

Sentencing -- The CCP and the CPL provide that a youthful offender may receive a sentence of probation, conditional discharge, unconditional discharge, and imprisonment in a reformatory (CCP § 913-m; CPL § 720.55). The CCP and the CPL also provide for the imposition of a short prison sentence and the CPL includes the additional provision that a youthful offender may be sentenced to the control and custody of the Narcotic Addiction Control Commission.

The short prison sentence in the CCP was added by Chapter 375 of the Laws of 1969, which provides that a youthful offender may be imprisoned for the definite sentence that would have been authorized if the youthful offender had been convicted of the criminal act for which he was adjudicated a youthful offender. Under the Revised Penal Law a person sentenced to a class D or E felony may be given a definite sentence not exceeding one year instead of an indeterminate sentence (Revised Penal Law § 70.05). The definite sentence for lesser offenses varies from one year or less for a class A misdemeanor down to 15 days or less for a violation (Revised Penal Law § 70.15). There is no definite sentence for a class A, B or C felony.

The CPL provides for a short prison term by allowing the imposition of the sentence for conviction of a class B misdemeanor (a prison sentence not exceeding three months). The Commission reports that it is considering substituting the definite sentence authorized by Chapter 375 for the class B misdemeanor sentence authorized by the CPL.

The discretion lodged in the court to conduct youthful offender proceedings in private would be expanded from the Criminal Code to include the initial court proceedings after the filing of a youthful offender information, and the arraignment if the defendant is arraigned on some other type of accusatory instrument (CPL § 720.65).

The proposed Criminal Procedure Law retains present provisions concerning the confidentiality of the records, papers, fingerprints, and photographs and the provision that a youthful offender adjudication is not a judgment of conviction of a crime and is not a disqualification for public office or license (CPL § 720.70).