

8521

2009-2010 Regular Sessions

I N A S S E M B L Y

May 27, 2009

Introduced by M. of A. AUBRY -- (at request of the Department of Correctional Services) -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to erroneous sentence notifications

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

1 Section 1. Section 601-a of the correction law, as amended by chapter  
2 141 of the laws of 2008, is amended to read as follows:  
3 S 601-a. Return of persons erroneously sentenced for the purpose of  
4 resentence. Whenever it shall appear to the satisfaction of the depart-  
5 ment based on facts submitted on behalf of a person sentenced and  
6 confined in a state prison, that any such person has been erroneously  
7 sentenced, it shall be the duty of the department to communicate with  
8 THE SENTENCING COURT, THE INMATE'S DEFENSE ATTORNEY AND the district  
9 attorney of the county in which such person was convicted. If upon  
10 investigation, [such] THE SENTENCING COURT, THE DEFENSE ATTORNEY OR THE  
11 district attorney believes that the person has been so erroneously  
12 sentenced, [he or she] THE SENTENCING COURT, OR THE DISTRICT ATTORNEY  
13 ACTING AT THE DIRECTION OF THE SENTENCING COURT, shall notify the  
14 department AND ARRANGE FOR THE PERSON TO BE HEARD AND PROPERLY RESEN-  
15 TENCED. The department thereupon shall [notify the sheriff of the coun-  
16 ty, or in counties within the city of New York or the county of West-  
17 chester, the commissioner of correction of such city or county from  
18 which such person was committed, who shall remove] COMPLY WITH ANY COURT  
19 ORDER TO PRODUCE such person from such prison and cause him or her to be  
20 taken before the court in which he or she was sentenced for the purpose  
21 of resentence. The cost and expense of the return of such person neces-  
22 sarily incurred shall be a charge against the county from which he or  
23 she was committed.  
24 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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