

1695

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, J. MILLER, OAKS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the implementation of a special program to provide for the transportation of persons subject to a warrant of arrest

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

1 Section 1. The executive law is amended by adding a new section 221-e
2 to read as follows:

3 S 221-E. TRANSPORTATION OF PERSONS SUBJECT TO A WARRANT. 1. THE
4 VIOLENT FELON WARRANT PROGRAM AS PRESENTLY CONSTITUTED WITHIN THE DIVI-
5 SION OF STATE POLICE WHEREBY THE DIVISION PROVIDES FOR THE TRANSPORTA-
6 TION OF CERTAIN DEFENDANTS CHARGED WITH THE COMMISSION OF A VIOLENT
7 FELONY AND SUBJECT TO AN OUTSTANDING WARRANT OF ARREST, BENCH WARRANT OR
8 SUPERIOR COURT WARRANT OF ARREST, AS SUCH TERMS ARE DEFINED IN SECTION
9 1.20 OF THE CRIMINAL PROCEDURE LAW, IS FROM ONE JURISDICTION TO THE
10 JURISDICTION WHERE THE WARRANT IS OUTSTANDING IS HEREBY CONTINUED IN ITS
11 CURRENT FORM, AND IS ALSO EXTENDED TO INCLUDE THE REQUIREMENTS AND
12 DIRECTIVES CONTAINED IN THIS SECTION.

13 2. SUCH PROGRAM SHALL BE FURTHER EXPANDED ON AND AFTER APRIL FIRST,
14 TWO THOUSAND TWELVE TO THE EXTENT THAT THE DIVISION SHALL BEAR THE
15 RESPONSIBILITY, UPON REQUEST OF THE APPROPRIATE POLICE DEPARTMENT, COURT
16 OR OTHER CRIMINAL JUSTICE ENTITY, TO PROVIDE FOR THE TRANSPORTATION OF
17 PERSONS SUBJECT TO ANY SUCH WARRANT OF ARREST, BENCH WARRANT OR SUPERIOR
18 COURT WARRANT FOR ANY FELONY AS SUCH TERM IS DEFINED IN THE CRIMINAL
19 PROCEDURE LAW FROM ANY JURISDICTION WHEREIN SUCH PERSON IS APPREHENDED
20 TO THE JURISDICTION WHERE THE WARRANT IS OUTSTANDING, PROVIDED HOWEVER
21 THAT SUCH RESPONSIBILITY SHALL ONLY APPLY WHERE THE DISTANCE FOR TRAVEL
22 IS MORE THAN FIFTY MILES. DURING THE PERIOD OF TIME COMMENCING WITH THE
23 EFFECTIVE DATE OF THIS SECTION AND TERMINATING MARCH FIRST, TWO THOUSAND

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

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1 TWELVE, THE DIVISION, IN CONJUNCTION WITH THE DIVISION OF CRIMINAL
2 JUSTICE SERVICES AND THE OFFICE OF COURT ADMINISTRATION SHALL DEVELOP A
3 PLAN AND PROCEDURES TO ENSURE THE TIMELY IMPLEMENTATION OF THIS SUBDIVI-
4 SION. SUCH PLAN SHALL INCLUDE A REQUEST FOR AN APPROPRIATION FOR THE TWO
5 THOUSAND TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR TO FULLY FUND
6 THE PROGRAM AS HEREIN EXPANDED.

7 3. THE DIVISION, IN CONJUNCTION WITH THE DIVISION OF CRIMINAL JUSTICE
8 SERVICES AND THE OFFICE OF COURT ADMINISTRATION SHALL FURTHER DEVELOP
9 SUCH PLAN PROVIDED FOR IN SUBDIVISION TWO OF THIS SECTION SO AS TO
10 INCLUDE WITHIN ITS REQUIREMENTS THE TRANSPORTATION OF PERSONS SUBJECT TO
11 SUCH WARRANT FOR ANY CLASS A MISDEMEANOR. SUCH PLAN SHALL INCLUDE A
12 STUDY IDENTIFYING AN ALTERNATIVE, MORE COST EFFICIENT METHOD OF PROVID-
13 ING FOR THE TRANSPORTATION OF SUCH PERSONS INCLUDING BUT NOT LIMITED TO
14 THE USE OF LOCAL POLICE AGENCIES, SUBJECT TO REIMBURSEMENT BY THE STATE,
15 AND APPROVAL OF THE TERMS OF ANY AGREEMENT BY THE LOCAL LEGISLATIVE BODY
16 OF THE FINANCIALLY AFFECTED LOCALITY. SUCH PLAN AS FURTHER EXPANDED BY
17 THIS SUBDIVISION SHALL INCLUDE A REQUEST FOR FUNDING IN THE TWO THOUSAND
18 TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR TO INITIALLY CARRY OUT
19 THE PROVISIONS OF THIS SUBDIVISION.

20 4. NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED TO PRECLUDE THE
21 DEVELOPMENT AND IMPLEMENTATION OF A MODEL PROGRAM WHICH HAS AS ITS
22 INTENTION THE TRANSPORTATION OF PERSONS SUBJECT TO SUCH A WARRANT FROM A
23 JURISDICTION WHERE APPREHENDED TO THE JURISDICTION WHERE A WARRANT IS
24 OUTSTANDING IN A SIMILAR MANNER. ANY MODEL PROGRAM AS ADOPTED MAY BE
25 USED IN THE DEVELOPMENT OF THE STATEWIDE PROGRAM PROVIDED FOR IN THIS
26 SECTION.

27 S 2. This act shall take effect immediately.