S T A T E O F N E W Y O R K

10362

I N A S S E M B L Y

March 19, 2010

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

AN ACT to amend the correction law, in relation to civil judgments or settlements awarded to inmates

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

Section 1. The correction law is amended by adding a new section 620-a to read as follows:

S 620-A. DISPOSITION OF CIVIL JUDGMENTS OR SETTLEMENTS. THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT REALIZED BY A PRISONER IN A STATE OR LOCAL CORRECTION FACILITY AS A RESULT OF A CIVIL ACTION FOR DAMAGES SUFFERED WHILE SUCH A PRISONER, LESS ANY DEDUCTIONS REQUIRED OR AUTHORIZED BY LAW, SHALL BE DEPOSITED WITH THE DEPARTMENT IN A TRUST FUND ACCOUNT. SUCH EARNINGS SHALL BE SUBJECT TO ATTACHMENT OR GARNISHMENT IN THE HANDS OF THE DEPARTMENT. THE COMMISSIONER IS AUTHORIZED TO PROVIDE FOR DISBURSEMENTS FROM THE TRUST FUND ACCOUNT FOR ANY OR ALL OF THE FOLLOWING PURPOSES:

1. SUCH COSTS INCIDENT TO THE PRISONER'S CONFINEMENT AS THE COMMISSIONER DEEMS APPROPRIATE AND REASONABLE;

2. SUCH COSTS RELATED TO ANY WORK RELEASE PROGRAM AS THE COMMISSIONER DEEMS APPROPRIATE AND REASONABLE;

3. SUPPORT OF THE PRISONER'S DEPENDENTS; OR

4. PAYMENT OF COURT FINES, MANDATORY SURCHARGE, RESTITUTION OR REPARATION, OR FORFEITURES.

THE BALANCE OF SUCH EARNINGS, IF ANY, AFTER DISBURSEMENTS FOR ANY OF THE PURPOSES ESTABLISHED IN THIS SECTION SHALL BE PAID TO THE PRISONER UPON TERMINATION OF HIS OR HER IMPRISONMENT.

S 2. This act shall take effect immediately.

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

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