
1997	Jury	82	63	145	18	10	28	42	40	82	14	6	20	8	7	15
	Bench	120	107	227	48	26	74	33	35	68	36	42	78	3	4	7
	Total	202	170	372	66	36	102	75	75	150	50	48	98	11	11	22



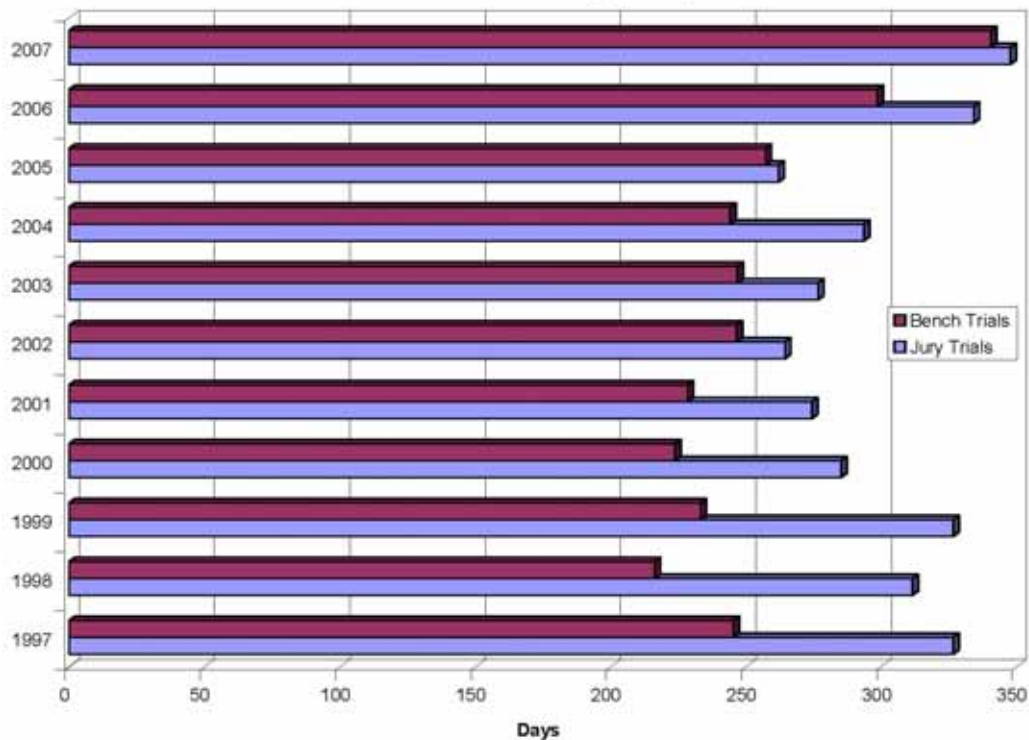
Bench Trial Verdicts Mean Age at Disposition (days)

	Citywide	Kings	New York	Queens	Richmond
2007	340.6	370.8	222.8	348.4	335.2
2006	298.7	314.8	251.2	337.2	240.5
2005	257.3	265.3	218.0	274.6	337.1
2004	244.2	214.6	206.9	341.8	305.8
2003	246.9	229.6	245.4	265.2	311.2
2002	246.7	208.0	269.4	288.8	256.5
2001	228.5	184.0	235.4	265.2	378.9
2000	223.9	170.5	254.4	223.3	346.4
1999	233.3	191.7	307.4	186.7	248.3
1998	216.2	157.2	303.1	190.3	170.8
1997	245.5	206.1	358.4	203.8	130.9

Jury Trial Verdicts Mean Age at Disposition (days)

2007	347.8	322.7	328.7	381.9	488.3
2006	334.2	356.2	308.9	364.8	351.3
2005	262.1	242.7	287.5	259.7	221.0
2004	293.6	217.4	296.3	362.4	265.0
2003	276.7	235.0	300.5	268.0	401.3
2002	264.5	211.1	285.8	277.4	343.3
2001	274.4	202.8	312.4	305.3	302.7
2000	285.2	167.8	336.5	326.3	284.3
1999	326.7	149.0	408.0	237.6	312.7
1998	311.6	176.9	373.0	268.2	220.0
1997	326.6	233.5	385.8	233.0	297.1

Trial Verdicts Mean Age at Disposition





Pre-Trial Hearings

Trial Parts conduct the majority of the pre-trial hearings done in the Criminal Court. The statistics below, divided into felony and other hearings, show the number of pretrial hearings. Felony hearings upon a felony complaint, determining whether a defendant should be held in custody while awaiting action by a grand jury, are typically done in a

felony waiver part - although they may take place in any court part.

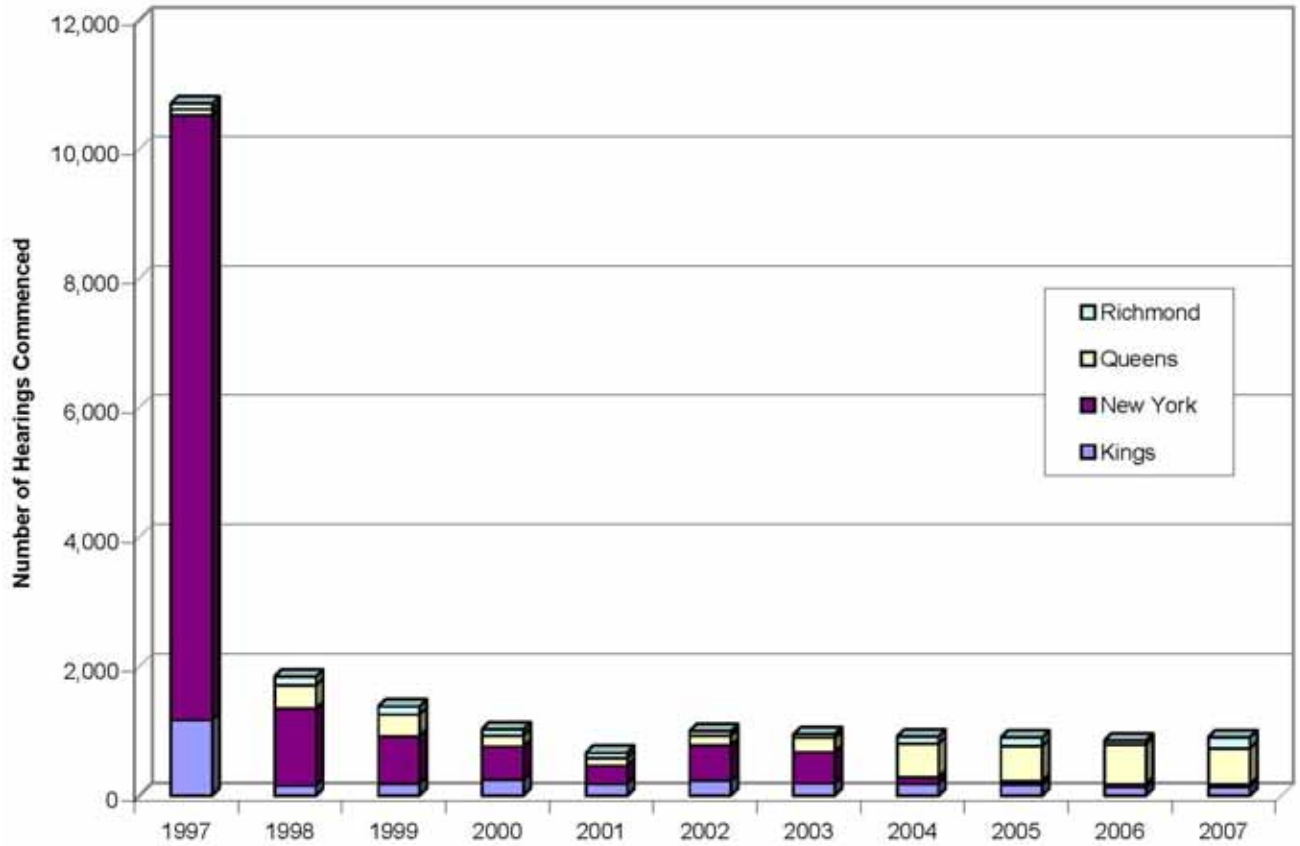
The "other hearing" category is comprised of pre-trial suppression hearings, *Sandoval*, *Molineux* and other evidentiary hearings.

Pre Trial Hearings Commenced

		Citywide	Kings	New York	Queens	Richmond
2007	Total Hearings	904	138	40	551	175
	Felony Hearings	17	0	10	3	4
	Other Hearings	887	138	30	548	171
2006	Total Hearings	857	132	48	610	67
	Felony Hearings	16	2	6	0	8
	Other Hearings	841	130	42	610	59
2005	Total Hearings	900	169	54	544	133
	Felony Hearings	28	1	18	0	9
	Other Hearings	872	168	36	544	124
2004	Total Hearings	912	181	100	521	110
	Felony Hearings	26	0	15	0	11
	Other Hearings	886	181	85	521	99
2003	Total Hearings	952	190	484	221	57
	Felony Hearings	54	6	36	0	12
	Other Hearings	898	184	448	221	45
2002	Total Hearings	999	232	547	147	73
	Felony Hearings	49	1	32	0	16
	Other Hearings	950	231	515	147	57
2001	Total Hearings	664	179	283	116	86
	Felony Hearings	38	0	27	2	9
	Other Hearings	626	179	256	114	77
2000	Total Hearings	1,027	248	514	168	97
	Felony Hearings	33	3	13	0	17
	Other Hearings	994	245	501	168	80
1999	Total Hearings	1,378	189	727	341	121
	Felony Hearings	49	2	21	9	17
	Other Hearings	1,329	187	706	332	104
1998	Total Hearings	1,841	155	1,191	361	134
	Felony Hearings	61	7	37	0	17
	Other Hearings	1,780	148	1,154	361	117
1997	Total Hearings	10,706	1,168	9,359	91	88
	Felony Hearings	129	31	64	1	33
	Other Hearings	10,577	1,137	9,295	90	55



Pre-Trial Hearings Commenced



125-01 Queens Boulevard, Facade



COURT OPERATIONS – COMMUNITY COURTS

Red Hook Community Justice Center

Red Hook Community Justice Center (RHCJC) integrates the functions of a court with the types of treatment and preventive services typically found in a community center. Staff working for the Center for Court Innovation have offices at the Red Hook site and provide seamless services to the Court and the public.

RHCJC seeks to address the needs of the community as a whole, and is structured to address them by incorporating a multi-jurisdictional court and housing programs to improve the quality of life for the Red Hook community. The Justice Center provides on-site social services addressing drug abuse, poverty, family violence, unemployment and education. It also houses community mediation and

job training programs. All of these services are available to defendants and victims as well as to members of the Red Hook community.

RHCJC also offers innovative programs designed to address the needs of a particularly vulnerable population, young adults. The Youth Court tries to mediate problems between kids before they flare into something that must involve the criminal justice system.

RHCJC incorporates state-of-the-art technology making information readily available to judges and court personnel. This access enables informed decisions to be made more expeditiously and provides the court with the ability to track sentences and compliance with program mandates.

Red Hook Community Justice Center

	2007	2006	2005	2004	2003	2002	2001	2000
Arraignments	3,833	4,072	3,670	3,168	3,803	4,052	4,199	2,995
Dispositions at Arraignment	1,956	2,253	2,048	1,912	2,136	2,631	2,581	1,643
Dockets Surviving Arraignment	1,877	1,819	1,622	1,256	1,667	1,421	1,618	1,352
% Total Surviving Arraignment	49.0	44.7	44.2	39.6	43.8	35.1	38.5	45.1
Mean Age at Disposition (days)*	95.6	88.0	90.1	98.9	85.2	101.8	83.1	59.5
Summons Trials Commenced	47	25	54	19	1	3	3	0
Online/DAT Trials Commenced	39	11	0	1	1	2	3	0

* Dockets surviving arraignments

Top 10 Arraignment Charges - Red Hook

Comparison by most frequently arraigned			2007	2002
PL	220.03	Crim poss CS 7°	1	1
PL	221.10	Crim poss marihuana 5°	2	2
PL	120.00	Assault 3°	3	3
AC	10-125	Pub. consumption alcohol	4	—
VTL	511.1A	Agg unlicensed op MV 3°	5	—
PL	155.25	Petit larceny	6	7
VTL	511.1	Agg unlicensed op MV 3°	7	4
PL	165.15	Theft of services	8	6
PL	140.10	Criminal trespass 3°	9	5
PL	170.20	Crim poss forged inst 3°	10	—
PL	230.00	Prostitution	—	8
PL	230.03	Patron Prostitute 4°	—	9
PL	240.30	Agg harassment 2°	—	10

88-94 Visitation Place, Facade





Midtown Community Court

Launched in 1993, the Midtown Community Court targets quality-of-life offenses, such as prostitution, illegal vending, graffiti, shoplifting, farebeating and vandalism. Typically in these cases, judges are often forced to choose between a few days of jail time and nothing at all - sentences that fail to impress on either the victim, the community or defendants that these offenses are taken seriously. In contrast, the Midtown Community Court sentences low-level offenders to pay back the neighborhood through community service while at the same time offering them help with problems that often underlie criminal behavior. Residents,

businesses and social service agencies collaborate with the Court by supervising community service projects and by providing on-site social services, including drug treatment, health care and job training. In 1999, the Court began to hear small claims cases as well, bringing a problem-solving approach to a new set of neighborhood problems.

	Midtown										
	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997
Arraignments	8,621	8,884	9,067	10,593	11,023	11,230	10,742	10,080	10,340	14,584	17,799
Dispositions at Arraign't	6,360	6,771	6,243	7,076	7,209	7,539	8,177	7,849	8,369	12,092	14,879
Dkts Surviving Arraign't	2,261	2,113	2,824	3,517	3,814	3,691	2,565	2,231	1,971	2,492	2,920
% Surviving Arraignment	26.2	23.8	31.1	33.2	34.6	32.9	23.9	22.1	19.1	17.1	16.4
Mean Age at Dispo (days)*	133.8	101.5	75.5	91.9	72.6	66.7	57.9	65.2	57.6	61.6	53.4

Midtown - Number of Defendants Referred to Services

	2007	2006	2005	2004
Arrest Dockets	4,195	4,461	4,478	4,576
Summons Dockets	5,371	4,581	3,567	7,323
Total	9,566	9,042	8,045	11,899

* Dockets surviving arraignments

Top 10 Arraignment Charges - Midtown

Comparison by most frequently arraigned			2007	2002	1997
PL	155.25	Petit larceny	1	1	2
PL	165.15	Theft of services	2	4	1
AC	20-453	Unlicensed vendor	3	2	3
CO	1050.7	Disorderly Conduct	4	—	—
PL	221.10	Crim poss marihuana 5°	5	3	7
PL	230.00	Prostitution	6	5	9
AC	10-125	Pub. consumption alcohol	7	8	6
CO	1050.6	Viol. Transit Rules	8	—	—
PL	240.20	Disorderly Conduct	9	—	10
PL	240.37	Loitering/prostitution	10	6	5
PL	220.03	Crim poss CS 7°	—	7	4
VTL	511.1	Agg unlicensed op MV 3°	—	9	8
PL	120.00	Assault 3°	—	10	—



314 West 54th Street, Facade



COURT OPERATIONS - CENTRAL ADMINISTRATION

Central Administration at 100 Centre Street coordinates and oversees the operation of Criminal Court throughout the city. Central Administration is divided into three main offices - the Administrative Judge, Chief Clerk and Chief Court Attorney.

Office of the Administrative Judge

Administrative Judge Juanita Bing Newton is the chief judicial officer of the Court. The administrative judge is responsible for the overall direction and policies of the Court. Judge Newton is also responsible for judicial assignments and meets with the individual county Supervising Judges on a regular basis to map out new programs and initiatives to ensure that the Court runs properly.

Included in the Administrative Judge's staff are her counsel, Beverly Russell, who assists her in the day-to-day management of the Court, the Citywide Drug Court Coordinator and the Citywide Domestic Violence Court Coordinator, respectively Justin Barry and Lisa Lindsay, who assist the Administrative and Supervising Judges in the planning, implementation, budgeting and day-to-day operations of these specialized courts.

Office of the Chief Clerk

Chief Clerk William Etheridge supervises all non-judicial staff throughout the court. Assisted by First Deputy Chief Clerk Vincent Modica and Personnel Director Ada Molina, the Office of the Chief Clerk's responsibilities include:

- Liaison to the Administrative Judge, Supervising Judges, Borough Chief Clerks and Chief Court Attorney;
- Liaison to the Office of Court Administration;
- Budget Preparation and Control;
- Personnel Assignments;
- Operational Directives;
- Citywide Facilities Management;
- Coordination of Training;
- Citywide Summons Oversight; and
- Grievance Oversight.

The Chief Clerk's Office also includes other city-wide supervisors who coordinate assignments for their respective staff throughout the city. These

supervisors include those for court reporters, court interpreters, technology, compliance, summons, data entry and records and supply.

Chief Court Attorney

Chief Court Attorney Michael Yavinsky is responsible for the assignment and supervision of court attorneys working for the Criminal Court citywide. This office also keeps judicial and non-judicial staff abreast of new developments and changes in the criminal law. The Chief Court Attorney also assists the Administrative Judge with training initiatives for both judges and non-judicial employees. Lastly, this office is the primary liaison with the Office of Court Administration Counsel's Office in monitoring any lawsuits involving Criminal Court.



120 Schermerhorn Street, Facade



Office of the Chief Clerk
Chief Clerk William Etheridge, Personnel Director Ada Molina and First Deputy Chief Clerk Vincent Modica



Office of the Chief Court Attorney
Assistant Court Analyst Georgeanna McDonald, Associate Court Attorney Judi Caragine, Chief Court Attorney Michael Yavinsky and Law Steno Nora Johnson.



Office of the Administrative Judge
Seated: Administrative Judge Juanita Bing Newton. Standing: Citywide Drug Court Coordinator Justin Barry, Administrative Aide Nancy Tulino, Sgt. Terrence Gatling, Citywide Domestic Violence Court Coordinator Lisa Lindsay, Counsel Beverly Russell, CO Steven Ingenito, Principal Secretary to Judge Theresa Daniel and Secretary to Judge Robert West



COURT OPERATIONS - CENTRAL ADMINISTRATION

Criminal Court Revenue* 2007

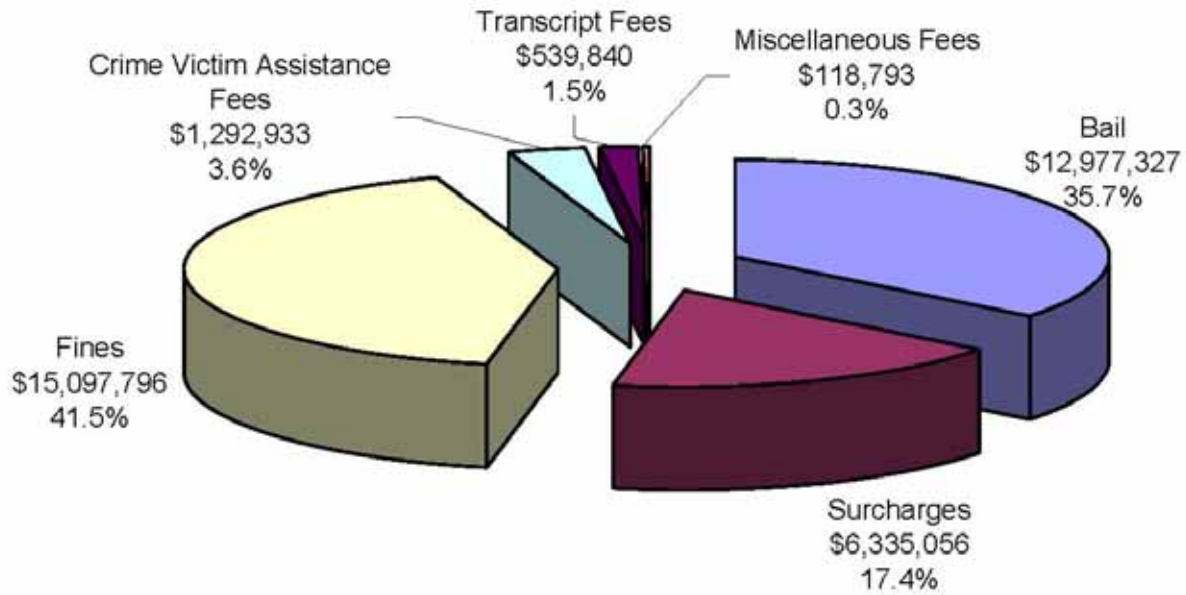
	Citywide	Bronx	Kings**	New York**	Queens	Richmond
Bail	\$12,977,327	\$2,859,020	\$3,830,025	\$1,948,725	\$3,098,139	\$1,241,418
DNA Fee	\$48,045	\$1,475	\$6,825	\$17,675	\$17,750	\$4,320
DNA Fee Supreme	\$16,225	\$16,225	\$0	\$0	\$0	\$0
DWI SUPP Surcharge	\$160,975	\$4,400	\$45,275	\$32,450	\$64,900	\$13,950
DWI Surcharge Supreme	\$18,675	\$18,675	\$0	\$0	\$0	\$0
Fine City Arrest	\$2,105,141	\$494,047	\$250,865	\$316,891	\$912,220	\$131,118
Fine City Summons	\$4,923,500	\$640,620	\$557,950	\$2,330,620	\$1,310,615	\$83,695
Fine DWI	\$3,320,662	\$463,212	\$789,080	\$619,385	\$1,179,295	\$269,690
Felony City Arrest	\$191,955	\$191,955	\$0	\$0	\$0	\$0
Felony DWI	\$4,130	\$4,130	\$0	\$0	\$0	\$0
Felony State Arrest	\$1,020	\$1,020	\$0	\$0	\$0	\$0
Fine State Arrest	\$2,673,718	\$443,107	\$622,511	\$706,303	\$757,277	\$144,520
Fine State Summons	\$1,877,670	\$499,450	\$214,937	\$710,070	\$389,303	\$63,910
Misc Court Costs	\$100	\$0	\$0	\$0	\$100	\$0
Misc Court Costs Supreme	\$0	\$0	\$0	\$0	\$0	\$0
Misc Interest	\$2,466	\$0	\$2,466	\$0	\$0	\$0
Misc Other	\$1,166	\$0	\$0	\$0	\$1,166	\$0
Misc Overage	\$1,547	\$413	\$535	\$200	\$400	\$0
Misc Overage Supreme	\$270	\$270	\$0	\$0	\$0	\$0
Misc Returned Check	\$1,135	\$60	\$80	\$635	\$360	\$0
Misc Returned Check Supreme	\$20	\$20	\$0	\$0	\$0	\$0
Misc Shortage	-\$40	\$0	-\$40	\$0	\$0	\$0
SORA	\$2,750	\$0	\$350	\$840	\$560	\$1,000
SORA Supreme	\$2,550	\$2,550	\$0	\$0	\$0	\$0
Subpoena Fee	\$305	\$35	\$0	\$270	\$0	\$0
Subpoena Fees Supreme	\$188	\$188	\$0	\$0	\$0	\$0
SUPP SORA	\$33,155	\$0	\$9,820	\$16,495	\$6,790	\$50
SUPP SORA Supreme	\$8,910	\$8,910	\$0	\$0	\$0	\$0
Summons CVAF	\$271,108	\$25,950	\$41,533	\$104,530	\$90,640	\$8,455
Arrest CVAF	\$1,016,198	\$227,489	\$227,321	\$214,979	\$290,694	\$55,715
Felony CVAF	\$5,627	\$5,627	\$0	\$0	\$0	\$0
Felony Surcharge	\$73,580	\$73,580	\$0	\$0	\$0	\$0
Misdemeanor Surcharge Summons	\$8,685	\$1,885	\$260	\$5,695	\$645	\$200
Misdemeanor Surcharge Arrest	\$919,250	\$224,760	\$159,055	\$188,905	\$284,355	\$62,175
Violation Surcharge Summons	\$990,905	\$93,390	\$155,260	\$379,690	\$332,810	\$29,755
Violation Surcharge Arrest	\$2,632,143	\$635,130	\$588,645	\$564,643	\$718,985	\$124,740
VTL Surcharge Summons	\$58,500	\$7,930	\$3,025	\$22,500	\$19,975	\$5,070
VTL Surcharge Arrest	\$1,472,343	\$217,777	\$377,200	\$316,841	\$461,725	\$98,800
Transcript	\$478,070	\$101,550	\$56,830	\$113,330	\$167,900	\$38,460
Transcript Supreme	\$61,770	\$61,770	\$0	\$0	\$0	\$0
Total	\$36,361,744	\$7,326,620	\$7,939,808	\$8,611,672	\$10,106,604	\$2,377,041

* Includes Bronx information

** See note on top of page 47 concerning allocation of Kings and Manhattan summons fines and surcharges.



Criminal Court Revenue 2007

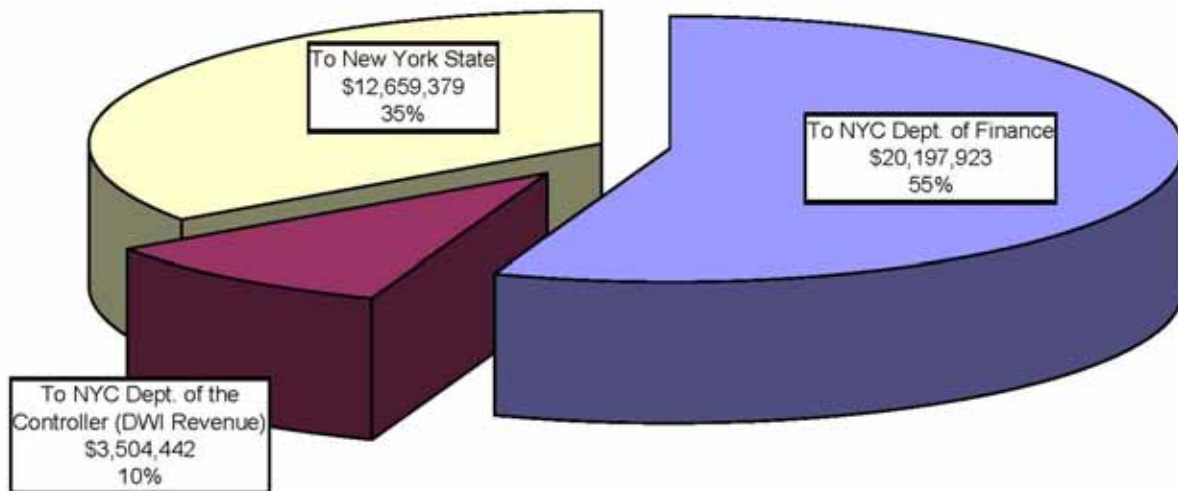


Criminal Court Disbursements 2007*

<i>Disbursement to NYC Department of Finance</i>	\$20,197,923
<i>Disbursement to NYC Department of the Controller (DWI revenue disbursed to Controller)</i>	\$3,504,442
Total disbursements to city (subtotal)	\$23,702,365
Total disbursement to state	<u>\$12,659,379</u>
Total disbursements	\$36,361,744

* Includes Bronx information

Criminal Court Disbursements 2007





New Laws and Legislation

There were quite a few pieces of legislation passed in 2007 that impacted New York City Criminal Court. When these laws are enacted, all relevant judicial and non-judicial staff are notified of the changes by the Office of the Chief Court Attorney. These notifications provided information on statutes, legislative history, case law analysis and other information to foster implementation. The following pages show the most significant notifications made in 2007.

Legislative Changes of 2007

A. Changes Affecting the Penal Law

1.L 2007, ch 582 - Adding Penal Law Article 242; Adding Agriculture and Markets Law § 121-b [Offenses Against Service Animals and Handlers]

This law adds Article 242 governing offenses against service animals and handlers to the Penal Law. Under this Article are the crimes of Interference, Harassment or Intimidation of a Service Animal, a class B misdemeanor; Harming a Service Animal in the Second Degree, a class A misdemeanor; and Harming a Service Animal in the First Degree, a class E felony [PL §§ 242.05, 242.10 and 242.15, respectively].

A person is guilty of Interference, Harassment or Intimidation of a Service Animal “when he or she commits an act with intent to and which does make it impractical, dangerous or impossible for a service animal to perform its assigned responsibilities of assisting a person with a disability.” A person is guilty of Harming a Service Animal in the Second Degree “when, with the intent to do so, he or she causes physical injury, or causes such injury that results in the death, of a service animal.” Finally, a person is guilty of Harming a Service Animal in the First Degree “when, he or she commits the crime of harming a service animal in the second degree, and has been convicted of harming a service animal in the first or second degree within the prior five years.”

This law also amends Agricultural and Markets Law to add section 121-b, entitled Offenses Against Service Animals and Handlers. Pursuant to subdivi-



Michael Yavinsky, Esq.
Chief Court Attorney

sion (3) of this section, a person shall be guilty of a violation if he owns or possesses control of an animal previously determined to be dangerous, and, by any act or omission, recklessly permits his animal to interfere with the proper working of a service animal, thereby exposing the handler and service animal to danger or bringing about the injury or death of the service animal. This offense is punishable by a fine of not more than \$2,000, by imprisonment of no more than 15 days, or by both such fine and imprisonment.

According to the Sponsor’s Memo in support of this law, there has recently been an increase in the trauma, injury and death of service animals in New York State. Noting that it costs \$50,000 to train a guide dog and that such dogs “greatly improve the lives of those they serve,” the sponsor asserted that there should be “a suitable level of offense” for such acts.

Effective Date: November 1, 2007



2. L 2007, ch 568 - Amending Penal Law § 460.10; Amending CPL § 700.05 [Expanding the Definition of Criminal Acts Relating to Enterprise Corruption]

This law amends PL § 460.10(1)(a) to expand the definition of “criminal act” as it relates to the offense of enterprise corruption to include the crimes of Trademark Counterfeiting in the First and Second Degree [PL §§ 165.73 and 165.72, respectively]. In addition, this law amends CPL § 700.05(8)(b) to include Trademark Counterfeiting in the Second Degree [PL § 165.72] as a “designated offense” as this term relates to eavesdropping and video surveillance warrants.

According to the Sponsor’s Memo in support of this law, the production and sale of counterfeit goods is a major problem in New York and such goods come into the New York market through large scale criminal networks. The prior enterprise corruption and money laundering statutes did not contemplate trademark counterfeiting offenses as predicate acts to launch investigations into organized crime, and, therefore, “when an arrest [was] made of a street distributor, there [was] little or no incentive to look beyond the street interaction.” These amendments, however, provide law enforcement with “the tools necessary to target the larger criminal enterprise involved in counterfeiting and shut down these operations.”

Effective Date: November 1, 2007

3. L 2007, ch 519 - Amending Penal Law § 60.27 [Relating to Restitution for Violating PL §§ 240.62 and 240.63]

Initially, this law amends PL § 60.27 to renumber subdivision (11) as subdivision (13). This law then amends the new subdivision (13) to include the offenses of Placing a False Bomb or Hazardous Substance in the First Degree and Placing a False Bomb or Hazardous Substance in a Sports Stadium or Arena, Mass Transportation Facility or Enclosed Shopping Mall [PL §§ 240.62 and 240.63, respectively] within the list of offenses for which restitution may be due to any school, municipality, fire district, fire company, fire corporation, ambulance association, ambulance corporation, or other legal or public entity engaged in providing emergency

services that has expended funds for the purpose of responding to a false report of an incident or false bomb.

According to the Sponsor’s Memo in support of this law, “[l]ocal governments throughout the state have been victimized by false bombs or hazardous substances[,] . . . a form of terrorism meant to inspire mass fear by threatening the use of weapons capable of causing large-scale loss of life.” As a result, the government incurs tremendous costs in responding to these threats as well as in training and equipping response teams to deal with such threats. This law will not only “aid local officials in paying for these services, but it will act as a further deterrent to committing this type of crime.”

Effective Date: August 15, 2007

4. L 2007, ch 376 - Adding Penal Law §§ 145.26 and 145.27 [Aggravated Cemetery Desecration in the First and Second Degrees]

This law creates the crime of Aggravated Cemetery Desecration in the Second Degree [PL § 145.26] and designates it a class E felony. A person is guilty of this offense “when, having no right to do so nor any reasonable ground to believe that he or she has such right, he or she opens a casket, crypt, or similar vessel containing a human body or human remains which has been buried or otherwise interred in a cemetery and unlawfully removes therefrom a body, bodily part, any human remains or any object contained in such casket, crypt or similar vessel for the purpose of obtaining unlawful possession of such body, bodily part, human remains or object for such person or a third person.”

This law also creates the crime of Aggravated Cemetery Desecration in the First Degree [PL § 145.27] and designates it a class D felony. A person is guilty of this offense when he commits the crime of Aggravated Cemetery Desecration in the Second Degree and has been previously convicted of this same offense or Cemetery Desecration in the First or Second Degree [PL §§ 145.23 and 145.22, respectively] within the past five years.



New Laws and Legislation

According to the Sponsor's Memo in support of this law, this law is necessary because there have been several instances throughout the state where the remains and belongings of Civil War veterans have been removed from graves. The sponsor noted that these graves have likely been disturbed because Civil War era relics can be worth up to a few thousand dollars.

Effective Date: November 11, 2007

5. L 2007, ch 353 - Amending Penal Law §§ 145.22 and 145.23 [Cemetery Desecration in the First and Second Degree]

This law amends PL § 145.22 to broaden the scope of the offense of Cemetery Desecration in the Second Degree, a class A misdemeanor. In addition to the prior definition of that offense, this law now provides that a person is also guilty when, with the intent to steal property, he steals personal property located at a cemetery plot, grave, burial place or other place of interment of human remains and such property is owned by the person or organization that maintains or owns such place or by the estate, next-of-kin or representatives of the deceased person interred there. In light of this amendment, PL § 145.23 is also amended to provide that stealing such property with a value in excess of \$250 constitutes Cemetery Desecration in the First Degree, a class E felony.

Noting an incident where personal items had been stolen from the grave of a Staten Island woman, the sponsor of this law asserted that expanding these statutes to punish individuals who not only damage but also steal such property "will hopefully deter the occurrence of future disturbing incidents."

Effective Date: July 18, 2007

6. L 2007, ch 335 - Amending Penal Law § 130.05 [Relating to the Lack of Capacity to Consent to Sexual Conduct by an Inmate of a Local Correctional Facility]

To protect inmates in state and local correctional facilities from sexual abuse, PL § 130.05(3) sets forth that they lack the capacity to consent to sex-

ual acts with employees of such institutions. This law expands the definition of "employee" under that section in order to afford even greater protection to inmates.

According to the Sponsor's Memo in support of this law, the narrow definition of "employee" under the prior law "created a gap in the law that prevent[ed] categories of individuals with direct access to inmates who engage in . . . illegal activities to avoid appropriate punishment." As such, this law "is essential to ensuring inmate safety, achieving maximum deterrence and enforcing a 'zero tolerance' policy."

Effective Date: November 1, 2007

7. L 2007, ch 310 - Amending Penal Law § 260.06 [Non-Support of a Child in the First Degree]

This law amends PL § 260.06 to add that a prior conviction under that section within the preceding five years is a predicate to a conviction under that section. Under the former law, only a prior conviction under PL § 260.05, Non-Support of a Child in the Second Degree, was a predicate to conviction under PL § 260.06.

According to the Sponsor's Memo in support of this law, under the prior law a non-custodial parent could be convicted under PL § 260.05 [a class A misdemeanor], later convicted under PL § 260.06 [a class E felony], subsequently fail or refuse without lawful excuse to pay child support when he was able to do so, but nevertheless only be guilty of a misdemeanor under PL § 260.05. "This legislation will address this inconsistency and thereby close the loophole that allows the most egregious offenders to escape criminal prosecution."

Effective Date: November 1, 2007

8. L 2007, ch 291 - Amending Penal Law § 250.40 [Relating to the Use of Cell Phones for Unlawful Surveillance]

This law amends PL § 250.40, which sets forth definitions applicable to the various offenses of unlawful surveillance [PL §§ 250.45, 250.50, 250.55, and



250.60]. Specifically, the definition of “imaging device” is amended to include a cellular phone capable of taking and transmitting photographs.

According to the Sponsor’s Memo in support of this law, the creation of such cellular phones has given rise to a number of privacy concerns, one of which is being photographed when undressing. The sponsor asserted that this law is necessary because “[i]ndividuals should be able to know with certainty [that] they are not being photographed against their will while disrobing in a place where there is a reasonable expectation of privacy.”

Effective Date: November 1, 2007

9. L 2007, ch 235 - Amending Penal Law § 265.20; Amending Correction Law §§ 701 and 703-a [Eliminates the Ability of Certain Felons to Obtain a Firearms License or Possess a Rifle or Shotgun]

This law amends PL § 265.20(a)(5) to eliminate the ability of persons convicted of a class A-I felony or a violent felony who have been issued a certificate of good conduct from possessing a rifle or shotgun. Similarly, Correction Law § 703-a(2) is amended to provide that any such person shall not apply for or receive a firearms license. Correction Law § 701(2) is also amended to provide that, notwithstanding having been issued a certificate of relief from disabilities, any person convicted of a class A-I felony or a violent felony shall not receive a firearms license and must automatically forfeit any firearms license he holds.

According to the Sponsor’s Memo in support of this law, “[t]he mere issuance of a certificate of good conduct or certificate of relief from disabilities is no guarantee that a felon does not continue to pose a danger to the public safety.” This law removes “the loophole in the law that authorizes dangerous criminals to lawfully possess guns.”

Effective Date: October 16, 2007 [However, the amendments to Correction Law §§ 701(2) and 703-a(2) apply to any firearms license, including those issued prior to this date.]

10. L 2007, ch 8 - Amending Penal Law § 235.22 [Disseminating Indecent Material to Minors in the First Degree]

This law amends PL § 235.22 to ensure that the dissemination of graphic written language to minors falls within the purview of this statute. Specifically, PL § 235.22(1) is amended to prohibit not only depicting but also describing, “either in words or images actual or simulated nudity, sexual content or sado-masochistic abuse”

According to the Sponsor’s Memo in support of this law, “[t]he word ‘depicts’ . . . has been interpreted in certain court decisions to be limited to graphic and visual images.” However, the sponsor noted, “[c]learly it was not the intent of the Penal Law to provide a loophole for those preying on children when they communicate indecent material in words and not just images.” As such, “this [law] is necessary to effectively prosecute criminals who seek to circumvent the intent of the law to include those who describe, in words or images, material which is harmful to a minor.”

Effective Date: March 19, 2007

B. Changes Affecting the Criminal Procedure Law

1. L 2007, ch 616 - Amending Real Property Law § 227-c; Amending Criminal Procedure Law § 530.12; Amending Domestic Relations Law § 240; Amending Chapter 73 of the Laws of 2007 [Termination of Residential Leases of Victims of Domestic Violence]

This legislation amends Chapter 73 of the Laws of 2007 as well as several statutory provisions in an effort to clarify the procedures for terminating the residential lease agreement of a lessee/tenant for whom an order of protection has been issued.

Real Property Law § 227-c is amended to address the issues that arise if the lessee/tenant lives with any co-tenants. Specifically, this section now provides that the lessee/tenant must give ten days’ notice to any co-tenants when seeking an order terminating the residential lease agreement and that the order must be served upon any co-tenants, who shall then have an opportunity to be heard by the court. [These protections were granted to the lessor/owner pursuant to L 2007, ch 73.] Further, a provision is added to this section to set forth that if there are any co-tenants on the



New Laws and Legislation

lease, other than the person against whom the order of protection was issued, the court may sever the co-tenancy, but shall not, except upon consent of the co-tenants, terminate the entire co-tenancy.

In addition, this law clarifies the conditions upon which a termination order shall be granted, as established by Chapter 73. While the lessee/tenant must surrender the premises free of all occupants, he need not be responsible for ensuring that the person covered by the order of protection is not present.

This law also provides that the court shall hear an application for termination at any time that the order of protection is in effect. If the court finds that the lessor/owner or co-tenants did not receive adequate notice of the application, it may briefly adjourn the matter or take other steps to provide notice, except that it shall not direct the lessee/tenant to personally serve the application or termination order upon a co-tenant covered by the order of protection.

Finally, CPL § 530.13 and Domestic Relations Law § 240 are amended to provide that a termination order may be issued by any court permitted to act pursuant to either of these provisions.

According to the Sponsor's Memo in support of this legislation, "[t]his [law] permits . . . individuals to find a safe place to make [their] homes while providing co-tenants and landlords the right to be heard regarding the lease termination."

Effective Date: October 1, 2007

2. L 2007, ch 571 - Adding Criminal Procedure Law § 210.16 [Requirement of HIV Related Testing in Certain Cases]

This law adds CPL § 210.16, which provides that where an indictment or superior court information has been filed with a superior court charging the defendant with a felony offense under Penal Law Article 130 and an essential element of such offense is "sexual intercourse," "oral sexual conduct," or "anal sexual conduct," the court shall, at the request of the victim, order the defendant to

submit to HIV related testing. These requests and tests, however, must meet certain requirements established by this law.

In support of this legislation, the sponsor of this law noted that, "[i]n order to make appropriate medical decisions, it is imperative that the victim of a sex offense have access to necessary information concerning the HIV status of the defendant as soon as possible."

Effective Date: November 1, 2007 [Testing is only permitted for defendants against whom an indictment or superior court information has been filed on or after this date.]

3. L 2007, ch 570 - Amending Criminal Procedure Law § 700.05 [Designated Offenses for Issuance of a Eavesdropping and Video Surveillance Warrant]

This law amends CPL § 700.05(8)(b) to add Failure to Disclose the Origin of a Recording in the First Degree [PL § 275.40] as a designated offense for which an eavesdropping or video surveillance warrant may be issued.

According to the Sponsor's Memo in support of this law, "New York City is a major center for the motion picture industry" as well as "the number one source of pirated recordings." Such illegal recordings result in lost revenue, fewer jobs in the entertainment industry, and higher movie and concert ticket prices. By adding PL § 275.40 as a designated offense, law enforcement will have "the tools necessary to effectively investigate and prosecute" the criminal enterprises that engage in piracy.

Effective Date: November 1, 2007

4. L 2007, ch 548 - Amending Criminal Procedure Law §§ 65.10 and 65.20 [Relating to Declaring Child Witnesses as Vulnerable]

This law amends CPL § 65.10(1) to eliminate a showing of "extraordinary circumstances" as a necessary condition for testimony by a child witness via two-way closed circuit television. In addition, this subdivision is amended to require a showing



that the child witness will suffer “serious” [formerly “severe”] mental or emotional harm if required to testify without such two-way closed circuit television and that the use of two-way closed circuit television will “diminish” [formerly “help prevent, or diminish”] the likelihood or extent of, such harm.

This law also amends CPL § 65.20 to add a new subdivision (2), which provides for the use of closed circuit television upon a showing that, if such closed circuit television was not used, the child witness would suffer serious mental or emotional harm that would substantially impair his ability to communicate with the finder of fact.

Noting the importance of two-way closed circuit television testimony, the sponsor of this law stated that this legislation would “liberalize the ability of a judge to determine that a child is a vulnerable witness and allow the child to testify by two-way closed-circuit television.”

Effective Date: August 15, 2007

5. L 2007, ch 541 - Amending Criminal Procedure Law § 530.11; Amending Family Court Act § 812 [Establishes Concurrent Jurisdiction Over Criminal Mischief]

This law amends CPL § 530.11(1) and Family Court Act § 812(1) to include Criminal Mischief in the list of offenses over which the Family Court and the Criminal Court have concurrent jurisdiction.

The sponsor of this legislation noted that, prior to this law, the Family Court was not authorized to prosecute Criminal Mischief despite the fact that courts are faced regularly with situations in which an abuser is alleged to have vandalized or destroyed property that is either owned by the victim or jointly owned by both parties. This law “recogniz[es] that damage to property is often a means that an abuser uses to exercise power and control over his or her victim” and fulfills “the Legislature’s finding, in enacting the Family Protection and Domestic Violence Intervention Act, that ‘the victims of family offenses must be entitled to the fullest protections of the civil and criminal laws.’”

Effective Date: November 13, 2007

6. L 2007, ch 346 - Amending Executive Law § 646; Amending Criminal Procedure Law § 20.40 [Relating to Free Police Reports for Victims of Identity Theft]

This law amends Executive Law § 646 to add a subdivision (2) which provides that an individual whose identity was assumed or whose personal identifying information was used in violation of PL §§ 190.78, 190.79 or 190.80, or who suffered a financial loss as a direct result of the acts of a defendant in violation of PL §§ 190.78, 190.79, 190.80, 190.82, or 190.83 and has learned or reasonably suspects that his personal identifying information has been unlawfully used by another person, may make a complaint to the local law enforcement agency of the county in which any part of the offense took place (regardless of whether the defendant was actually present in such county), in the county in which the person who suffered financial loss resided at the time of the offense, or in the county where the person whose personal identification information was used in the commission of the offense resided at the time the offense was committed.

Executive Law § 646, as well as CPL § 20.40(4)(I), are both amended to provide that the law enforcement agency in any such county shall take a police report of the matter and provide the complainant with a copy of such report at no charge.

According to the Sponsor’s Memo in support of this law, “[f]iling a police report of identity theft is critical, as copies of the report are needed to clear up the damage done by the thief. This [law] will ensure that victims of identity theft can readily obtain a free copy of their police report to aid in stopping the further fraudulent use of their personal information.”

Effective Date: July 18, 2007

7. L 2007, ch 198 - Amending Criminal Procedure Law § 530.14 [Revocation or Ineligibility for Firearms Licenses or Surrender Thereof]

Criminal Procedure Law § 530.14 mandates that, under certain circumstances, a court revoke a defendant’s firearms license, declare him ineligible for such a license, and order him to immediately



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surrender all firearms he owns or possesses. One of these circumstances is where the defendant was previously found to have willfully disobeyed an order of protection by inflicting serious physical injury. This law broadens this provision by removing the term “serious” and now only requiring that the defendant have willfully disobeyed the order by inflicting physical injury. See CPL § 530.14(1)(a)(ii)(A).

According to the Sponsor’s Memo in support of this law, individuals against whom orders of protection have been issued often disregard the terms of such orders, and when they possess a firearm, the consequences can be tragic. As a result, this law “seeks to minimize the risk that a person who has violated a previous or current order of protection will subsequently injure someone with a firearm despite the existence of a current order of protection prohibiting such conduct.”

Effective Date: August 2, 2007

8. L 2007, ch 191 - Amending Criminal Procedure Law § 410.80 [Transfer of Supervision over Probationers]

This law amends CPL § 410.80 to address problems associated with the intrastate transfer of probationers. Specifically, this law requires that if the probationer resides in another jurisdiction in New York at the time of sentencing, probation supervision and court jurisdiction must be transferred to such other jurisdiction. Likewise, when, after sentencing, a probationer seeks a change in residency within New York and the sentencing court grants such request, there must be a transfer of probation supervision and court jurisdiction to the jurisdiction of the probationer’s new residence.

This law also clarifies that the sending probation department must consult with the receiving probation department to determine which criminal court should receive the case.

According to the Sponsor’s Memo in support of this law, the prior law limited the power of the receiving jurisdiction, even though “the probation officers in the receiving county are in contact with the

offender and are therefore in the best and most knowledgeable position to advise the court” when revocation of probation is warranted. Further, when the sentencing court retained jurisdiction under the prior law, the court in the receiving jurisdiction could be prevented from issuing a warrant or search order or exercising basic supervisory functions and probation officers from the receiving jurisdiction could be required to travel long distances to the sentencing jurisdiction to testify at violation hearings. This legislation “empower[s] probation officers to respond swiftly and certainly to probationers who violate the orders and conditions of their supervision.”

Effective Date: September 1, 2007

9. L 2007, ch 137 - Amending Criminal Procedure Law §§ 530.12 and 530.13 [Issuing a Temporary Order of Protection Against a Remanded Defendant]

This law amends CPL §§ 530.12(1) and 530.13(1) to authorize the issuance of a temporary order of protection by a criminal court in cases where the defendant has been committed to the custody of the sheriff. Under the prior versions of these statutes, a court was only authorized to issue a temporary order of protection as a condition of releasing the defendant on his own recognizance, releasing the defendant on bail, or adjourning the case in contemplation of dismissal.

In support of this legislation, the sponsor of this law noted that “even while remanded awaiting trial, [a defendant] may have opportunities, by mail, telephone or otherwise, to harass, intimidate, threaten or ‘otherwise interfere . . . with’ the victim or victims of the alleged offense.”

Effective Date: July 3, 2007

10. L 2007, ch 73 - Adding Real Property Law § 227-c; Amending Criminal Procedure Law § 530.12; Amending Family Court Act §§ 446, 656, 842 and 1056 [Termination of Residential Leases of Victims of Domestic Violence]

[Please Note: L 2007, ch 616 was enacted subsequent to this chapter and amends several sec-



tions of this chapter. Please refer to the summary for Chapter 616 for further details.]

This law adds Real Property Law § 227-c, which provides that any lessee/tenant for whose benefit an order of protection has been issued shall be permitted to terminate his residential lease agreement and leave the premises without any liability to pay the lessor/owner rent or other payments in lieu of rent for the time following termination of the lease. In order to be released from liability, the lessee/tenant must, on ten days' notice to the lessor/owner of the premises, seek an order terminating the residential lease agreement from the court that issued the order of protection.

A court, however, shall issue such an order only if the lessee/tenant makes certain showings to the court, as provided for in this statute. Further, the granting of the order must be conditioned on the lessee/tenant satisfying certain requirements set forth in this statute.

The termination order shall set forth the date of termination, which shall be no earlier than 30 days and no later than 150 days after the due date of the next rental payment following the date the order is served on the lessor/owner. Further, the lessor/owner shall have the opportunity to be heard by the court and to express opposition to the issuance of the order.

Additionally, this law amends CPL § 530.12(1) to add a new paragraph (g), which authorizes issuance of a termination order in accordance with Real Property Law § 227-c. A similar provision is also added to sections 446, 656, 842 and 1056 of the Family Court Act.

According to the Sponsor's Memo in support of this legislation, under the prior law, a person whose safety was threatened by a stalker or former partner may have wished to move away from their residence but could not do so because they were bound by a lease agreement. This law "permits these individuals to find a safe place to make their homes."

Effective Date: October 1, 2007 [The original effective date of this law, August 3, 2007, was superceded by passage of L 2007, ch 616, which design-

ated the effective date of this law to be October 1, 2007.]

C. Changes Affecting the Vehicle and Traffic Law

1. L 2007, ch 669 - Amending Penal Law § 65.10; Amending Vehicle and Traffic Law §§ 1193, 1198 and 1198-a [Relating to Ignition Interlock Devices]

This law amends various statutory provisions in an effort to increase use of ignition interlock devices as a sentencing tool and to promote offender accountability.

Most notably, this law amends VTL § 1198 to expand the ignition interlock device program from a pilot program in certain enumerated counties to a statewide program. In addition, PL § 65.10(2)(k-1) and VTL §§ 1193(1-a)(c)(1)(b) and 1198 are all amended to provide that where installation of an ignition interlock device is ordered, the device should be installed on any vehicle owned or operated by the defendant and not merely on vehicles the defendant operates on a regular basis. Further, this law expands the definition of "alcohol and substance abuse professional" as provided for under VTL § 1198-a(1)(a).

According to the Sponsor's Memo in support of this law, "[s]ubstantive and technical reform is sought to address the patch quilt provisions of law that have led to inconsistent handling of ignition interlock installation, licensing, and sanctions across the state for [drunk drivers]."

Effective Date: October 27, 2007

2. L 2007, ch 418 - Amending Vehicle and Traffic Law §1220(c) to Increase Penalties for Littering on Highways

This law amends VTL § 1220(c) to increase the penalties for littering on highways. For a first offense, the penalty is a fine of no more than \$350 [formerly \$250] and/or community service of no more than 10 hours [formerly eight]. For a second or subsequent offense, the penalty is a fine of no more than \$700 [formerly \$500] and/or community service of no more than 15 hours [formerly eight].

According to the Sponsor's Memo in support of this law, littering damages the environment and poses



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a danger to everyone who uses public spaces. Thus, “[b]y stiffening the penalty that can be imposed on those who litter, we can ensure that these individuals receive the punishment they deserve for dirtying our state.”

Effective Date: November 1, 2007

3. L 2007, ch 345 - Adding Penal Law §§ 120.04-a and 125.14 [Aggravated Vehicular Assault and Aggravated Vehicular Homicide]

This law adds two new sections to the Penal Law creating the crimes of Aggravated Vehicular Assault and Aggravated Vehicular Homicide [PL §§ 120-04-a (a class C felony) and 125.14 (a class B felony), respectively]. An essential element of these offenses is that the defendant was under the influence of alcohol and/or drugs. These crimes were established to allow for the imposition of stricter penalties for DWI-related offenses under certain circumstances.

According to the Sponsor’s Memo in support of this law, “[w]hen an individual gets behind the wheel of a vehicle drunk, that vehicle becomes a weapon.” Thus, “it is essential that we pass stricter laws proclaiming that this state will have no tolerance for such behavior and will punish those offenders appropriately both for what they have done and to discourage others.”

Effective Date: November 1, 2007

4. L 2007, ch 251 - Amending Vehicle and Traffic Law §§ 510-a and 1193 [Relating to Commercial Driver’s Licenses]

The purpose of this law is to conform the Vehicle and Traffic Law to the federal requirements governing operators of commercial motor vehicles. Several amendments are made by this law, the most relevant of which are as follows:

Vehicle and Traffic Law § 510-a(3)(b) is amended to provide that suspension of a commercial driver’s license “shall take effect upon the termination of any other suspension already in effect pursuant to” VTL § 510-a(3)(a).

Further, two subparagraphs of VTL § 1193(2)(e)(7),

which governs the procedures for suspension pending prosecution, are also amended. Subparagraph (d), which provides for conditional licenses, is amended to prohibit operation of a commercial motor vehicle by a person issued a conditional license pursuant to this subparagraph. Additionally, subparagraph (e), which allows for a hardship privilege, is amended to provide that such privilege is not valid for the operation of a commercial motor vehicle.

According to the Sponsor’s Memo in support of this law, “this [legislation] addresses deficiencies noted in [DMV’s compliance with federal law] and is necessary to avoid the potential loss of highway funding and the potential for CDL decertification.”

Effective Date: July 18, 2007

D. Changes Affecting Registered Sex Offenders

1. L 2007, ch 373 - Amending Correction Law § 168-t [Increasing the Penalty for Failure to Register as a Sex Offender]

This law amends Correction Law § 168-t to increase the penalty for failing to register as a sex offender under the Sex Offender Registration Act from a class A misdemeanor to a class E felony for the first offense. A second or subsequent offense remains punishable as a class D felony.

According to the Sponsor’s Memo in support of this law, the police agencies believe that increasing the penalty for failing to register will lower the number of sex offenders who are not registering or updating their registrations. In turn, “[t]his will help the general public to know the whereabouts of sex offenders in their area.”

Effective Date: August 17, 2007

2. L 2007, ch 74 - Amending Various Provisions of Law [Relating to Human Trafficking]

This law makes various amendments to the Penal Law, Correction Law, Executive Law and Social Services Law to create new offenses involving human trafficking and to make services available to victims of these offenses. The most relevant amendments are as follows:



Section 230.34 is added to the Penal Law creating the crime of Sex Trafficking, a class B felony. A person is guilty of this offense when he intentionally advances or profits by using any one of the means enumerated in this statute to compel or induce another person to engage in prostitution. This crime is also added to the list of offenses for which a convicted defendant must register as a sex offender [see Correction Law § 168-a(2)(a)(I)].

This law also adds section 135.35 to the Penal Law to create the crime of Labor Trafficking and designates it a class D felony. A person is guilty of this offense when he compels or induces another person to engage in labor or recruits, entices, harbors, or transports another person by one of several means enumerated in this statute.

In addition, this law repeals the class B misdemeanor offense of Patronizing a Prostitute in the Fourth Degree [PL § 230.03], and makes the elements of the class A misdemeanor offense of Patronizing a Prostitute in the Third Degree [PL § 230.04] identical to the elements of the former class B misdemeanor offense. Further, Correction Law § 168-d(1)(b) is amended to allow the court to conduct a hearing to determine whether a defendant convicted under the new Third Degree charge patronized a prostitute under the age of 17, thereby requiring the defendant to register as a sex offender.

The offense of Promoting Prostitution in the Third Degree [PL § 230.25] is also amended by this law to explicitly prohibit a business from selling travel-related services knowing that such services include or are intended to facilitate travel for the purpose of patronizing a prostitute.

According to the Sponsor's Memo in support of this law, this legislation is necessary because "approximately 18,000 to 20,000 people are trafficked into the United States each year for forced labor, involuntary domestic servitude, or sexual exploitation . . . [and] New York is a frequent hub of such activity."

Effective Date: November 1, 2007 [However, the amendments to the Social Services Law are effective upon passage of this chapter, and the addition of any rule or regulation necessary for the imple-

mentation of this law by the effective date is authorized immediately.]

3. L 2007, ch 7 - Amending Various Provisions of Law [Creating "The Sex Offender Management and Treatment Act"]

This law enacts The Sex Offender Management and Treatment Act, which, among other things, establishes a procedure for the civil commitment of certain sex offenders after completion of their penal sentences, amends Penal Law Article 130 to create the offense of "sexually motivated felony," establishes new sentencing requirements for all felony sex offenses, lengthens the post-release supervision periods for determinate sentences imposed on felony sex offenses, and provides that certain class D and class E felony sex offenses are violent felonies.

According to the Sponsor's Memo in support of this law, the purpose of this legislation is "to enhance public safety by allowing the State to continue managing sex offenders upon expiration of their criminal sentences, either by civilly confining the most dangerous recidivistic sex offenders, or by permitting strict and intensive parole supervision of offenders who pose a lesser risk of harm."

[For additional information on this law, see the April 10, 2007 memorandum of Michael Colodner, entitled Sex Offender Management and Treatment Act (Chapter 7 of the Laws of 2007).]

Effective Date: April 13, 2007

E. Miscellaneous Changes

1. L 2007, ch 668 - Adding Agriculture and Markets Law § 160-v [Dumping of Certain Agricultural Products]

This law amends the Agricultural and Markets Law to add Article 13-E, and specifically therein, section 160-v. Pursuant to subdivision (2) of this section, no one that sells or distributes any food product shall knowingly dump (or otherwise discard in a manner reasonably and causally connected to the contamination of food) any cull or waste pile consisting of any agricultural product not produced in this state, including fruits and vegetables falling below the official standard of quality for such



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product. This provision constitutes a violation punishable by a fine of \$500 for the first offense and \$1,000 for a second or subsequent offense. Violators of this section are also subject to a fine equal to any necessary clean up costs as well as any costs reasonably related to recalling contaminated food from the marketplace.

According to the Sponsor's Memo in support of this law, "[t]his proactive measure will ensure that the disposal of culls and waste piles occurs in a responsible manner in order to better protect our local food supply."

Effective Date: August 28, 2007

2. L 2007, ch 642 - Adding Agriculture and Markets Law § 353-c [Electrocution of Fur-Bearing Animals]

This law amends the Agriculture and Markets Law by adding section 353-c prohibiting the intentional killing or stunning of a fur-bearing animal by electrocution and designates this offense a class A misdemeanor. Pursuant to this provision, the term "fur-bearing animal" includes the arctic fox, red fox, silver fox, chinchilla, mink, pine marten, muskrat, as well as those fur-bearing animals referred to in Environmental Conservation Law § 11-1907.

According to the Sponsor's Memo in support of this law, electrocution "causes a protracted and painful cessation of life for [an] animal." As such, the purpose of this law is "[t]o ensure that when animals are expunged for use of their fur, that it is done in the most humane manner possible so that the animals do not have to suffer needlessly."

Effective Date: October 27, 2007

3. L 2007, ch 639 - Amending Executive Law § 296 [Relating to Unlawful Discriminatory Practices by Employers]

This law amends Executive Law § 296(16) to provide that any person, agency, bureau, corporation or association shall not, in connection with the licensing, employment or provision of credit or insurance to an individual, inquire about any crimi-

nal accusation not then pending against the individual or act upon such information in a manner adverse to the individual, when such accusation was followed by a youthful offender adjudication or by conviction of a violation. This provision, however, does not apply to applications for employment or membership in any law enforcement agency.

In support of this legislation, the sponsor of this law noted that, prior to this law, Executive Law § 296 prohibited discrimination in licensure and employment of individuals with prior criminal convictions but did not extend any such protection to persons with non-criminal convictions or youthful offender adjudications. Finding that "it makes no sense" for the latter group to have less protection, the sponsor urged that this is an oversight needing correction.

Effective Date: November 1, 2007

4. L 2007, ch 632 - Amending NYC Administrative Code § 11-4019 [Authorizing the Attorney General to Prosecute Offenses Related to the NYC Cigarette Tax]

This law amends NYC Administrative Code § 11-4019 to add a subdivision (c) giving the NYS Attorney General concurrent jurisdiction, along with the NYC Corporation Counsel and any District Attorney, to prosecute any offenses relating to the cigarette tax imposed by Chapter 13 of Title 11 of the Code as well as any offenses arising out of such prosecution.

According to the sponsor of this legislation, since the July 2002 cigarette tax increase, New York City "has increased its efforts to investigate and refer for prosecution cigarette tax violations." The Attorney General's statewide jurisdiction will allow for the prosecution of those cigarette smuggling cases that involve violations committed inside and outside of New York City as well as those that involve defendants residing outside of New York City.

Effective Date: August 28, 2007

5. L 2007, ch 611 - Adding General Business Law



§ 399-aaa [Selling and Manufacturing Fur-Bearing Articles of Clothing]

This law adds General Business Law § 399-aaa, which prohibits anyone from knowingly importing for profit, selling at retail, offering for sale at retail or manufacturing clothing containing fur that is not labeled as “faux fur” or “real fur”, or which is incorrectly labeled. Violation of this section shall be punishable by a fine of not more than \$500 for the first violation and not more than \$1000 for each subsequent violation.

According to the Sponsor’s Memo in support of this law, the Federal Fur Products Labeling Act only requires labels on fur-bearing clothing that costs \$150 or more, and as a result, fur-bearing clothing costing less than that amount has been mislabeled as containing faux fur when it actually contains real fur. This law will “ensure that consumers are able to make informed decisions regarding the purchase of articles of clothing containing fur and faux fur.”

Effective Date: November 13, 2007

6. L 2007, ch 441 - Amending General Municipal Law § 495-a [Relating to Bingo Games Conducted Without a License]

This law amends General Municipal Law § 495-a(2) to permit recreational bingo games to be conducted without a license. Under the prior law, bingo games which involved the exchange of little or no money and which were conducted for purely recreational or entertainment purposes were illegal unless a license was obtained from the Racing and Wagering Board. This law authorizes “free bingo” games to be conducted without a license if certain requirements are met. Among these requirements are that no participant can pay to participate, the value of the prizes cannot exceed \$10 for any one game or a total of \$150 in any calendar day, and that such games cannot be conducted on more than 15 days within any calendar year.

According to the Sponsor’s Memo in support of this law, individuals could have been charged under the prior law with a misdemeanor even when the bingo game conducted did not rise to the level of gambling. “The net result of this [law] is that senior

citizen clubs, schools, private individuals, persons at nursing homes, and other groupings of persons can play free bingo without fear of arrest or prosecution.”

Effective Date: January 1, 2008

7. L 2007, ch 374 - Amending Various Sections of the Arts and Cultural Affairs Law; Amending L 2007, ch 61 [Relating to the Resale of Tickets to Places of Entertainment]

This law makes changes to the Arts and Cultural Affairs Law as it pertains to the resale of tickets to places of entertainment, in addition to or in place of the amendments made by L 2007, ch 61. The most relevant amendments are as follows:

- 1) **ACAL § 25.07**: The new subdivisions (4) and (5) of this section, added by L 2007, ch 61, are repealed by this law.
- 2) **ACAL §§ 25.13, 25.15, and 25.21**: These sections were amended in connection with the licensing of ticket resellers.
- 3) **ACAL § 25.25**: This section is amended to require persons offering tickets for initial sale by auction to maintain a record of the price of the ticket as well as the number of tickets and types of seats offered through auction.
- 4) **ACAL § 25.35**: This section is amended to increase the fines imposed for violation of the provisions of Article 25 of the ACAL.

According to the Sponsor’s Memo in support of this law, this law amending L 2007, ch 61 was passed in order to clarify provisions of that earlier law as well as to extend further protections to ticket purchasers.

Effective Date: July 18, 2007 [However, certain provisions related to the issuance of licenses by the Department of State are not effective until January 1, 2008.]

8. L 2007, ch 347 - Amending Environmental Conservation Law § 71-0921 [Increasing the Penalties for Illegally Taking Shellfish]

This law amends paragraphs (2) and (3) of ECL § 71-0921(4)(b)(2) to increase the misdemeanor penalties for the illegal taking of shellfish. Specifi-



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cally, the fine for a second or subsequent conviction for any violation listed in ECL § 71-0921(4)(a) is increased, if applicable, to include a sum equal to three times [formerly two times] the market value of the shellfish involved in the violation.

According to the Sponsor's Memo in support of this law, the penalties for the illegal harvesting of shellfish must be increased because there has been an increase in the occurrence of these cases, which, in turn, result in financial losses to licensed shellfish diggers.

Effective Date: July 18, 2007

9. L 2007, ch 320 - Amending Navigation Law § 55, 59, 62, 67, 73-b, and 73-c; Repealing and Adding Navigation Law § 61 [Relating to the Regulation of Public Vessels]

This law makes various changes to the Navigation Law in order to increase safety on public vessels, the most relevant of which are as follows:

Navigation Law § 55 is amended to provide that, in addition to the existing requirements under that section, a public vessel certified to carry more than 20 passengers shall have a minimum of two passable means of egress on each deck. Violation of this requirement is a misdemeanor. In addition, commission of an offense under section 55(1) in connection with a public vessel not certified to carry more than 20 passengers is now a violation.

Navigation Law § 59 is amended to add that "[i]t is unlawful to operate a public vessel with less than the required crew members as specified in the certification of inspection or temporary permit." Violation of this requirement constitutes a misdemeanor punishable under Navigation Law § 73-b.

The former section 61 of the Navigation Law is repealed and a new section 61 is added to provide for inspection in connection with repairs and modifications to public vessels. An owner of a public vessel who fails to notify the inspector of any proposed repairs or modifications or who permits repair or modification in contravention of the requirements of this section is guilty of a violation. Further, an owner who permits the vessel to be

operated upon the navigable waters of the state in contravention of this section is guilty of a misdemeanor.

Navigation Law § 67 is amended to add a new subdivision (6), which provides that every public vessel certified to carry more than 10 passengers be equipped with either a very high frequency marine radio or an operational cellular phone deemed reliable by an inspector. This new subdivision also provides that every public vessel certified to carry more than 65 passengers be equipped with functional radar. Failure to comply with either of these provisions is a violation. [Note: The former subdivisions (6) and (7) are renumbered (7) and (8) respectively.]

This law also increases the penalties for misdemeanors and violations under the Navigation Law. See Navigation Law §§ 73-b and 73-c.

Finally, this law also amends Navigation Law § 62 to clarify that violation of this section is a class E felony.

In support of this legislation, the sponsor of this law noted that "each year thousands of people take to New York's vast waterways to . . . enjoy the State's beauty and natural resources" and that many of them do so on public vessel. Citing the tragic capsizing of the Ethan Allen in 2005, the sponsor asserted that this law establishes new requirements for public vessels "that will make such vessels safer for the public and [for] vessel crews."

Effective Date: July 18, 2007 [However, the amendments to Navigation Law §§ 55 and 67 are not effective until November 15, 2007.]

10. L 2007, ch 311 - Amending Parks, Recreation and Historic Preservation Law § 25.24 [Increasing the Penalties for Snowmobiling on Private Property While Intoxicated]

This law amends Parks, Recreation and Historic Preservation Law [PRHPL] § 25.24 to expand the prohibition against snowmobiling while intoxicated or under the influence of drugs to include such operation occurring on the private property of another person. Prior to this law, a person was only



guilty of this offense, which is a misdemeanor, when operating a snowmobile on a street, highway, or public trail or land. Such operation while on private property was only prohibited under PRHPL § 25.03(3) and only constituted a violation.

Noting this discrepancy in penalties, the sponsor of this law asserted that, “[s]nowmobiling while intoxicated or under the influence of drugs is a danger to public safety whether it occurs on public highways, streets, trails or lands, or on private property.” Thus, “[t]he law would serve as a more effective deterrent if the misdemeanor penalty imposed by Section 25.24 applied to persons snowmobiling while on public lands or on the private property of another person.”

Effective Date: November 1, 2007

11. L 2007, ch 304 - Amending Labor Law §§ 190, 192 and 198-c [Relating to Penalties for Failure to Pay Wages]

This law raises the weekly wage threshold for coverage under Labor Law §§ 192 [Cash Payment of Wages] and 198-c [Benefits or Wage Supplements]. Specifically, these sections of the Labor Law do “not apply to any person employed in a bona fide executive, administrative or professional capacity whose earnings are in excess of \$900 a week” [formerly \$600 a week]. The definition of “clerical or other worker” under Labor Law § 190 (7) is also amended to conform to this change.

According to the Sponsor’s Memo in support of this law, the weekly wage threshold has not been changed since 1992 even though the average weekly wage has changed considerably since that time. This increase “more accurately reflects the current average weekly wage in the State” and will enable the Department of Labor “to investigate and recover wages for more individuals.”

Effective Date: January 14, 2008 [However, certain amendments under this chapter, not summarized herein, are effective on October 16, 2007.]

12. L 2007, ch 239 - Amending Executive Law § 259-I [Granting Parole for Deportation Purposes]

This law amends Executive Law § 259-I to provide that an inmate serving a determinate sentence,

who is not otherwise ineligible for parole under that section, may be released early for deportation purposes only.

According to the Sponsor’s Memo in support of this law, this amendment brings section 259-I in line with the Legislature’s intent when drafting it. As the sponsor explained, “[w]hen sentences for drug offenders were changed from indeterminate to determinate terms [pursuant to the 2004 and 2005 Drug Reform Acts], the legislature did not intend to render such offenders ineligible for early release for deportation.” In further support of this law, the sponsor asserted that this law “has the potential to save New York tens of millions of dollars in corrections related operational and capital costs.”

Effective Date: July 18, 2007

13. L 2007, ch 205 - Amending Civil Practice Law and Rules § 2308 [Disobedience of Subpoena]

This law amends CPLR § 2308 to increase the maximum penalty for failure to obey a judicial subpoena from \$50 to \$150. According to the Sponsor’s Memo in support of this law, “[t]his amount will represent a slightly more onerous penalty, but not one which will be unduly burdensome for an impecunious party.”

Effective Date: January 1, 2008

14. L 2007, ch 192 - Adding Civil Practice Law and Rules § 2303-a [Service of a Trial Subpoena]

This law amends the CPLR to add section 2303-a governing service of a trial subpoena. This new section provides that where the attendance of a party or a person within a party’s control is sought, a trial subpoena may be served upon the party’s attorney of record in accordance with CPLR § 2103(b).

In support, the sponsor of this legislation noted that “[t]his measure aims to reduce the need for formal service of trial subpoenas.” According to the sponsor, such formal service “creat[es] an unnecessary expense for the party serving the subpoena and unnecessary annoyance and embarrassment for the party receiving the subpoena.”

Effective Date: January 1, 2008



New Laws and Legislation

15. L 2007, ch 160 - Amending Labor Law § 133; Amending Arts and Cultural Affairs Law § 35.07 [Relating to Certain Dancers Under the Age of Eighteen]

This law amends Labor Law § 133 to add a subdivision (s), which prohibits the employment or use of any person under the age of 18 as a performer in a facility open to the public where the performers appear and perform unclothed under circumstances in which such employment would be harmful to such person, as defined in Penal Law § 235.20(6). Pursuant to Labor Law § 145, knowingly violating this provision constitutes a misdemeanor.

In addition, this law amends Arts and Cultural Affairs Law § 35.07 to add a new subdivision (2), which contains the same prohibition as the above-mentioned Labor Law offense. This offense is also designated a misdemeanor.

According to the Sponsor's Memo in support of this law, minors who perform in such facilities may be exposed to things that may be inappropriate for a child to experience or people who may cause physical, emotional or developmental harm to them.

Effective Date: September 1, 2007

16. L 2007, ch 98 - Amending Correction Law § 136 [Correctional Education on Shaken Baby Syndrome]

This law amends Corrections Law § 136 to require that all inmates undergo instruction, on a periodic basis, regarding the consequences and prevention of Shaken Baby Syndrome ["SBS"]. Such instruction may include viewing a video presentation on this topic.

According to the Sponsor's Memo in support of this law, although a 2004 law requires that hospitals ask new parents to watch a video on prevention of SBS, this program often does not reach parents who are incarcerated during their children's births or unrelated adults living with the children. The sponsor argued that these individuals should receive such instruction because there is an increased risk of death from an inflicted injury, in-

cluding SBS, for a child living with one or more unrelated adults and because people who have been incarcerated often have more difficulty dealing with stress and anger than those who have not. Such instruction "could help to save the lives of children who will be under their care once they are released from prison."

Effective Date: July 3, 2007

17. L 2007, ch 61 - Amending Various Sections of the Arts and Cultural Affairs Law [Relating to the Resale of Tickets to Places of Entertainment]

[Please Note: L 2007, ch 374 was enacted subsequent to this chapter and amends several sections of this chapter. Please refer to the summary for Chapter 374 for further details.]

This law makes various amendments to the Arts and Cultural Affairs Law ["ACAL"] in order to eliminate the premium price cap on the resale of tickets to places of entertainment and create a free market for the resale of tickets. The most relevant amendments are as follows:

1) ACAL § 25.07: This section is amended to remove the language providing for a maximum premium price. [Note: While this law added new subdivisions (4) and (5) under this section, L 2007, ch 374 repealed those provisions.]

2) ACAL § 25.09: This section is amended to eliminate violation of ACAL § 25.07 as an element of the offenses of Ticket Speculation and Aggravated Ticket Speculation.

3) ACAL § 25.05: The section is repealed and a new section 25.05 is added setting forth the misdemeanor offense of Ticket Speculation. This provision prohibits any person from selling or offering for sale on the street a ticket to a performance, soliciting a person to purchase such a ticket on the street either verbally or by a sign, or advising a person on the street that such a ticket can be purchased in another place.

The sponsor of this law noted that although New York had regulations on the resale of entertainment tickets prior to this law, such statutes typi-



cally were not enforced. In addition, ticket brokers often operated their businesses outside of New York in order to avoid falling under the jurisdiction of the state. According to the sponsor, this law will encourage ticket resellers to operate within the state, and, in turn, the laws of this state will protect consumers against brokers who sell fraudulent tickets. The sponsor further asserted that “with greater participation and competition in the secondary resale marketplace, ticket resale prices may even drop.”

Effective Date: May 31, 2007 [Note: Amendments (1) and (2) are effective until June 1, 2009. Amendment (3) is not effective until June 1, 2009.]

18.L 2007, ch 14 - Amending Various Sections of Law [Creating “The Public Employee Ethics Reform Act of 2007”]

This law is known as the Public Employee Ethics Reform Act of 2007, and was enacted in an effort to strengthen New York’s ethics and lobbying laws. To accomplish this objective, the Legislature amended various sections of law, the most relevant of which are as follows:

Legislative Law § 1-o is amended to repeal the prior penalty provisions and replace them with new and increased penalties. According to this provision, any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely any required reports or statements, knowingly and wilfully files false information, or knowingly and wilfully violates Legislative Law § 1-m is guilty of a class A misdemeanor. A second or subsequent violation within five years of a prior violation constitutes a class E felony.

Public Officers Law § 73(18), formerly subdivision (14), is amended to provide that “a state oversight body” may refer violations of subdivisions (2), (3), (4), (5), (7) and (8) to the appropriate prosecutor in lieu of imposing a civil penalty. Such a violation is a class A misdemeanor. [Under the prior law, the authority to refer such violations belonged to the State Ethics Commission. This law combines the State Ethics Commission and the Temporary State Commission on Lobbying to form the Commission on Public Integrity.]

Legislative Law § 80(7)(n) is added to provide, in part, that any formal advisory opinion rendered by the Commission on Public Integrity on the requirements of Public Officers Law §§ 73, 73-a, or 74 may be introduced and shall be a defense in any criminal action.

Additionally, this law provides for civil penalties, under certain circumstances, for elected government officials as well as candidates for elected local, state, or federal office who appear in taxpayer-funded advertisements or promotions.

According to the Sponsor’s Memo in support of this law, “[t]hese sweeping reforms are intended to ensure that New York State officials adhere to the highest possible ethical standards, in an effort to restore public trust and confidence in government.”

Effective Date: April 25, 2007



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