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

5393

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. McKEVITT, BALL, WALKER, KOLB, ALFANO, BARRA -- Multi-Sponsored by -- M. of A. BACALLES, CROUCH, McDONOUGH -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the time within which a prisoner shall be committed to the custody of the state department of correctional services

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

Section 1. Subdivision 1 of section 430.20 of the criminal procedure law, as amended by chapter 788 of the laws of 1971, is amended to read as follows:

1. In general. When a sentence of imprisonment is pronounced, or when [th] THE sentence consists of a fine and the court has directed that the defendant be imprisoned until it is satisfied, the defendant must forthwith be committed to the custody of the appropriate public servant and detained until the sentence is complied with. WHEN A SENTENCE OF IMPRISONMENT IS PRONOUNCED AND THE DEFENDANT IS COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONAL SERVICES SUCH DEFENDANT SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONAL SERVICES IMMEDIATELY. IN THE EVENT SUCH PRISONER IS NOT COMMITTED IMMEDIATELY TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONAL SERVICES, THE LOCAL CORRECTIONAL FACILITY CHARGED WITH THE CARE AND CUSTODY OF SUCH PRISONER SHALL NOT BE REQUIRED TO PLACE ONE PRISONER IN EACH CELL OR ROOM LOCATED WITHIN SUCH FACILITY AND THE STATE SHALL REIMBURSE THE LOCAL CORRECTIONAL FACILITY FOR THE ACTUAL COST OF HOUSING SUCH PRISONER FOR ANY LENGTH OF TIME BEYOND FIVE DAYS AFTER SUCH COMMITMENT.

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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