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

4864

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to the costs of prosecution of an inmate-patient of a state psychiatric facility

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

Section 1. The mental hygiene law is amended by adding a new section 29.28 to read as follows:

S 29.28 PAYMENT OF COSTS FOR PROSECUTION OF INMATE-PATIENTS.

(A) WHEN AN INMATE-PATIENT, AS DEFINED IN SUBDIVISION (A) OF SECTION 29.27 OF THIS ARTICLE, WHO WAS COMMITTED FROM A STATE CORRECTIONAL FACILITY, IS ALLEGED TO HAVE COMMITTED AN OFFENSE WHILE IN THE CUSTODY OF THE DEPARTMENT, THE STATE SHALL PAY ALL REASONABLE COSTS FOR THE PROSECUTION OF SUCH OFFENSE, INCLUDING BUT NOT LIMITED TO, COSTS FOR: A GRAND JURY IMPANELED TO HEAR AND EXAMINE EVIDENCE OF SUCH OFFENSE, PETIT JURORS, WITNESSES, THE DEFENSE OF ANY INMATE FINANCIALLY UNABLE TO OBTAIN COUNSEL IN ACCORDANCE WITH THE PROVISIONS OF THE COUNTY LAW, THE DISTRICT ATTORNEY, THE COSTS OF THE SHERIFF AND THE APPOINTMENT OF ADDITIONAL COURT ATTENDANTS, OFFICERS OR OTHER JUDICIAL PERSONNEL.

(B) IT SHALL BE THE DUTY OF THE GOVERNING BODY OF ANY COUNTY WHEREIN SUCH PROSECUTION OCCURS TO CAUSE A SWORN STATEMENT OF ALL COSTS TO BE FORWARDED TO THE DEPARTMENT. UPON CERTIFICATION BY THE DEPARTMENT THAT SUCH COSTS AS AUTHORIZED BY THIS STATUTE HAVE BEEN INCURRED, THE DEPARTMENT SHALL FORWARD THE PROPER VOUCHERS TO THE STATE COMPTROLLER. IT SHALL BE THE DUTY OF THE COMPTROLLER TO EXAMINE SUCH STATEMENT AND TO CORRECT SAME BY STRIKING THEREFROM ANY AND ALL ITEMS WHICH ARE NOT AUTHORIZED PURSUANT TO THE PROVISIONS OF THIS SECTION AND AFTER CORRECTING SUCH STATEMENT, THE COMPTROLLER SHALL DRAW HIS WARRANT FOR THE AMOUNT OF ANY SUCH COSTS IN FAVOR OF THE APPROPRIATE COUNTY TREASURER,

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

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WHICH SUM SHALL BE PAID TO SAID COUNTY TREASURER OUT OF ANY MONEYS APPROPRIATED THEREFOR.

(C) THE DEPARTMENT SHALL, AFTER CONSULTATION WITH THE DIRECTOR OF THE BUDGET, PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately.