

6179

2013-2014 Regular Sessions

I N A S S E M B L Y

March 15, 2013

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. MILLER,  
OAKS -- read once and referred to the Committee on Governmental Oper-  
ations

AN ACT to amend the executive law, in relation to the implementation of  
a special program to provide for the transportation of persons subject  
to a warrant of arrest

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

1 Section 1. The executive law is amended by adding a new section 221-e  
2 to read as follows:

3 S 221-E. TRANSPORTATION OF PERSONS SUBJECT TO A WARRANT. 1. THE  
4 VIOLENT FELON WARRANT PROGRAM AS PRESENTLY CONSTITUTED WITHIN THE DIVI-  
5 SION OF STATE POLICE WHEREBY THE DIVISION PROVIDES FOR THE TRANSPORTA-  
6 TION OF CERTAIN DEFENDANTS CHARGED WITH THE COMMISSION OF A VIOLENT  
7 FELONY AND SUBJECT TO AN OUTSTANDING WARRANT OF ARREST, BENCH WARRANT OR  
8 SUPERIOR COURT WARRANT OF ARREST, AS SUCH TERMS ARE DEFINED IN SECTION  
9 1.20 OF THE CRIMINAL PROCEDURE LAW, IS FROM ONE JURISDICTION TO THE  
10 JURISDICTION WHERE THE WARRANT IS OUTSTANDING IS HEREBY CONTINUED IN ITS  
11 CURRENT FORM, AND IS ALSO EXTENDED TO INCLUDE THE REQUIREMENTS AND  
12 DIRECTIVES CONTAINED IN THIS SECTION.

13 2. SUCH PROGRAM SHALL BE FURTHER EXPANDED ON AND AFTER APRIL FIRST,  
14 TWO THOUSAND FOURTEEN TO THE EXTENT THAT THE DIVISION SHALL BEAR THE  
15 RESPONSIBILITY, UPON REQUEST OF THE APPROPRIATE POLICE DEPARTMENT, COURT  
16 OR OTHER CRIMINAL JUSTICE ENTITY, TO PROVIDE FOR THE TRANSPORTATION OF  
17 PERSONS SUBJECT TO ANY SUCH WARRANT OF ARREST, BENCH WARRANT OR SUPERIOR  
18 COURT WARRANT FOR ANY FELONY AS SUCH TERM IS DEFINED IN THE CRIMINAL  
19 PROCEDURE LAW FROM ANY JURISDICTION WHEREIN SUCH PERSON IS APPREHENDED  
20 TO THE JURISDICTION WHERE THE WARRANT IS OUTSTANDING, PROVIDED HOWEVER  
21 THAT SUCH RESPONSIBILITY SHALL ONLY APPLY WHERE THE DISTANCE FOR TRAVEL  
22 IS MORE THAN FIFTY MILES. DURING THE PERIOD OF TIME COMMENCING WITH THE  
23 EFFECTIVE DATE OF THIS SECTION AND TERMINATING MARCH FIRST, TWO THOUSAND

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

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1 FOURTEEN, THE DIVISION, IN CONJUNCTION WITH THE DIVISION OF CRIMINAL  
2 JUSTICE SERVICES AND THE OFFICE OF COURT ADMINISTRATION SHALL DEVELOP A  
3 PLAN AND PROCEDURES TO ENSURE THE TIMELY IMPLEMENTATION OF THIS SUBDIVI-  
4 SION. SUCH PLAN SHALL INCLUDE A REQUEST FOR AN APPROPRIATION FOR THE TWO  
5 THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR TO FULLY FUND  
6 THE PROGRAM AS HEREIN EXPANDED.

7 3. THE DIVISION, IN CONJUNCTION WITH THE DIVISION OF CRIMINAL JUSTICE  
8 SERVICES AND THE OFFICE OF COURT ADMINISTRATION SHALL FURTHER DEVELOP  
9 SUCH PLAN PROVIDED FOR IN SUBDIVISION TWO OF THIS SECTION SO AS TO  
10 INCLUDE WITHIN ITS REQUIREMENTS THE TRANSPORTATION OF PERSONS SUBJECT TO  
11 SUCH WARRANT FOR ANY CLASS A MISDEMEANOR. SUCH PLAN SHALL INCLUDE A  
12 STUDY IDENTIFYING AN ALTERNATIVE, MORE COST EFFICIENT METHOD OF PROVID-  
13 ING FOR THE TRANSPORTATION OF SUCH PERSONS INCLUDING BUT NOT LIMITED TO  
14 THE USE OF LOCAL POLICE AGENCIES, SUBJECT TO REIMBURSEMENT BY THE STATE,  
15 AND APPROVAL OF THE TERMS OF ANY AGREEMENT BY THE LOCAL LEGISLATIVE BODY  
16 OF THE FINANCIALLY AFFECTED LOCALITY. SUCH PLAN AS FURTHER EXPANDED BY  
17 THIS SUBDIVISION SHALL INCLUDE A REQUEST FOR FUNDING IN THE TWO THOUSAND  
18 FOURTEEN--TWO THOUSAND FIFTEEN STATE FISCAL YEAR TO INITIALLY CARRY OUT  
19 THE PROVISIONS OF THIS SUBDIVISION.

20 4. NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED TO PRECLUDE THE  
21 DEVELOPMENT AND IMPLEMENTATION OF A MODEL PROGRAM WHICH HAS AS ITS  
22 INTENTION THE TRANSPORTATION OF PERSONS SUBJECT TO SUCH A WARRANT FROM A  
23 JURISDICTION WHERE APPREHENDED TO THE JURISDICTION WHERE A WARRANT IS  
24 OUTSTANDING IN A SIMILAR MANNER. ANY MODEL PROGRAM AS ADOPTED MAY BE  
25 USED IN THE DEVELOPMENT OF THE STATEWIDE PROGRAM PROVIDED FOR IN THIS  
26 SECTION.

27 S 2. This act shall take effect immediately.