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

796

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH -- Multi-Sponsored by -- M. of A. AMEDORE, BACALLES, BALL, BARCLAY, BURLING, CROUCH, DUPREY, ERRIGO, FINCH, GIGLIO, HAWLEY, KOLB, MILLER, OAKS, O'MARA, RABBITT, RAIA, SALADINO, SCOZZAFAVA, TEDISCO, TOBACCO, TOWNSEND, WALKER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the penal law, in relation to the reporting of the felony convictions of certain non-citizens

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

Section 1. The penal law is amended by adding a new article 3 to read as follows:

ARTICLE 3

REPORTING OF CERTAIN CONVICTIONS

SECTION 3.00 CONVICTIONS OF CERTAIN NON-CITIZENS TO BE REPORTED.

S 3.00 CONVICTIONS OF CERTAIN NON-CITIZENS TO BE REPORTED.

EXCEPT AS REQUIRED BY SECTION 265.30 OF THIS CHAPTER, EVERY CONVICTION FOR A FELONY UNDER THIS CHAPTER OF A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, SHALL BE CERTIFIED TO THE PROPER OFFICER OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNLESS ANOTHER AGENCY IS DESIGNATED TO RECEIVE SUCH NOTIFICATIONS BY THE UNITED STATES ATTORNEY GENERAL, BY THE DISTRICT ATTORNEY OF THE COUNTY IN WHICH SUCH CONVICTION WAS OBTAINED; PROVIDED, HOWEVER, THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE ANY PERSON HAVING CUSTODY OF SUCH PERSON TO SURRENDER SUCH PERSON FOR DEPORTATION OR REMOVAL PRIOR TO THE COMPLETION OF ANY SENTENCE OF IMPRISONMENT.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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