

4396

2011-2012 Regular Sessions

I N S E N A T E

April 4, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed 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

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

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1 OR SEWER DISTRICT OR ANY OTHER POLITICAL SUBDIVISION WITHIN THE TERRITO-
2 RIAL LIMITS OF THE STATE OF NEW YORK.
3 S 2. This act shall take effect on the ninetieth day after it shall
4 have become a law.