

1876--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. BONACIC, GALLIVAN, LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law and the correction law, in relation to allowing two or more counties to enter into a contract for the provision of a county jail

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 217 of the county law is amended to read as
2 follows:
3 S 217. County jail. [Each] EXCEPT AS PROVIDED BY SECTION FIVE
4 HUNDRED-P OF THE CORRECTION LAW, EACH county shall continue to maintain
5 a county jail as prescribed by law.
6 S 2. The correction law is amended by adding a new section 500-p to
7 read as follows:
8 S 500-P. AUTHORIZATION FOR SHARED COUNTY JAILS. 1. NOTWITHSTANDING ANY
9 OTHER PROVISION OF LAW TO THE CONTRARY, A COUNTY MAY ENTER INTO A
10 CONTRACT WITH ANOTHER COUNTY, OR WITH THE STATE UPON THE APPROVAL OF THE
11 COMMISSIONER, TO SHARE IN THE CONSTRUCTION, FINANCING, IMPROVEMENT, AND
12 MAINTENANCE OF A COUNTY JAIL. SUCH CONTRACTS, IF ENACTED, MAY RUN
13 CONCURRENT WITH ANY BOND OR LONG-TERM FINANCING ASSOCIATED WITH THE
14 CONSTRUCTION OF OR IMPROVEMENT TO A COUNTY JAIL.
15 2. AN AGREEMENT BETWEEN TWO OR MORE COUNTIES TO SHARE IN THE
16 CONSTRUCTION, FINANCING, IMPROVEMENT, AND MAINTENANCE OF A COUNTY JAIL
17 PURSUANT TO THIS SECTION SHALL INCLUDE A PROVISION FOR THE PROPORTIONATE
18 COST, INCLUDING COSTS ASSOCIATED WITH BONDING, TO BE BORNE BY EACH COUN-
19 TY. THE CONTRACTING COUNTIES MAY AGREE THAT THE BONDING OR FINANCING
20 MECHANISM FOR THE PROVISION OF A COUNTY JAIL MAY BE AMENDED UPON THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 MUTUAL CONSENT OF EACH CONTRACTING COUNTY'S LEGISLATURE OR BOARD OF
2 SUPERVISORS, AND IF THE COUNTY HAS A COUNTY EXECUTIVE, UPON THE APPROVAL
3 OF THE COUNTY EXECUTIVE. THE DISAPPROVAL OF A COUNTY EXECUTIVE, HOWEVER,
4 MAY BE OVERRIDDEN BY THE VOTE OF TWO-THIRDS OF THE GOVERNING BODY OF THE
5 COUNTY.

6 3. IF TWO OR MORE COUNTIES ENTER INTO AN AGREEMENT TO SHARE IN THE
7 CONSTRUCTION, FINANCING, IMPROVEMENT, AND MAINTENANCE OF A COUNTY JAIL,
8 THE JAIL SHALL BE PHYSICALLY LOCATED IN ONE OF THE COUNTIES WHICH ARE
9 SUBJECT TO THE AGREEMENT.

10 4. A COUNTY MAY CONTRACT WITH ANOTHER COUNTY TO SHARE THE FINANCING,
11 MAINTENANCE, AND IMPROVEMENT TO AN EXISTING JAIL OF ANOTHER COUNTY WHERE
12 SUCH OTHER COUNTY ALREADY HAS AN EXISTING JAIL THAT MEETS THE REQUIRE-
13 MENTS OF THE COMMISSION OR WHICH HAS A WAIVER OR VARIANCE FROM ALL OR A
14 PORTION OF SUCH REQUIREMENTS.

15 S 3. This act shall take effect immediately.