

CPL ARTICLE 720: YOUTHFUL OFFENDER.

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YOUTH = any defendant aged between 16 & 19; or a 13-15 year old charged with specific offenses and thereby designated a juvenile offender.

ELIGIBLE YOUTH = all youths are eligible; EXCEPT for: 1) when convicted of Class A Felony (I or II); 2) where defendant has prior felony judgment, or prior youthful offender adjudication, or prior designated felony juvenile delinquency finding; 3) when convicted of Armed Felony, Rape/Criminal Sexual Act in the 1st, or aggravated sex abuse, UNLESS there are mitigating circumstances, or youth was only minor participant.

ADJUDICATION = finding + sentence.

Court must - with defendant's consent - seal any instrument charging an *apparently* eligible youth, however only as regards to the public. With defendant's consent, and in the Court's discretion, all proceedings may be private. However Court shall NOT seal instrument, nor make proceedings private, where defendant stands convicted of any felony. Nor where defendant has previously been convicted of a crime - or had prior youthful offender conviction - shall the instrument be sealed.

After conviction of eligible youth, Court must order pre-sentence report. At the time of sentencing, and upon receipt of such report, Court then determines if defendant is youthful offender: MAY if allowable sentence would otherwise be indeterminate prison term of more than 4 years; Local Criminal Court MUST where no other adjudications/convictions entered against defendant before trial commenced or guilty plea made. Court so adjudicating a youthful offender shall replace conviction with such finding, state reasons on record for determination, sentence youth, and forward transcript to DCJS.

Where a defendant stands convicted of more than one offense currently, Court cannot adjudicate as youthful offender unless for all charges.

If apparently eligible is NOT adjudicated a youthful offender, Court shall unseal instrument, and continue to judgment as per criminal law.

Where Court adjudicates as Y.O., post-judgment motions and appeals are covered by CPL to extent applicable.

Y.O. adjudication NOT conviction, EXCEPT: only for purposes of transferring custody or supervision pursuant to Executive Law; else does not otherwise bar public office/employment.

All papers of Court/police/DCJS regarding Y.O. are confidential, and not available unless allowed by statute or written authorization of adjudicating Court;

EXCEPT: youth & agent shall have access to Court papers; any institution to which defendant is committed shall be afforded access, as well as Parole/Probation department; orders of protection and warrants can be maintained in statewide registry as long as effective; and educational official of school where youth is an student shall have notice only of such adjudication, which shall be maintained confidentially, away from permanent file, and destroyed when enrollment ends. The Court shall be responsible to notice such education official.

Also, youth found to have committed certain sex offenses specified in Mental Hygiene Law shall have records included with Office of Mental Health or Mental Retardation/Developmental Disability, and for related case review panel and D.A. as appropriate.