

9161

I N A S S E M B L Y

January 31, 2012

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to payment of restitution to a municipality

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

1 Section 1. Subdivision 10 of section 60.27 of the penal law, as added  
2 by chapter 310 of the laws of 1996, is amended to read as follows:  
3 10. If the offense of which a person is convicted is defined in  
4 section [150.10, 150.15 or 150.20] 145.00, 145.05, 145.10, 145.12,  
5 145.30, 145.60 OR ARTICLE ONE HUNDRED FIFTY of this chapter, and no  
6 other victim who is a person is seeking restitution in the case, the  
7 term "victim" as used in this section, in addition to its ordinary mean-  
8 ing, shall mean any municipality which has expended funds or will expend  
9 funds for the purpose of restoration, rehabilitation or clean-up of the  
10 site of the [arson] OFFENSE. WHERE THE VICTIM IS A MUNICIPALITY AS  
11 DEFINED IN THIS SECTION, THE COURT SHALL DIRECT THE DEFENDANT TO PAY  
12 RESTITUTION. Any restitution which [may] SHALL be required to be made  
13 to a municipality pursuant to this section shall be limited to the  
14 amount of funds reasonably expended or to be expended for the purpose of  
15 restoration, rehabilitation or clean-up of the site of the [arson]  
16 OFFENSE, less the amount of any funds which have been or will be recov-  
17 ered from any other source, and shall not include a designated surcharge  
18 pursuant to subdivision eight of this section. Any municipality [seek-  
19 ing] RECEIVING restitution pursuant to this section shall file with the  
20 court, district attorney and defense counsel an affidavit stating that  
21 the funds reasonably expended or to be expended for which restitution is  
22 being sought have not been and will not be recovered from any other  
23 source or in any other civil or criminal proceeding. FOR PURPOSES OF  
24 THIS SECTION, THE TERM "MUNICIPALITY" SHALL MEAN A STATE, COUNTY, CITY,  
25 TOWN, VILLAGE, SCHOOL DISTRICT, LIBRARY DISTRICT, FIRE DISTRICT, WATER  
26 OR SEWER DISTRICT OR ANY OTHER POLITICAL SUBDIVISION WITHIN THE TERRITO-  
27 RIAL LIMITS OF THE STATE OF NEW YORK.  
28 S 2. This act shall take effect on the ninetieth day after it shall  
29 have become a law.

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

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