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

3496

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. COOK, GREENE -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to reimbursing localities for the cost of transporting certain prisoners to prison

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

Section 1. Section 602 of the correction law, as amended by chapter 891 of the laws of 1962, is amended to read as follows:

S 602. Expenses of sheriff for transporting prisoners. For conveying a prisoner or prisoners to a state prison from the county prison, the sheriff or person having charge of the same shall be reimbursed for the amount of expenses actually and necessarily incurred by him OR HER AS APPROVED BY THE STATE DIRECTOR OF THE BUDGET for railroad fare or cost of other transportation and for cost of maintenance of himself OR HERSELF and each prisoner in going to the prison, and for his OR HER railroad fare or other cost of transportation in returning home, and cost of his OR HER maintenance while so returning. [The county shall be reimbursed for a portion of the salary of such sheriff or person for the period, not to exceed thirty-six hours, from the commencement of transportation from the county prison to the return of such sheriff or person to the county prison, the amount of such reimbursement to be computed by adding to the amount of such salary the total amount of the aforesaid expenses incurred for transportation and maintenance and reducing the resulting aggregate amount, first, by fifty per centum of such aggregate amount and, second, by the total amount of the aforesaid expenses incurred for transportation and maintenance.]

S 2. The correction law is amended by adding a new section 602-a to read as follows:

S 602-A. REIMBURSEMENT TO CITIES AND COUNTIES FOR SALARIES OF EMPLOYEES ENGAGED IN TRANSPORTING PRISONERS. THE AMOUNT OF SALARY PAID TO A CITY OR COUNTY EMPLOYEE WHO PERFORMS CUSTODIAL SERVICES FOR A FIXED

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

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YEARLY SALARY, WHILE HE OR SHE IS ENGAGED IN ESCORTING A PRISONER TO A STATE PRISON AND RETURNING THEREFROM, SHALL TO THE EXTENT OF THE ACTUAL COST THEREOF AS DETERMINED BY THE STATE DIRECTOR OF THE BUDGET BE A PROPER CHARGE BY SUCH CITY OR COUNTY AGAINST THE STATE. THE HEAD OF A DEPARTMENT, BUREAU, DIVISION OR OTHER AGENCY OR UNIT OF A CITY OR COUNTY HIRING SUCH EMPLOYEES SHALL EXECUTE A DETAILED MONTHLY STATEMENT, SUBSCRIBED AND AFFIRMED AS TRUE UNDER THE PENALTIES OF PERJURY, AND PROMPTLY FORWARD IT TO THE DIRECTOR. SUCH STATEMENT SHALL INCLUDE THE NAME OR NAMES OF THE CUSTODIAL EMPLOYEE OR EMPLOYEES WHO, DURING THE PREVIOUS MONTH, ESCORTED A PRISONER TO A STATE PRISON, THE DATE OR DATES OF SUCH SERVICES, INCLUDING THE TIME REQUIRED TO RETURN FROM THE PRISON, AND THE AMOUNT OF SALARY EARNED BY SUCH EMPLOYEE OR EMPLOYEES WHILE SO ENGAGED.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law and shall apply to costs incurred by localities on and after such date.