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

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I N A S S E M B L Y

March 19, 2010

Introduced by M. of A. TEDISCO, TOWNSEND, OAKS, RABBITT, REILICH, KOLB -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARCLAY, BARRA, BURLING, BUTLER, CALHOUN, CONTE, CROUCH, FINCH, FITZPATRICK, HAYES, McDONOUGH, J. MILLER, O'MARA, QUINN, RAIA, SALADINO, SAYWARD, SCOZZAFAVA, THIELE -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the executive law, in relation to the creation of a program to transport persons subject to an outstanding warrant

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

Section 1. The correction law is amended by adding a new section 23-a to read as follows:

S 23-A. TRANSPORTATION OF PERSONS SUBJECT TO AN OUTSTANDING WARRANT. 1. THE COMMISSIONER SHALL, AT THE REQUEST OF A SHERIFF, A VILLAGE, TOWN OR CITY POLICE DEPARTMENT, A COURT OR OTHER LAW ENFORCEMENT OFFICER, PROVIDE FOR THE TRANSPORTATION WITHIN THE STATE OF PERSONS SUBJECT TO ANY WARRANT OF ARREST, BENCH WARRANT OR SUPERIOR COURT WARRANT, AS SUCH TERMS ARE DEFINED IN THE CRIMINAL PROCEDURE LAW, FOR ANY FELONY OR CLASS A MISDEMEANOR FROM ANY JURISDICTION TO THE JURISDICTION WHERE THE WARRANT IS OUTSTANDING.

2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY WHEN (A) THE DISTANCE BETWEEN THE JURISDICTIONS IS FIFTY MILES OR LESS; OR (B) TRANSPORTATION IS ALREADY PROVIDED UNDER THE PROVISIONS OF THE VIOLENT FELONY WARRANT PROGRAM AS SET FORTH IN SECTION TWO HUNDRED TWENTY-ONE-E OF THE EXECUTIVE LAW.

3. THE COST OF TRANSPORTING PERSONS PURSUANT TO THIS SECTION SHALL BE PAID FROM FUNDS APPROPRIATED TO THE DEPARTMENT FOR SUCH PURPOSE.

S 2. The executive law is amended by adding a new section 221-e to read as follows:

S 221-E. VIOLENT FELONY WARRANT PROGRAM. THE DIVISION OF STATE POLICE SHALL PROVIDE FOR THE TRANSPORTATION OF CERTAIN DEFENDANTS CHARGED WITH THE COMMISSION OF A VIOLENT FELONY AND SUBJECT TO AN OUTSTANDING WARRANT OF ARREST, BENCH WARRANT OR SUPERIOR COURT WARRANT, AS SUCH TERMS ARE DEFINED IN THE CRIMINAL PROCEDURE LAW, FROM ANY JURISDICTION TO THE

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

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JURISDICTION WHERE THE WARRANT IS OUTSTANDING. PERSONS FOR WHOM SUCH TRANSPORTATION IS SO PROVIDED SHALL NOT BECOME THE RESPONSIBILITY OF THE COMMISSIONER OF CORRECTIONAL SERVICES TO PROVIDE TRANSPORTATION, SUBJECT TO SECTION TWENTY-THREE-A OF THE CORRECTION LAW.

S 3. This act shall take effect immediately.