

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby promulgate, effective immediately, new Part 147 of the Rules of the Chief Administrator of the Courts, relating to the operation of Superior Court Sex Offense Parts, to read as follows:

PART 147. SUPERIOR COURT SEX OFFENSE PARTS

§147.1 Definitions

(a) “Sex Offense Part” shall refer to a part of court established by the Chief Administrator of the Courts pursuant to section 147.2 of this Part in Nassau, Orange, Queens, Suffolk and Westchester Counties.

(b) “Sex Offense Part-eligible case” shall refer to any case pending in a court of criminal jurisdiction in the county where the defendant is charged with one or more offenses for which registration as a sex offender is required, or with one or more offenses under article 135, article 140 or article 260 of the Penal Law where the case is appropriate for disposition in the Sex Offense Part. Offenses for which registration as a sex offender is required include, but are not limited to, offenses under: article 130 of the Penal Law; sections 135.05, 135.10, 135.20, and 135.25 of the Penal Law if the alleged victim is less than 17 years old and the offender is not a parent of the alleged victim; section 230.04 of the Penal Law if the person allegedly patronized is less than 17 years old; and sections 230.05, 230.06, 230.30(2), 230.32, 230.33, 230.34, 235.22, 250.45(2)-(4), 250.50, 255.25, 255.26, 255.27, 263.05, 263.10, 263.11, 263.15, and 263.16 of the Penal Law.

§ 147.2 Establishment of Superior Court Sex Offense Parts

Following consultation with and agreement of the Presiding Justice of the Judicial Department in which a county is located, the Chief Administrator of the Courts, by administrative order, may establish a Sex Offense Part in Supreme Court or County Court in such county and assign one or more justices or judges to preside therein. Such Sex Offense Part shall be devoted to the hearing and determination, in a single forum, of Sex Offense Part-eligible cases in accordance with this Part.

§ 147.3 Identification of Sex Offense Part-Eligible Cases

Procedures shall be established in each court so as to insure that cases pending before it are identified as Sex Offense Part-eligible at the earliest possible time.

§ 147.4 Transfer of Cases to Superior Court Sex Offense Part

(a) Transfer of cases pending in local criminal courts.

Where a Sex Offense Part-eligible case is pending in a court other than the Supreme Court or County Court in such county in which the Sex Offense Part is established:

(1) originals or copies of papers and other documents filed in such court in connection with such case shall be sent to the Sex Offense Part directly following its identification as Sex Offense Part-eligible.

(2) Not later than five days following receipt in a Sex Offense Part of the papers and other documents in a Sex Offense Part-eligible case, the justice or judge presiding

in such Part shall determine whether or not a transfer of the case to the Supreme Court or County Court where the Sex Offense Part is established would promote the administration of justice. If the justice or judge presiding in such Part determines that it would, he or she may order such transfer, in which event the case shall be referred for disposition to the Sex Offense Part; all original papers, if not already sent, shall be sent from the originating court to the Sex Offense Part; and all further proceedings shall be conducted therein. If the justice or judge determines that such a transfer would not promote the administration of justice, he or she shall notify the local criminal court from which the reference was received of such determination and cause all original papers and other documents in the case to be returned to the court from which they were received, whereupon all further proceedings in such case shall be conducted in accordance with law.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, where the defendant in a case is held by the local criminal court for the action of a grand jury empaneled by a Supreme Court or a County Court, only copies of the papers and other documents filed with such court shall be delivered to the Sex Offense Part; and the justice or judge presiding therein may at any time order a transfer of the case to the Supreme Court or County Court where the Sex Offense Part is established provided he or she determines that such a transfer would promote the administration of justice. The original papers and other documents filed with the local criminal court shall be delivered to the Supreme Court or County Court as required by section 180.30(1) of the Criminal Procedure Law.

(b) Where a Sex Offense Part-eligible case is pending in the Supreme Court or County Court where the Sex Offense Part is established, it shall be referred for disposition to the Sex Offense Part of such court and all further proceedings shall be conducted therein.

§147.5 Procedure in a Sex Offense Part

Each case transferred from a local criminal court to the Supreme Court or County Court and referred for disposition to a Sex Offense Part thereof shall be subject to the same substantive and procedural law as would have applied to it had it not been transferred.

Chief Administrative Judge of the Courts

Dated:

AO/ /09