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

3579

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 -- read once and referred to the Committee on Judiciary

AN ACT to amend the court of claims act, in relation to prisoner litigation reform

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

Section 1. Subdivision 9 of section 10 of the court of claims act, as added by section 2 of part D of chapter 412 of the laws of 1999, is amended to read as follows:

9. A claim of any inmate in the custody of the department of correctional services for recovery of damages for injury to [or loss of] personal property may not be filed unless and until the inmate has exhausted the [personal property claims] AVAILABLE administrative remedy, established for inmates by the department[. Such claim must] OF CORRECTIONAL SERVICES, AND SHALL be filed and served ON THE ATTORNEY GENERAL within [one hundred twenty] NINETY days after the date on which the inmate has exhausted such remedy UNLESS THE CLAIMANT SHALL WITHIN SUCH TIME FILE AND SERVE UPON THE ATTORNEY GENERAL A WRITTEN NOTICE OF INTENTION TO FILE THEREFOR, IN WHICH EVENT THE CLAIM SHALL BE FILED AND SERVED ON THE ATTORNEY GENERAL WITHIN TWO YEARS AFTER SUCH DATE.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law provided, however, that the amendments to subdivision 9 of section 10 of the court of claims act made by this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

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

LBD04222-01-9