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

3500

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 27, 2009

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. BRENNAN, GREENE, PRETLOW -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the executive law, in relation to reimbursement to localities for the costs of providing medical care for certain prison inmates and parole violators

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

Section 1. Subdivision 2 of section 601-c of the correction law, as amended by chapter 262 of the laws of 1987, is amended to read as follows:

2. Notwithstanding the provisions of subdivision one of this section, the expense of maintaining a person convicted of a felony whose sentence has been pronounced and which requires that he be committed to the custody of the commissioner, and who has not been accepted for custody by the commissioner within five days of receipt of written notification by the department from the appropriate local official that he is prepared to transport such person to the facility designated by the department, provided that there has been compliance with subdivision (a) of section six hundred one of this article, shall be paid by the state at the actual per day per capita cost, as certified by the appropriate local official, or thirty dollars per day per capita and, effective on and after the first day of April, nineteen hundred eighty-eight, forty dollars per day per capita, whichever is less, beginning with the first day of receipt of written notification by the department. IN ADDITION, ANY MEDICAL COSTS INCURRED IN CARING FOR SUCH PERSON, PROVIDED THAT THERE HAS BEEN COMPLIANCE WITH SUBDIVISION (A) OF SECTION SIX HUNDRED ONE OF THIS ARTICLE, SHALL BE PAID BY THE STATE AT THE ACTUAL DOCUMENTED MEDICAL COST, AS CERTIFIED BY THE APPROPRIATE LOCAL OFFICIAL AND APPROVED BY THE STATE DIRECTOR OF THE BUDGET, BEGINNING WITH THE FIRST DAY OF RECEIPT OF WRITTEN NOTIFICATION BY THE DEPARTMENT. Nothing

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

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contained herein shall be construed to affect, impair, modify, restrict, define or expand any other provision of law with regard to any obligation to deliver or receive any such inmates by any state or local official or any requirement of timely compliance therewith.

S 2. Subparagraph (ii) of paragraph (a) of subdivision 3 of section 259-i of the executive law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(ii) Whenever a presumptively released, paroled or conditionally released person or a person under post-release supervision or a prisoner received under the uniform act for out-of-state parolee supervision has, pursuant to this paragraph, or whenever a person confined during proceedings pursuant to article ten of the mental hygiene law has been placed in any county jail or penitentiary, or a city prison operated by a city having a population of one million or more inhabitants, for any period that such person is not detained pursuant to commitment based on an indictment, an information, a simplified information, a prosecutor's information, a misdemeanor complaint or a felony complaint, an arrest warrant or a bench warrant, or any order by a court of competent jurisdiction, the state shall pay to the city or county operating such facility the actual per day per capita cost as certified to the state commissioner of correctional services by the appropriate local official for the care of such person and as approved by the director of the budget. The reimbursement rate shall not, however, exceed thirty dollars per day per capita and forty dollars per day per capita on and after the first day of April, nineteen hundred eighty-eight. IN ADDITION, ANY MEDICAL COSTS INCURRED IN CARING FOR SUCH PERSON SHALL BE PAID BY THE STATE AT THE ACTUAL DOCUMENTED MEDICAL COST, AS CERTIFIED BY THE APPROPRIATE LOCAL OFFICIAL AND APPROVED BY THE STATE DIRECTOR OF THE BUDGET.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law and shall apply to costs incurred by cities and counties on and after such date.