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

5440

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. LIFTON, HOYT -- Multi-Sponsored by -- M. of A. HOOPER, JOHN -- read once and referred to the Committee on Correction

AN ACT to amend the executive law, in relation to the expenses of taking persons into custody after their violation of the conditions of presumptive release, parole, conditional release or post-release supervision

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

Section 1. Paragraph (b) of subdivision 3 of section 259-i of the executive law, as amended by section 11 of part E of chapter 62 of the laws of 2003, is amended to read as follows:

(b) A person who shall have been taken into custody pursuant to this subdivision for violation of one or more conditions of presumptive release, parole, conditional release or post-release supervision [shall] MAY, insofar as practicable, be incarcerated in the county or city in which the arrest occurred. NOTWITHSTANDING THE PROVISIONS OF CHAPTER FIFTY OF THE LAWS OF TWO THOUSAND FIVE AND ANY OTHER PROVISION OF LAW, THE EXPENSE OF MAINTAINING A PERSON WHO HAS BEEN TAKEN INTO CUSTODY PURSUANT TO THIS SUBDIVISION AND WHO HAS NOT BEEN ACCEPTED INTO CUSTODY BY THE COMMISSIONER OF CORRECTIONAL SERVICES WITHIN FIVE DAYS OF RECEIPT OF WRITTEN NOTIFICATION BY THE DEPARTMENT OF CORRECTIONAL SERVICES FROM THE APPROPRIATE LOCAL OFFICIAL THAT SUCH OFFICIAL IS PREPARED TO TRANSPORT SUCH PERSON TO THE FACILITY DESIGNATED BY SUCH DEPARTMENT, SHALL BE PAID BY THE STATE AT THE ACTUAL PER DAY PER CAPITA COST, AS CERTIFIED BY THE APPROPRIATE LOCAL OFFICIAL, BEGINNING WITH THE FIRST DAY OF WRITTEN NOTIFICATION TO THE DEPARTMENT OF CORRECTIONAL SERVICES. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO AFFECT, IMPAIR, MODIFY, RESTRICT, DEFINE OR EXPAND ANY OTHER PROVISION OF LAW WITH REGARD TO ANY OBLIGATION TO DELIVER OR RECEIVE ANY SUCH PERSONS BY ANY STATE OR LOCAL OFFICIAL, OR ANY REQUIREMENT OF TIMELY COMPLIANCE THEREWITH.

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

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S 2. Subparagraph (i) of paragraph (e) of subdivision 3 of section 259-i of the executive law, as amended by section 2 of part E of chapter 56 of the laws of 2007, is amended to read as follows:

(i) If the alleged violator requests a local revocation hearing, he or she shall be given a revocation hearing reasonably near the place of the alleged violation or arrest if he or she has not been convicted of a crime committed while under supervision, OR AT THE FACILITY WHERE HE OR SHE IS CURRENTLY INCARCERATED. However, the board may, on its own motion, designate a case for a local revocation hearing.

S 3. This act shall take effect May 31, 2010.