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

337--A

Cal. No. 118

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. DeFRANCISCO, GIPSON, GRIFFO, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to the payment of restitution to volunteer fire companies in certain instances

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

Section 1. Subdivision 10 of section 60.27 of the penal law, as added by chapter 310 of the laws of 1996, is amended to read as follows:

10. If the offense of which a person is convicted is defined in section 150.10, 150.15 or 150.20 of this chapter, and no other victim who is a person is seeking restitution in the case, the term "victim" as used in this section, in addition to its ordinary meaning, shall mean any municipality OR VOLUNTEER FIRE COMPANY which has expended funds or will expend funds for the purpose of restoration, rehabilitation or clean-up of the site of the arson. Any restitution which may be required to be made to a municipality OR VOLUNTEER FIRE COMPANY pursuant to this section shall be limited to the amount of funds reasonably expended or to be expended for the purpose of restoration, rehabilitation or clean-up of the site of the arson, less the amount of any funds which have been or will be recovered from any other source, and shall not include a designated surcharge pursuant to subdivision eight of this section. Any municipality OR VOLUNTEER FIRE COMPANY seeking restitution pursuant to this section shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended or to be expended for which restitution is being sought have not been and will

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

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not be recovered from any other source or in any other civil or criminal proceeding. FOR THE PURPOSES OF THIS SUBDIVISION, "VOLUNTEER FIRE COMPANY" MEANS A FIRE COMPANY AS DEFINED IN PARAGRAPH A OF SUBDIVISION TWO OF SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW.

S 2. This act shall take effect immediately.