

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

4946--A

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sens. GALLIVAN, McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to the boarding of out of state inmates at local correctional facilities; and providing for the repeal of such provisions upon expiration thereof

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

- 1 Section 1. Section 45 of the correction law is amended by adding a new
2 subdivision 17 to read as follows:
3 17. MAKE AN ANNUAL REPORT TO THE GOVERNOR, THE CHAIRMAN OF THE ASSEM-
4 BLY COMMITTEE ON CORRECTION AND THE CHAIRMAN OF THE SENATE COMMITTEE ON
5 CRIME VICTIMS, CRIME AND CORRECTION CONCERNING INMATES CONFINED IN LOCAL
6 CORRECTIONAL FACILITIES PURSUANT TO AN AGREEMENT AUTHORIZED BY SECTION
7 FIVE HUNDRED-0 OF THIS CHAPTER. SUCH REPORT SHALL INCLUDE BUT NOT BE
8 LIMITED TO THE NUMBER OF COUNTIES MAINTAINING SUCH AGREEMENTS AND THE
9 NUMBER OF INMATES CONFINED PURSUANT TO SUCH AGREEMENTS.
- 10 S 2. Subdivision 1 of section 500-a of the correction law is amended
11 by adding a new paragraph (g) to read as follows:
12 (G) FOR THE CONFINEMENT OF PERSONS COMMITTED PURSUANT TO AN AGREEMENT
13 AUTHORIZED BY SECTION FIVE HUNDRED-0 OF THIS ARTICLE.
- 14 S 3. The correction law is amended by adding a new section 500-o to
15 read as follows:
16 S 500-0. AGREEMENTS FOR CUSTODY OF INMATES FROM OTHER STATES. 1. THE
17 SHERIFF, WARDEN, SUPERINTENDENT, LOCAL COMMISSIONER OF CORRECTION OR
18 OTHER PERSON IN CHARGE OF A LOCAL CORRECTIONAL FACILITY MAY ENTER INTO
19 AN AGREEMENT WITH A CORRECTIONAL INSTITUTION LOCATED IN ANOTHER STATE TO
20 PROVIDE FOR THE CUSTODY IN SUCH LOCAL CORRECTIONAL FACILITY IN THIS
21 STATE OF PERSONS SENTENCED TO A PERIOD OF IMPRISONMENT FOR AN OFFENSE IN
22 SUCH OTHER STATE TO A TERM IN EXCESS OF NINETY DAYS BUT NO MORE THAN ONE

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

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1 YEAR. ANY SUCH AGREEMENT, EXCEPT ONE THAT IS MADE BY THE CITY OF NEW
2 YORK, SHALL BE SUBJECT TO THE APPROVAL OF THE COUNTY LEGISLATURE, THE
3 CHIEF EXECUTIVE OFFICER OF THE COUNTY AND THE COMMISSION. AN AGREEMENT
4 MADE BY THE CITY OF NEW YORK SHALL BE SUBJECT TO THE APPROVAL OF THE
5 CITY COUNCIL, THE MAYOR AND THE COMMISSION.

6 2. INMATES WHO ARE CONFINED IN A LOCAL CORRECTIONAL FACILITY PURSUANT
7 TO AN AGREEMENT UNDER THIS SECTION SHALL BE DEALT WITH IN ALL RESPECTS
8 IN THE SAME MANNER AS INMATES COMMITTED TO THE CUSTODY OF A LOCAL
9 CORRECTIONAL FACILITY PURSUANT TO PARAGRAPH (E) OF SECTION FIVE
10 HUNDRED-A OF THIS ARTICLE. ALL RULES AND REGULATIONS PROMULGATED BY THE
11 COMMISSION REGARDING THE TREATMENT OF INMATES CONFINED IN A LOCAL
12 CORRECTIONAL FACILITY SHALL BE APPLICABLE TO INMATES CONFINED PURSUANT
13 TO THIS SECTION. AN INMATE CONFINED IN A LOCAL CORRECTIONAL FACILITY
14 PURSUANT TO AN AGREEMENT UNDER THIS SECTION SHALL NOT BE DEPRIVED OF ANY
15 LEGAL RIGHTS WHICH SUCH INMATE WOULD HAVE HAD IF CONFINED IN A CORREC-
16 TIONAL INSTITUTION IN THE JURISDICTION IN WHICH HE OR SHE WAS CONVICTED.

17 3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALLOW PERSONS DULY
18 COMMITTED AND CONFINED TO A LOCAL CORRECTIONAL FACILITY IN THIS STATE TO
19 SERVE SUCH CONFINEMENT IN ANOTHER STATE.

20 S 4. This act shall take effect immediately and shall expire September
21 1, 2014 when upon such date the provisions of this act shall be deemed
22 repealed.