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

10897

I N A S S E M B L Y

April 29, 2010

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. BACALLES, CALHOUN, J. MILLER, OAKS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the implementation of a special program to provide for the transportation of persons subject to a warrant of arrest

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 221-e to read as follows:

S 221-E. TRANSPORTATION OF PERSONS SUBJECT TO A WARRANT. 1. THE VIOLENT FELON WARRANT PROGRAM AS PRESENTLY CONSTITUTED WITHIN THE DIVISION OF STATE POLICE WHEREBY THE DIVISION PROVIDES 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 OF ARREST, AS SUCH TERMS ARE DEFINED IN SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, IS FROM ONE JURISDICTION TO THE JURISDICTION WHERE THE WARRANT IS OUTSTANDING IS HEREBY CONTINUED IN ITS CURRENT FORM, AND IS ALSO EXTENDED TO INCLUDE THE REQUIREMENTS AND DIRECTIVES CONTAINED IN THIS SECTION.

2. SUCH PROGRAM SHALL BE FURTHER EXPANDED ON AND AFTER APRIL FIRST, TWO THOUSAND ELEVEN TO THE EXTENT THAT THE DIVISION SHALL BEAR THE RESPONSIBILITY, UPON REQUEST OF THE APPROPRIATE POLICE DEPARTMENT, COURT OR OTHER CRIMINAL JUSTICE ENTITY, TO PROVIDE FOR THE TRANSPORTATION OF PERSONS SUBJECT TO ANY SUCH WARRANT OF ARREST, BENCH WARRANT OR SUPERIOR COURT WARRANT FOR ANY FELONY AS SUCH TERM IS DEFINED IN THE CRIMINAL PROCEDURE LAW FROM ANY JURISDICTION WHEREIN SUCH PERSON IS APPREHENDED TO THE JURISDICTION WHERE THE WARRANT IS OUTSTANDING, PROVIDED HOWEVER THAT SUCH RESPONSIBILITY SHALL ONLY APPLY WHERE THE DISTANCE FOR TRAVEL IS MORE THAN FIFTY MILES. DURING THE PERIOD OF TIME COMMENCING WITH THE EFFECTIVE DATE OF THIS SECTION AND TERMINATING MARCH FIRST, TWO THOUSAND ELEVEN, THE DIVISION, IN CONJUNCTION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE OFFICE OF COURT ADMINISTRATION SHALL DEVELOP A PLAN AND PROCEDURES TO ENSURE THE TIMELY IMPLEMENTATION OF THIS SUBDIVI-

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

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SION. SUCH PLAN SHALL INCLUDE A REQUEST FOR AN APPROPRIATION FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR TO FULLY FUND THE PROGRAM AS HEREIN EXPANDED.

3. THE DIVISION, IN CONJUNCTION WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE OFFICE OF COURT ADMINISTRATION SHALL FURTHER DEVELOP SUCH PLAN PROVIDED FOR IN SUBDIVISION TWO OF THIS SECTION SO AS TO INCLUDE WITHIN ITS REQUIREMENTS THE TRANSPORTATION OF PERSONS SUBJECT TO SUCH WARRANT FOR ANY CLASS A MISDEMEANOR. SUCH PLAN SHALL INCLUDE A STUDY IDENTIFYING AN ALTERNATIVE, MORE COST EFFICIENT METHOD OF PROVIDING FOR THE TRANSPORTATION OF SUCH PERSONS INCLUDING BUT NOT LIMITED TO THE USE OF LOCAL POLICE AGENCIES, SUBJECT TO REIMBURSEMENT BY THE STATE, AND APPROVAL OF THE TERMS OF ANY AGREEMENT BY THE LOCAL LEGISLATIVE BODY OF THE FINANCIALLY AFFECTED LOCALITY. SUCH PLAN AS FURTHER EXPANDED BY THIS SUBDIVISION SHALL INCLUDE A REQUEST FOR FUNDING IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE STATE FISCAL YEAR TO INITIALLY CARRY OUT THE PROVISIONS OF THIS SUBDIVISION.

4. NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED TO PRECLUDE THE DEVELOPMENT AND IMPLEMENTATION OF A MODEL PROGRAM WHICH HAS AS ITS INTENTION THE TRANSPORTATION OF PERSONS SUBJECT TO SUCH A WARRANT FROM A JURISDICTION WHERE APPREHENDED TO THE JURISDICTION WHERE A WARRANT IS OUTSTANDING IN A SIMILAR MANNER. ANY MODEL PROGRAM AS ADOPTED MAY BE USED IN THE DEVELOPMENT OF THE STATEWIDE PROGRAM PROVIDED FOR IN THIS SECTION.

S 2. This act shall take effect immediately.