

1634

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A.  
CALHOUN, FITZPATRICK, KOLB -- read once and referred to the Committee  
on Codes

AN ACT to amend the penal law, the criminal procedure law, the  
correction law and the state finance law, in relation to community  
safety

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

1 Section 1. Subdivision 3 of section 60.27 of the penal law, as added  
2 by chapter 290 of the laws of 1980, is amended to read as follows:

3 3. The provisions of sections 400.50, 420.10, 420.20 and 420.30 of the  
4 criminal procedure law shall apply in the collection and remission of  
5 restitution and reparation.

6 S 2. The penal law is amended by adding a new section 60.31 to read as  
7 follows:

8 S 60.31 REIMBURSEMENT OF INCARCERATION COSTS.

9 1. IN ADDITION TO ANY OF THE DISPOSITIONS AUTHORIZED BY THIS ARTICLE,  
10 THE COURT MAY, AS PART OF THE SENTENCE IMPOSED UPON A PERSON CONVICTED  
11 OF AN OFFENSE AND SENTENCED TO A TERM OF INCARCERATION IN A CORRECTIONAL  
12 FACILITY WITHIN THE STATE, REQUIRE THE DEFENDANT TO REIMBURSE THE STATE  
13 FOR THE COSTS OF PROVIDING FOOD, SHELTER AND CLOTHING WHILE SO INCARCER-  
14 ATED. SUCH REIMBURSEMENT SHALL NOT EXCEED THE PER CAPITA COSTS OF  
15 PROVIDING FOOD AND SHELTER TO AN INMATE IN SAID FACILITY AS DETERMINED  
16 BY THE COMMISSIONER OF CORRECTIONAL SERVICES.

17 2. WHENEVER THE COURT REQUIRES REIMBURSEMENT A FINDING MUST BE MADE IN  
18 ACCORDANCE WITH SECTION 400.50 OF THE CRIMINAL PROCEDURE LAW.

19 3. FOR THE PURPOSES OF IMPOSITION, DETERMINATION AND REMITTANCE OF  
20 REIMBURSEMENT, AS PROVIDED IN THIS CHAPTER, THE TERM "OFFENSE" SHALL  
21 INCLUDE THE OFFENSE FOR WHICH A DEFENDANT WAS CONVICTED, AS WELL AS ANY  
22 OTHER OFFENSE THAT IS PART OF THE SAME CRIMINAL TRANSACTION OR THAT IS

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

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1 CONTAINED IN ANY OTHER ACCUSATORY INSTRUMENT DISPOSED OF BY ANY PLEA OF  
2 GUILTY BY THE DEFENDANT TO AN OFFENSE.

3 S 3. Subdivision 1 of section 390.30 of the criminal procedure law is  
4 amended to read as follows:

5 1. The investigation. The pre-sentence investigation consists of the  
6 gathering of information with respect to the circumstances attending the  
7 commission of the offense, the defendant's history of delinquency or  
8 criminality, and the defendant's social history, employment history,  
9 family situation, economic status, education, and personal habits.  
10 ECONOMIC STATUS SHALL INCLUDE ALL AGGREGATE ADJUSTED GROSS INCOME AS  
11 DEFINED BY THE TAX LAW, EXCEPT TO THE EXTENT ANY SUCH INCOME IS EXCLUDED  
12 BY FEDERAL STATUTE, THAT HAS BEEN OR IS EXPECTED TO BE RECEIVED BY THE  
13 DEFENDANT AND EXCEPT FOR ANY MONIES THAT THE DEFENDANT MAY EARN FOR WORK  
14 PERFORMED WHILE HE OR SHE IS AN INMATE. IT SHALL ALSO INCLUDE ANY MONIES  
15 FROM WHATEVER SOURCE, RECEIVED BY THE DEFENDANT BY WAY OF JUDGMENT,  
16 SETTLEMENT, GIFT, DEVISE OR OTHERWISE. Such investigation may also  
17 include any other matter which the agency conducting the investigation  
18 deems relevant to the question of sentence, and must include any matter  
19 the court directs to be included.

20 S 4. The criminal procedure law is amended by adding a new section  
21 400.50 to read as follows:

22 S 400.50 PROCEDURE FOR DETERMINING THE COMMUNITY REIMBURSEMENT ACCOUNT  
23 OF AN INMATE.

24 1. HEARING. IN ANY CASE WHERE THE COURT FINDS THAT THE SENTENCE SHALL  
25 INCLUDE A COURT ORDER THAT PORTIONS OF THE DEFENDANT'S INCOME, AS  
26 DEFINED AND DETERMINED IN SECTION 390.30 OF THIS CHAPTER, BE DISTRIBUTED  
27 FOR THE PURPOSES OF RESTITUTION AND REPARATION PURSUANT TO SECTION 60.27  
28 OF THE PENAL LAW AND REIMBURSEMENT TO THE STATE FOR FUTURE COSTS OF  
29 FOOD, SHELTER AND CLOTHING INCURRED BY THE INCARCERATION OF SUCH DEFEND-  
30 ANT AS DEFINED IN SECTION 60.31 OF THE PENAL LAW, THE COURT SHALL ORDER  
31 A HEARING TO ESTABLISH THE AMOUNT OF MONEY TO BE PAID INTO AN INDIVIDUAL  
32 ACCOUNT TO THE CREDIT OF THE DEFENDANT TO BE KNOWN AS THE COMMUNITY  
33 REIMBURSEMENT ACCOUNT AND TO DETERMINE THE AMOUNTS THEREOF TO BE  
34 DISTRIBUTED AS PROVIDED BY THIS SECTION. THE ORDER FOR THE HEARING MUST  
35 BE FILED WITH THE CLERK OF THE COURT AND MUST SPECIFY A DATE FOR THE  
36 HEARING NOT LESS THAN TEN DAYS AFTER THE FILING OF THE ORDER.

37 2. NOTICE OF HEARING. UPON RECEIPT OF THE ORDER, THE CLERK OF THE  
38 COURT MUST SEND A NOTICE OF THE HEARING TO THE DEFENDANT, HIS OR HER  
39 COUNSEL AND THE DISTRICT ATTORNEY. SUCH NOTICE MUST SPECIFY THE TIME AND  
40 PLACE OF THE HEARING AND THE FACT THAT THE PURPOSE THEREOF IS TO DETER-  
41 MINE THE DEFENDANT'S INCOME AND THE AMOUNTS THEREOF TO BE CREDITED TO  
42 AND FROM THE COMMUNITY REIMBURSEMENT ACCOUNT FOR RESTITUTION AND REPARA-  
43 TION AND REIMBURSEMENT.

44 3. HEARING; STATEMENT. WHEN THE DEFENDANT APPEARS FOR THE HEARING THE  
45 COURT MUST ASK HIM OR HER WHETHER HE OR SHE WISHES TO MAKE ANY STATEMENT  
46 WITH RESPECT TO THE PRE-SENTENCE INVESTIGATION STATING HIS OR HER  
47 ECONOMIC AND INCOME STATUS. IF THE DEFENDANT DOES MAKE A STATEMENT, THE  
48 COURT MAY ACCEPT SUCH STATEMENT AND BASE ITS FINDING THEREON. WHERE THE  
49 DEFENDANT DOES NOT MAKE A STATEMENT, OR WHERE THE COURT DOES NOT ACCEPT  
50 THE DEFENDANT'S STATEMENT, IT MAY PROCEED WITH THE HEARING.

51 4. BURDEN AND STANDARD OF PROOF, EVIDENCE. AT ANY HEARING HELD PURSU-  
52 ANT TO THIS SECTION THE BURDEN OF PROOF RESTS UPON THE PEOPLE. A FINDING  
53 AS TO THE AMOUNT OF A DEFENDANT'S INCOME MUST BE BASED UPON DOCUMENTED  
54 EVIDENCE. ANY RELEVANT EVIDENCE, NOT LEGALLY PRIVILEGED, MAY BE RECEIVED  
55 REGARDLESS OF ITS ADMISSIBILITY UNDER THE EXCLUSIONARY RULES OF  
56 EVIDENCE.

1 5. RULING. THE COURT MAY ORDER THAT WHILE THE DEFENDANT IS INCARCERAT-  
2 ED IN A CORRECTIONAL FACILITY WITHIN THE STATE, HIS OR HER INCOME SHALL  
3 BE DEPOSITED IN HIS OR HER COMMUNITY REIMBURSEMENT ACCOUNT IN A BANK AS  
4 APPROVED BY THE COMPTROLLER AND PURSUANT TO SECTION ONE HUNDRED  
5 SIXTEEN-A OF THE CORRECTION LAW. THE COURT MAY ORDER PERIODIC PAYMENTS  
6 TO BE MADE IN A TIMELY AND PROPORTIONATE MANNER ACCORDING TO THE FOLLOW-  
7 ING PRIORITIES:

8 (A) FOR RESTITUTION AND REPARATION ACCORDING TO SECTION 60.27 OF THE  
9 PENAL LAW TO ANY VICTIM OF THE CRIME COMMITTED BY THE DEFENDANT; AND

10 (B) FOR THE REIMBURSEMENT TO THE STATE OF THE COSTS TO BE INCURRED BY  
11 THE CORRECTIONAL FACILITY IN WHICH THE DEFENDANT IS INCARCERATED FOR  
12 PROVIDING FOOD, SHELTER AND CLOTHING DURING SUCH PERIOD. IN NO CASE  
13 SHALL THIS REIMBURSEMENT EXCEED THE PER CAPITA COST OF PROVIDING FOOD,  
14 SHELTER AND CLOTHING TO AN INMATE IN SUCH CORRECTIONAL FACILITY AS  
15 DETERMINED BY THE COMMISSIONER OF CORRECTIONAL SERVICES WHICH AMOUNTS  
16 SHALL BE TRANSFERRED TO AND DEPOSITED INTO THE GENERAL FUND TO THE CRED-  
17 IT OF THE COMMUNITY SAFETY FUND ESTABLISHED PURSUANT TO SECTION NINETY-  
18 ONE-H OF THE STATE FINANCE LAW.

19 THE ABOVE AMOUNTS SO PROPORTIONED SHALL BE REMITTED TO THE APPROPRIATE  
20 OFFICIAL AS DESIGNATED BY THE COURT FOR DISTRIBUTION TO THE PROPER  
21 PERSON. IN THE EVENT THAT THERE ARE MONIES REMAINING TO THE CREDIT OF  
22 THE DEFENDANT AFTER HIS OR HER INCARCERATION IS CONCLUDED, THEY SHALL BE  
23 MADE PAYABLE BY THE COMPTROLLER TO THE DEFENDANT UPON HIS OR HER RELEASE  
24 SUBJECT TO THE CERTIFICATION OF THE SUPERINTENDENT OF THE FACILITY IN  
25 WHICH HE OR SHE WAS INCARCERATED.

26 6. APPEAL. THE DEFENDANT MAY APPEAL TO THE COURT FOR RECONSIDERATION  
27 OF THE ABOVE FINDINGS RELATING TO HIS OR HER COMMUNITY REIMBURSEMENT  
28 ACCOUNT WITHIN THIRTY DAYS OF ANY SUBSTANTIVE CHANGE IN HIS OR HER  
29 INCOME. THE COURT SHALL RENDER A DECISION IN KEEPING WITH THE ABOVE  
30 PROVISIONS NO LATER THAN NINETY DAYS AFTER THE FILING OF SUCH APPEAL.

31 S 5. Subdivision 1 of section 420.10 of the criminal procedure law, as  
32 separately amended by chapters 233 and 506 of the laws of 1985 and para-  
33 graph (e) as amended by chapter 618 of the laws of 1992, is amended to  
34 read as follows:

35 1. Alternative methods of payment. When the court imposes a fine upon  
36 an individual, it shall designate the official other than the district  
37 attorney to whom payment is to be remitted. When the court imposes  
38 restitution or reparation and requires that the defendant pay a desig-  
39 nated surcharge thereon pursuant to the provisions of subdivision eight  
40 of section 60.27 of the penal law, it shall designate the official or  
41 organization other than the district attorney, selected pursuant to  
42 subdivision eight of this section, to whom payment is to be remitted.

43 (a) The court may direct:

44 (i) That the defendant pay the entire amount at the time sentence is  
45 pronounced;

46 (ii) That the defendant pay the entire amount at some later date; or

47 (iii) That the defendant pay a specified portion at designated peri-  
48 odic intervals ACCORDING TO THE PROVISIONS OF SECTION 400.50 OF THIS  
49 TITLE.

50 (b) When the court imposes both (i) a fine and (ii) restitution or  
51 reparation and such designated surcharge upon an individual and imposes  
52 a schedule of payments, the court shall also direct that payment of  
53 restitution or reparation and such designated surcharge take priority  
54 over the payment of the fine.

55 (c) Where the defendant is sentenced to a period of probation as well  
56 as a fine, restitution or reparation and such designated surcharge, the

1 court may direct that payment of the fine, restitution or reparation and  
2 such designated surcharge be a condition of the sentence.

3 (d) When a court requires that restitution or reparation and such  
4 designated surcharge be made it must direct that notice be given to a  
5 person or persons to whom it is to be paid of the conditions under which  
6 it is to be remitted; the name and address of the public official or  
7 organization to whom it is to be remitted for payment and the amount  
8 thereof; and the availability of civil proceedings for collection under  
9 subdivision six of this section. An official or organization designated  
10 to receive payment under this subdivision must report to the court any  
11 failure to comply with the order and shall cooperate with the district  
12 attorney pursuant to his responsibilities under subdivision six of this  
13 section.

14 (e) Where cash bail has been posted by the defendant as the principal  
15 and is not forfeited or assigned, the court at its discretion may order  
16 that bail be applied toward payment of any order of restitution or repara-  
17 ration or fine. If the court so orders, the bail proceeds shall be  
18 applied to payment first of the restitution or reparation and then of  
19 the fine.

20 S 6. Subdivision 1 of section 112 of the correction law, as amended by  
21 chapter 476 of the laws of 1970, is amended to read as follows:

22 1. The commissioner [of correction] shall have the superintendence,  
23 management and control of the correctional facilities in the department  
24 and of the inmates confined therein, and of all matters relating to the  
25 government, discipline, policing, contracts and fiscal concerns thereof.  
26 He shall have the power and it shall be his duty to inquire into all  
27 matters connected with said correctional facilities. He shall make such  
28 rules and regulations, not in conflict with the statutes of this state,  
29 for the government of the officers and other employees of the department  
30 assigned to said facilities, and in regard to the duties to be performed  
31 by them, and for the government and discipline of each correctional  
32 facility, as he may deem proper, and shall cause such rules and regu-  
33 lations to be recorded by the superintendent of the facility, and a copy  
34 thereof to be furnished to each employee assigned to the facility. He  
35 shall also prescribe a system of accounts and records to be kept at each  
36 correctional facility, which system shall be uniform at all of said  
37 facilities, and he shall also make rules and regulations for a record of  
38 photographs and other means of identifying each inmate received into  
39 said facilities. He shall appoint and remove, subject to the civil  
40 service law and rules, subordinate officers and other employees of the  
41 department who are assigned to correctional facilities. FURTHER, HE IS  
42 EMPOWERED TO PROMULGATE NECESSARY RULES AND REGULATIONS TO IMPLEMENT AND  
43 CARRY OUT THE PURPOSES OF THE COMMUNITY REIMBURSEMENT ACCOUNT AS DEFINED  
44 AND ESTABLISHED IN SECTION ONE HUNDRED SIXTEEN-A OF THIS ARTICLE AND  
45 SECTION 400.50 OF THE CRIMINAL PROCEDURE LAW.

46 S 7. Section 116 of the correction law, as amended by section 42 of  
47 part A-1 of chapter 56 of the laws of 2010, is amended to read as  
48 follows:

49 S 116. Inmates' funds. The warden or superintendent of each of the  
50 institutions within the jurisdiction of the department [of correction]  
51 shall deposit at least once in each week to his credit as such warden,  
52 or superintendent, in such bank or banks as may be designated by the  
53 comptroller, all the moneys received by him as such warden, or super-  
54 intendent, as inmates' funds, and send to the comptroller and also to  
55 the commissioner [of correction] monthly, a statement showing the amount  
56 so received and deposited. Such statement of deposits shall be certified

1 by the proper officer of the bank receiving such deposit or deposits.  
2 The warden, or superintendent, shall also verify by his affidavit that  
3 the sum so deposited is all the money received by him as inmates' funds  
4 during the month. Any bank in which such deposits shall be made shall,  
5 before receiving any such deposits, file a bond with the comptroller of  
6 the state, subject to his approval, for such sum as he shall deem neces-  
7 sary. [Upon a certificate of approval issued by the director of the  
8 budget, pursuant to the provisions of section fifty-three of the state  
9 finance law, the] THE amount of interest, if any, heretofore accrued and  
10 hereafter to accrue on moneys so deposited, heretofore and hereafter  
11 credited to the warden, or superintendent, by the bank from time to  
12 time, shall be available for expenditure by the warden, or superinten-  
13 dent, subject to the direction of the commissioner, for welfare work  
14 among the inmates in his custody. The withdrawal of moneys so deposited  
15 by such warden, or superintendent, as inmates' funds, including any  
16 interest so credited, shall be subject to his check. Each warden, or  
17 superintendent, shall each month provide the comptroller and also the  
18 commissioner with a record of all withdrawals from inmates' funds. As  
19 used in this section, the term "inmates' funds" means the funds in the  
20 possession of the inmate at the time of his admission into the institu-  
21 tion, funds earned by him as provided in section one hundred eighty-sev-  
22 en of this chapter and any other funds received by him or on his behalf  
23 and deposited with such warden or superintendent in accordance with the  
24 rules and regulations of the commissioner EXCEPT FOR THE FUNDS SPECIFIED  
25 IN SECTION ONE HUNDRED SIXTEEN-A OF THIS ARTICLE. Whenever the total  
26 unencumbered value of funds in an inmate's account exceeds ten thousand  
27 dollars, the superintendent shall give written notice to the office of  
28 victim services.

29 S 8. The correction law is amended by adding a new section 116-a to  
30 read as follows:

31 S 116-A. COMMUNITY REIMBURSEMENT ACCOUNT. 1. EACH INMATE OF A CORREC-  
32 TIONAL FACILITY WITHIN THE STATE WHO HAS RECEIVED A SENTENCE ACCORDING  
33 TO THE PROVISIONS OF SECTIONS 60.27 AND 60.31 OF THE PENAL LAW AND HAS  
34 BEEN ORDERED TO MAKE PAYMENTS FOR RESTITUTION AND REPARATION AND  
35 REIMBURSEMENT TO THE STATE FOR COSTS OF INCARCERATION PURSUANT TO THE  
36 PROVISIONS OF SECTION 400.50 OF THE CRIMINAL PROCEDURE LAW SHALL HAVE  
37 HIS OR HER INCOME DEPOSITED IN A BANK APPROVED BY THE STATE COMPTROLLER  
38 IN AN ACCOUNT TO BE KNOWN AS THE COMMUNITY REIMBURSEMENT ACCOUNT.

39 2. THE SUPERINTENDENT OF THE FACILITY IN WHICH THE INMATE IS INCARCER-  
40 ATED SHALL DEPOSIT THE INCOME OF THE INMATE IN SUCH BANK ON A REGULAR  
41 BASIS BUT IN NO CASE LESS THAN ONCE PER MONTH. REMITTANCES SHALL BE MADE  
42 ON A TIMELY BASIS TO THE APPROPRIATE OFFICIAL AS ORDERED BY THE COURT.

43 3. THE SUPERINTENDENT SHALL KEEP AN ACCURATE FISCAL RECORD OF THE  
44 DEPOSITS AND DISBURSEMENTS FROM THE INMATE'S COMMUNITY REIMBURSEMENT  
45 ACCOUNT AND SHALL SEND A MONTHLY STATEMENT SHOWING THE AMOUNTS RECEIVED,  
46 DEPOSITED AND DISBURSED AS ORDERED BY THE COURT AND CERTIFIED BY THE  
47 PROPER OFFICIAL OF THE BANK, TO THE COMPTROLLER AND TO THE COMMISSIONER.  
48 THE SUPERINTENDENT SHALL ALSO VERIFY BY HIS OR HER AFFIDAVIT THAT THE  
49 SUM SO DEPOSITED IS ALL THE MONEY RECEIVED BY HIM OR HER FOR THE  
50 INMATE'S COMMUNITY REIMBURSEMENT ACCOUNT AS DESIGNATED BY THE COURT  
51 ACCORDING TO SECTION 400.50 OF THE CRIMINAL PROCEDURE LAW. THESE RECORDS  
52 SHALL BE OPEN AT ALL TIMES TO THE COURT, TO THE COMMISSIONER AND TO THE  
53 COMPTROLLER AND THEIR AUTHORIZED REPRESENTATIVES.

54 4. IN NO CASE SHALL ANY OF THE MONIES IN THIS ACCOUNT BE USED BY THE  
55 DEPARTMENT OR THE FACILITY FOR ANY PURPOSE OTHER THAN THOSE DESIGNATED  
56 IN SUBDIVISION ONE OF THIS SECTION.

1 S 9. The state finance law is amended by adding a new section 91-h to  
2 read as follows:

3 S 91-H. COMMUNITY SAFETY FUND. 1. THERE IS HEREBY ESTABLISHED IN THE  
4 JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND  
5 FINANCE, A SPECIAL FUND TO BE KNOWN AS THE "COMMUNITY SAFETY FUND".

6 2. SUCH FUND SHALL CONSIST OF ALL MONEYS RECEIVED BY THE STATE PURSU-  
7 ANT TO PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION 400.50 OF THE CRIMI-  
8 NAL PROCEDURE LAW AND ALL OTHER GRANTS, BEQUESTS OR OTHER MONEYS APPRO-  
9 PRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE  
10 PURSUANT TO LAW.

11 3. MONEYS IN THE FUND SHALL BE KEPT SEPARATE AND APART AND SHALL NOT  
12 BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMPTROLLER  
13 AND SHALL ONLY BE EXPENDED HEREIN AND IN SUCH AMOUNTS AS APPROVED BY THE  
14 DIVISION OF THE BUDGET.

15 4. THE MONEYS RECEIVED BY SUCH FUND SHALL BE EXPENDED PURSUANT TO  
16 APPROPRIATION ONLY TO REIMBURSE COSTS INCURRED BY LOCAL GOVERNMENTS FOR  
17 PERSONNEL SERVICES ASSOCIATED WITH THE HIRING AND RETENTION OF NEW  
18 POLICE OFFICERS WHOSE PRIMARY RESPONSIBILITY SHALL BE TO PREVENT VIOLENT  
19 AND SERIOUS CRIMES. NONE OF THE MONEYS EXPENDED PURSUANT TO THIS SUBDI-  
20 VISION SHALL BE FOR THE REIMBURSEMENT OF COSTS INCURRED BY AGENCIES OF  
21 CITIES WITH POPULATIONS OF ONE MILLION OR MORE.

22 5. MONEY MAY BE EXPENDED PURSUANT TO THIS SECTION ONLY IN ACCORDANCE  
23 WITH PLANS PREPARED BY SUCH LOCAL GOVERNMENTS AND APPROVED BY THE COMMU-  
24 NITY SAFETY COUNCIL ESTABLISHED PURSUANT TO SUBDIVISION SIX OF THIS  
25 SECTION ACCORDING TO THE STANDARDS PROVIDED FOR IN SUBDIVISION SEVEN OF  
26 THIS SECTION.

27 6. THE COMMUNITY SAFETY COUNCIL SHALL CONSIST OF SIX MEMBERS APPOINTED  
28 AS FOLLOWS: TWO MEMBERS, TO BE APPOINTED BY THE GOVERNOR ON THE RECOM-  
29 MENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE; TWO MEMBERS, TO BE  
30 APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE  
31 ASSEMBLY; ONE MEMBER, TO BE APPOINTED BY THE GOVERNOR UPON THE RECOMMEN-  
32 DATION OF THE MINORITY LEADER OF THE SENATE; AND ONE MEMBER, TO BE  
33 APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEM-  
34 BLY. THE TERM OF APPOINTMENT SHALL BE FOR A PERIOD OF TWO YEARS.  
35 APPOINTMENT TO THE COUNCIL SHALL NOT CONSTITUTE THE HOLDING OF A PUBLIC  
36 OFFICE. THE COUNCIL SHALL REPORT ANNUALLY TO THE LEGISLATURE ON THE  
37 EXPENDITURE OF MONEYS FROM THE COMMUNITY SAFETY FUND AND THE ACTIVITIES  
38 FINANCED WITH SUCH MONEYS.

39 7. MONEYS SHALL BE GRANTED TO LOCAL GOVERNMENTS WHO ACCORDING TO THE  
40 MOST RECENT AVAILABLE STATISTICS DEMONSTRATE TO THE COUNCIL THAT SUCH  
41 LOCAL GOVERNMENT HAS BEEN SUBJECT TO A SIGNIFICANT INCREASE IN VIOLENT  
42 OR SERIOUS CRIMES OVER THE NUMBER OF SUCH CRIMES AS REPORTED IN THE TWO  
43 THOUSAND FOUR CALENDAR YEAR. IN ORDER TO IMPLEMENT AND ASSIST IN THE  
44 IMPLEMENTATION OF THE PROVISIONS OF THIS SUBDIVISION THE COUNCIL MAY  
45 REQUEST AND SHALL RECEIVE THE ASSISTANCE OF THE DIVISION OF CRIMINAL  
46 JUSTICE SERVICES.

47 S 10. This act shall take effect on the first of November next  
48 succeeding the date on which it shall have become a law.