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

1633

2015-2016 Regular Sessions

I N S E N A T E

January 13, 2015

Introduced by Sens. BONACIC, GALLIVAN, LITTLE, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law and the correction law, in relation to allowing two or more counties to enter into a contract for the provision of a county jail

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

Section 1. Section 217 of the county law is amended to read as follows:

S 217. County jail. [Each] EXCEPT AS PROVIDED BY SECTION FIVE HUNDRED-P OF THE CORRECTION LAW, EACH county shall continue to maintain a county jail as prescribed by law.

S 2. The correction law is amended by adding a new section 500-p to read as follows:

S 500-P. AUTHORIZATION FOR SHARED COUNTY JAILS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A COUNTY MAY ENTER INTO A CONTRACT WITH ANOTHER COUNTY OR WITH THE STATE, TO SHARE IN THE CONSTRUCTION, FINANCING, IMPROVEMENT, AND MAINTENANCE OF A COUNTY JAIL. SUCH CONTRACTS, IF ENACTED, MAY RUN CONCURRENT WITH ANY BOND OR LONG-TERM FINANCING ASSOCIATED WITH THE CONSTRUCTION OF OR IMPROVEMENT TO A COUNTY JAIL.

2. AN AGREEMENT BETWEEN TWO OR MORE COUNTIES TO SHARE IN THE CONSTRUCTION, FINANCING, IMPROVEMENT, AND MAINTENANCE OF A COUNTY JAIL PURSUANT TO THIS SECTION SHALL INCLUDE A PROVISION FOR THE PROPORTIONATE COST, INCLUDING COSTS ASSOCIATED WITH BONDING, TO BE BORNE BY EACH COUNTY. THE CONTRACTING COUNTIES MAY AGREE THAT THE BONDING OR FINANCING MECHANISM FOR THE PROVISION OF A COUNTY JAIL MAY BE AMENDED UPON THE MUTUAL CONSENT OF EACH CONTRACTING COUNTY'S LEGISLATURE OR BOARD OF SUPERVISORS, AND IF THE COUNTY HAS A COUNTY EXECUTIVE, UPON THE APPROVAL OF THE COUNTY EXECUTIVE. THE DISAPPROVAL OF A COUNTY EXECUTIVE, HOWEVER,

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

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MAY BE OVERRIDDEN BY THE VOTE OF TWO-THIRDS OF THE GOVERNING BODY OF THE COUNTY.

3. IF TWO OR MORE COUNTIES ENTER INTO AN AGREEMENT TO SHARE IN THE CONSTRUCTION, FINANCING, IMPROVEMENT, AND MAINTENANCE OF A COUNTY JAIL, THE JAIL SHALL BE PHYSICALLY LOCATED IN ONE OF THE COUNTIES WHICH ARE SUBJECT TO THE AGREEMENT.

4. A COUNTY MAY CONTRACT WITH ANOTHER COUNTY TO SHARE THE FINANCING, MAINTENANCE, AND IMPROVEMENT TO AN EXISTING JAIL OF ANOTHER COUNTY WHERE SUCH OTHER COUNTY ALREADY HAS AN EXISTING JAIL THAT MEETS THE REQUIREMENTS OF THE STATE COMMISSION ON CORRECTION OR WHICH HAS A WAIVER OR VARIANCE FROM ALL OR A PORTION OF SUCH REQUIREMENTS.

S 3. This act shall take effect immediately.