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

144

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to establishing the witness protection fund and making an appropriation therefor

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

Section 1. The state finance law is amended by adding a new section 89-h to read as follows:

S 89-H. WITNESS PROTECTION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF THE DEPARTMENT OF TAXATION AND FINANCE A SPECIAL REVENUE FUND TO BE KNOWN AS THE "WITNESS PROTECTION FUND".

2. THE WITNESS PROTECTION FUND SHALL CONSIST OF: (A) FIVE PERCENT OF ALL THE MONEYS RECEIVED BY THE STATE PURSUANT TO SECTION 60.35 OF THE PENAL LAW AND FIVE PERCENT OF ALL THE MONEYS RECEIVED BY THE STATE PURSUANT TO SECTION EIGHTEEN HUNDRED NINE OF THE VEHICLE AND TRAFFIC LAW FROM ANY COURT OF THE UNIFIED COURT SYSTEM OTHER THAN TOWN OR VILLAGE COURTS;

(B) TEN PERCENT OF ALL THE MONEYS DEPOSITED TO THE CREDIT OF THE STATE POLICE SEIZED ASSETS ACCOUNT IN EACH CALENDAR YEAR; AND

(C) ALL OTHER FEES, FINES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED, APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW OR ANY OTHER MONEYS MADE AVAILABLE FOR THE PURPOSES OF THE FUND.

3. MONEYS OF THE WITNESS PROTECTION FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET, SHALL BE MADE AVAILABLE TO THE DIVISION OF CRIMINAL JUSTICE SERVICES FOR LOCAL ASSISTANCE SERVICES AND EXPENSES OF PROGRAMS TO PROVIDE WITNESS PROTECTION SERVICES TO WITNESSES OF CRIMES.

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

LBD01971-01-9

4. THE MONEYS OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES. AT THE END OF EACH YEAR, ANY MONEYS REMAINING IN THE FUND SHALL BE RETURNED TO THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE INTEREST AND INCOME EARNED ON MONEY IN THE FUND, AFTER DEDUCTING ANY APPLICABLE CHARGES, SHALL BE CREDITED TO THE FUND.

S 2. The sum of five million dollars ($5,000,000), or so much thereof as may be necessary, is hereby appropriated to the witness protection fund, established pursuant to section 89-h of the state finance law as added by section one of this act, out of any moneys in the state treasury in the general fund to the credit of the local assistance account not otherwise appropriated, for local assistance services and expenses of programs to provide witness protection services to witnesses of crimes.

S 3. This act shall take effect immediately.