

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:

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

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

12 2. NO GRANT MAY BE AWARDED UNDER THIS SECTION UNLESS AN APPLICATION  
13 HAS BEEN SUBMITTED TO, AND APPROVED BY, THE COMMISSIONER. SUCH APPLICA-  
14 TION FOR A GRANT SHALL DEMONSTRATE A SPECIFIC NEED FOR AN AWARD OF A  
15 GRANT CAUSED BY A LACK OF PROSECUTORIAL RESOURCES TO PROSECUTE THE  
16 OFFENSES ENUMERATED IN SUBDIVISION ONE OF THIS SECTION COMMITTED WITHIN  
17 THE JURISDICTION OF THE DISTRICT ATTORNEY. THE COMMISSIONER SHALL AWARD  
18 GRANTS, WITHIN THE LIMITS OF THE APPROPRIATIONS AVAILABLE THEREFOR, TO  
19 THOSE DISTRICT ATTORNEYS THAT DEMONSTRATE THE GREATEST NEED FOR FINAN-  
20 CIAL ASSISTANCE IN THE PROSECUTION OF SUCH OFFENSES. SUCH GRANTS SHALL  
21 BE AWARDED TO NOT LESS THAN FIVE DISTRICT ATTORNEYS. IN ADDITION, NO  
22 MORE THAN TWO DISTRICT ATTORNEYS WITHIN THE SAME CITY SHALL BE AWARDED  
23 SUCH GRANTS.

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

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1 3. GRANTS AWARDED PURSUANT TO THIS SECTION MAY BE USED TO HIRE ADDI-  
2 TIONAL PROSECUTORS IN ORDER TO INCREASE THE AVAILABLE AMOUNT OF TIME FOR  
3 THE PROSECUTION OF THE OFFENSES ENUMERATED IN SUBDIVISION ONE OF THIS  
4 SECTION, THE HIRING AND TRAINING OF NEW PROSECUTORS WHOSE DUTIES CONSIST  
5 OF PROSECUTING SUCH OFFENSES, PROVIDING SPECIALIZED TRAINING TO PROSECU-  
6 TORS IN THE PROSECUTION OF SUCH OFFENSES, OR HIRING AND TRAINING CRIMI-  
7 NAL INVESTIGATORS FOR THE INVESTIGATION OF SUCH OFFENSES.

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

10 5. THE COMMISSIONER MAY PROVIDE TECHNICAL ASSISTANCE TO DISTRICT  
11 ATTORNEYS IN THE FURTHERANCE OF THE PURPOSES OF THIS SECTION. SUCH TECH-  
12 NICAL ASSISTANCE MAY INCLUDE INSTRUCTION AND SEMINARS FOR THE PROSE-  
13 CUTION OF THE OFFENSES ENUMERATED IN SUBDIVISION ONE OF THIS SECTION.  
14 THE COMMISSIONER MAY UTILIZE ANY COMPONENT OR COMPONENTS OF THE DIVISION  
15 IN CARRYING OUT SUCH PURPOSES.

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

25 S 3. This act shall take effect immediately.