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

6016

2011-2012 Regular Sessions

I N A S S E M B L Y

March 3, 2011

Introduced by M. of A. BURLING, CALHOUN, KOLB, GIGLIO, SPANO, MOLINARO, FINCH, TOBACCO, D. MILLER, M. MILLER -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, CONTE, CROUCH, DUPREY, HAWLEY, JORDAN, McDONOUGH, McKEVITT, J. MILLER, MONTESANO, OAKS, PALMESANO, RAIA, SAYWARD, TEDISCO, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to forfeiture of the proceeds of a felony related to a sexual performance by a child

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

Section 1. Subdivision 6 of section 1310 of the civil practice law and rules, as added by chapter 669 of the laws of 1984, is amended to read as follows:

6. "Pre-conviction forfeiture crime" means only a felony defined in article two hundred twenty OR TWO HUNDRED SIXTY-THREE, or section 221.30 or 221.55 of the penal law.

S 2. Paragraph (g) and the opening paragraph of paragraph (h) of subdivision 2 of section 1349 of the civil practice law and rules, paragraph (g) as amended by chapter 398 of the laws of 2004 and the opening paragraph of paragraph (h) as added by chapter 655 of the laws of 1990, are amended to read as follows:

(g) [Forty] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (I) OF THIS SUBDIVISION, FORTY percent of all moneys realized through forfeiture which are remaining after distributions pursuant to paragraphs (a) through (f) of this subdivision, to the chemical dependence service fund established pursuant to section ninety-seven-w of the state finance law;

[All] EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (I) OF THIS SUBDIVISION, ALL moneys remaining after distributions pursuant to paragraphs (a) through (g) of this subdivision shall be distributed as follows:

S 3. Subdivision 2 of section 1349 of the civil practice law and rules is amended by adding a new paragraph (i) to read as follows:

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

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(I) WHEN THE FORFEITURE WAS BASED UPON A POST-CONVICTION CRIME OR PRE-CONVICTION CRIME, DEFINED IN ARTICLE TWO HUNDRED SIXTY-THREE OF THE PENAL LAW, ALL MONEYS WHICH ARE REMAINING AFTER DISTRIBUTIONS PURSUANT TO PARAGRAPHS (A) THROUGH (F) OF THIS SUBDIVISION, IN EQUAL AMOUNTS TO THE CLAIMING AGENT, CLAIMING AUTHORITY AND THE LOCAL SOCIAL SERVICES OFFICE LOCATED WITHIN THE JURISDICTION OF THE CLAIMING AUTHORITY FOR THE FOLLOWING USES AND PURPOSES:

(I) TO IMPROVE TRAINING OF PERSONNEL AND TO ESTABLISH, OPERATE AND IMPROVE COMMUNITY-BASED MULTI-DISCIPLINARY APPROACHES TO ADDRESS THE PROBLEM OF CHILD SEXUAL MOLESTATION;

(II) TO CONDUCT TRAINING ON CHILD SEXUAL EXPLOITATION AND OTHER SEXUAL MOLESTATION OF CHILDREN FOR OTHER PROFESSIONALS WHO COME IN CONTACT WITH CHILDREN;

(III) TO PREVENT THE SEXUAL MOLESTATION OF CHILDREN; AND

(IV) TO FUND TREATMENT PROGRAMS FOR SEXUALLY VICTIMIZED CHILDREN.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.