

4864

2011-2012 Regular Sessions

I N   S E N A T E

April 27, 2011

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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:

1     Section 1. The mental hygiene law is amended by adding a new section  
2     29.28 to read as follows:  
3     S 29.28 PAYMENT OF COSTS FOR PROSECUTION OF INMATE-PATIENTS.  
4     (A) WHEN AN INMATE-PATIENT, AS DEFINED IN SUBDIVISION (A) OF SECTION  
5     29.27 OF THIS ARTICLE, WHO WAS COMMITTED FROM A STATE CORRECTIONAL  
6     FACILITY, IS ALLEGED TO HAVE COMMITTED AN OFFENSE WHILE IN THE CUSTODY  
7     OF THE DEPARTMENT, THE STATE SHALL PAY ALL REASONABLE COSTS FOR THE  
8     PROSECUTION OF SUCH OFFENSE, INCLUDING BUT NOT LIMITED TO, COSTS FOR: A  
9     GRAND JURY IMPANELED TO HEAR AND EXAMINE EVIDENCE OF SUCH OFFENSE, PETIT  
10    JURORS, WITNESSES, THE DEFENSE OF ANY INMATE FINANCIALLY UNABLE TO  
11    OBTAIN COUNSEL IN ACCORDANCE WITH THE PROVISIONS OF THE COUNTY LAW, THE  
12    DISTRICT ATTORNEY, THE COSTS OF THE SHERIFF AND THE APPOINTMENT OF ADDI-  
13    TIONAL COURT ATTENDANTS, OFFICERS OR OTHER JUDICIAL PERSONNEL.  
14    (B) IT SHALL BE THE DUTY OF THE GOVERNING BODY OF ANY COUNTY WHEREIN  
15    SUCH PROSECUTION OCCURS TO CAUSE A SWORN STATEMENT OF ALL COSTS TO BE  
16    FORWARDED TO THE DEPARTMENT. UPON CERTIFICATION BY THE DEPARTMENT THAT  
17    SUCH COSTS AS AUTHORIZED BY THIS STATUTE HAVE BEEN INCURRED, THE DEPART-  
18    MENT SHALL FORWARD THE PROPER VOUCHERS TO THE STATE COMPTROLLER. IT  
19    SHALL BE THE DUTY OF THE COMPTROLLER TO EXAMINE SUCH STATEMENT AND TO  
20    CORRECT SAME BY STRIKING THEREFROM ANY AND ALL ITEMS WHICH ARE NOT  
21    AUTHORIZED PURSUANT TO THE PROVISIONS OF THIS SECTION AND AFTER CORRECT-  
22    ING SUCH STATEMENT, THE COMPTROLLER SHALL DRAW HIS WARRANT FOR THE  
23    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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1 WHICH SUM SHALL BE PAID TO SAID COUNTY TREASURER OUT OF ANY MONEYS  
2 APPROPRIATED THEREFOR.

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

6 S 2. This act shall take effect immediately.