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

141

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to establishing the statutory rape prosecution grant program; and making an appropriation therefor

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

Section 1. The executive law is amended by adding a new section 845-c to read as follows:

S 845-C. STATUTORY RAPE PROSECUTION GRANT PROGRAM. 1. THERE IS HEREBY CREATED WITHIN THE DIVISION A STATUTORY RAPE PROSECUTION GRANT PROGRAM TO BE ADMINISTERED BY THE COMMISSIONER, TO AWARD GRANTS TO DISTRICT ATTORNEYS IN ORDER TO ASSIST SUCH DISTRICT ATTORNEYS IN THE PROSECUTION OF SEX OFFENSES, AS DEFINED IN ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW, WHERE PROOF OF THE AGE OF THE VICTIM IS A NECESSARY ELEMENT OF SUCH OFFENSE OR THE PROSECUTION OF PERSONS CONVICTED OF SUCH OFFENSES FOR THE CRIME OF NON-PAYMENT OF CHILD SUPPORT AS DEFINED IN SECTION 260.05 OF THE PENAL LAW.

2. NO GRANT MAY BE AWARDED UNDER THIS SECTION UNLESS AN APPLICATION HAS BEEN SUBMITTED TO, AND APPROVED BY, THE COMMISSIONER. SUCH APPLICATION FOR A GRANT SHALL DEMONSTRATE A SPECIFIC NEED FOR AN AWARD OF A GRANT CAUSED BY A LACK OF PROSECUTORIAL RESOURCES TO PROSECUTE THE OFFENSES ENUMERATED IN SUBDIVISION ONE OF THIS SECTION COMMITTED WITHIN THE JURISDICTION OF THE DISTRICT ATTORNEY. THE COMMISSIONER SHALL AWARD GRANTS, WITHIN THE LIMITS OF THE APPROPRIATIONS AVAILABLE THEREFOR, TO THOSE DISTRICT ATTORNEYS THAT DEMONSTRATE THE GREATEST NEED FOR FINANCIAL ASSISTANCE IN THE PROSECUTION OF SUCH OFFENSES. SUCH GRANTS SHALL BE AWARDED TO NOT LESS THAN FIVE DISTRICT ATTORNEYS. IN ADDITION, NO MORE THAN TWO DISTRICT ATTORNEYS WITHIN THE SAME CITY SHALL BE AWARDED SUCH GRANTS.

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

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3. GRANTS AWARDED PURSUANT TO THIS SECTION MAY BE USED TO HIRE ADDITIONAL PROSECUTORS IN ORDER TO INCREASE THE AVAILABLE AMOUNT OF TIME FOR THE PROSECUTION OF THE OFFENSES ENUMERATED IN SUBDIVISION ONE OF THIS SECTION, THE HIRING AND TRAINING OF NEW PROSECUTORS WHOSE DUTIES CONSIST OF PROSECUTING SUCH OFFENSES, PROVIDING SPECIALIZED TRAINING TO PROSECUTORS IN THE PROSECUTION OF SUCH OFFENSES, OR HIRING AND TRAINING CRIMINAL INVESTIGATORS FOR THE INVESTIGATION OF SUCH OFFENSES.

4. GRANT MONIES AWARDED UNDER THIS SECTION MAY NOT BE USED TO SUPPLANT EXISTING FEDERAL, STATE, OR LOCAL RESOURCES.

5. THE COMMISSIONER MAY PROVIDE TECHNICAL ASSISTANCE TO DISTRICT ATTORNEYS IN THE FURTHERANCE OF THE PURPOSES OF THIS SECTION. SUCH TECHNICAL ASSISTANCE MAY INCLUDE INSTRUCTION AND SEMINARS FOR THE PROSECUTION OF THE OFFENSES ENUMERATED IN SUBDIVISION ONE OF THIS SECTION. THE COMMISSIONER MAY UTILIZE ANY COMPONENT OR COMPONENTS OF THE DIVISION IN CARRYING OUT SUCH PURPOSES.

S 2. The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby appropriated to the division of criminal justice services out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of the division of criminal justice services in the manner prescribed by law.

S 3. This act shall take effect immediately.