

10285

I N A S S E M B L Y

March 16, 2010

Introduced by M. of A. TEDISCO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the implementation of the warrant return assistance program to provide for the transportation of persons subject to a warrant of arrest

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

1 Section 1. The executive law is amended by adding a new section 221-e
2 to read as follows:
3 S 221-E. WARRANT RETURN ASSISTANCE PROGRAM. 1. THE VIOLENT FELON
4 WARRANT PROGRAM AS PRESENTLY CONSTITUTED WITHIN THE DIVISION OF STATE
5 POLICE WHEREBY THE DIVISION PROVIDES FOR THE TRANSPORTATION OF CERTAIN
6 DEFENDANTS CHARGED WITH THE COMMISSION OF A VIOLENT FELONY AND SUBJECT
7 TO AN OUTSTANDING WARRANT OF ARREST, BENCH WARRANT OR SUPERIOR COURT
8 WARRANT OF ARREST, AS SUCH TERMS ARE DEFINED IN SECTION 1.20 OF THE
9 CRIMINAL PROCEDURE LAW, FROM ONE JURISDICTION TO THE JURISDICTION WHERE
10 THE WARRANT IS OUTSTANDING IS HEREBY CONTINUED IN ITS CURRENT FORM.
11 2. SUCH PROGRAM SHALL HOWEVER BE FURTHER EXPANDED ON AND AFTER APRIL
12 FIRST, TWO THOUSAND ELEVEN TO THE EXTENT THAT THE STATE, UPON THE
13 REQUEST OF THE JURISDICTION WHEREIN A PERSON CHARGED PURSUANT TO A
14 WARRANT OF ARREST, WARRANT, BENCH WARRANT OR SUPERIOR COURT WARRANT OF
15 ARREST FOR ANY OTHER FELONY, OR ANY CLASS A MISDEMEANOR IS FOUND, SHALL
16 REIMBURSE SUCH JURISDICTION FOR ONE-HALF OF THE NECESSARY COSTS OF
17 PROVIDING FOR THE TRANSPORTATION OF PERSONS SUBJECT TO ANY SUCH WARRANT
18 OF ARREST, BENCH WARRANT OR SUPERIOR COURT WARRANT FROM THE JURISDICTION
19 WHEREIN SUCH PERSON IS APPREHENDED TO THE JURISDICTION WHERE THE WARRANT
20 IS OUTSTANDING, PROVIDED HOWEVER THAT SUCH SHARED RESPONSIBILITY SHALL
21 ONLY APPLY WHERE THE DISTANCE FOR TRAVEL IS MORE THAN FIFTY MILES. THE
22 REMAINING ONE-HALF OF SUCH EXPENSE SHALL BE DEEMED A LOCAL CHARGE.
23 DURING THE PERIOD OF TIME COMMENCING WITH THE EFFECTIVE DATE OF THIS
24 SECTION AND TERMINATING MARCH FIRST, TWO THOUSAND ELEVEN, THE DIVISION
25 OF CRIMINAL JUSTICE SERVICES AND THE OFFICE OF COURT ADMINISTRATION
26 SHALL DEVELOP A PLAN AND PROCEDURES TO INSURE THE TIMELY IMPLEMENTATION
27 OF THIS SUBDIVISION AND SHALL INCLUDE GUIDELINES TO DETERMINE WHAT THE

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

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1 FAIR AND REASONABLE COST IN TRANSPORTING PERSONS PURSUANT TO THIS
2 SECTION SHOULD BE. SUCH PLAN SHALL INCLUDE A REQUEST FOR AN APPROPRI-
3 ATION FOR THE TWO THOUSAND ELEVEN -- TWO THOUSAND TWELVE STATE FISCAL
4 YEAR TO FULLY FUND THE STATE'S SHARE OF THE PROGRAM AS EXPANDED IN THIS
5 SECTION.

6 3. SUCH PLAN SHALL INCLUDE A STUDY IDENTIFYING AS AN ALTERNATIVE, A
7 MORE COST EFFICIENT METHOD OF PROVIDING FOR THE TRANSPORTATION OF SUCH
8 PERSONS INCLUDING BUT NOT LIMITED TO THE USE OF THE DIVISION ALONE,
9 SUBJECT TO FULL REIMBURSEMENT BY THE STATE, AND THE TERMS OF ANY MODEL
10 AGREEMENT TO BE ACTED UPON BY THE LOCAL LEGISLATIVE BODY OF THE FINAN-
11 CIALLY AFFECTED LOCALITY. SUCH PLAN AS FURTHER EXPANDED BY THIS SUBDIVI-
12 SION SHALL INCLUDE A REQUEST FOR FUNDING IN THE STATE FISCAL YEAR TWO
13 THOUSAND ELEVEN -- TWO THOUSAND TWELVE TO INITIALLY CARRY OUT THE
14 PROVISIONS OF THIS SECTION.

15 S 2. This act shall take effect immediately.