

2083

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to payment of restitution to a municipality

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

1 Section 1. Subdivision 10 of section 60.27 of the penal law, as
2 amended by chapter 356 of the laws of 2013, is amended to read as
3 follows:
4 10. If the offense of which a person is convicted is defined in
5 section [150.10, 150.15 or 150.20] 145.00, 145.05, 145.10, 145.12,
6 145.30, 145.60 OR ARTICLE ONE HUNDRED FIFTY of this chapter, and no
7 other victim who is a person is seeking restitution in the case, the
8 term "victim" as used in this section, in addition to its ordinary mean-
9 ing, shall mean any municipality or volunteer fire company which has
10 expended funds or will expend funds for the purpose of restoration,
11 rehabilitation or clean-up of the site of the [arson] OFFENSE. WHERE THE
12 VICTIM IS A MUNICIPALITY AS DEFINED IN THIS SECTION, THE COURT SHALL
13 DIRECT THE DEFENDANT TO PAY RESTITUTION. Any restitution which [may]
14 SHALL be required to be made to a municipality or volunteer fire company
15 pursuant to this section shall be limited to the amount of funds reason-
16 ably expended or to be expended for the purpose of restoration, rehabil-
17 itation or clean-up of the site of the [arson] OFFENSE, less the amount
18 of any funds which have been or will be recovered from any other source,
19 and shall not include a designated surcharge pursuant to subdivision
20 eight of this section. Any municipality or volunteer fire company [seek-
21 ing] RECEIVING restitution pursuant to this section shall file with the
22 court, district attorney and defense counsel an affidavit stating that
23 the funds reasonably expended or to be expended for which restitution is
24 being sought have not been and will not be recovered from any other
25 source or in any other civil or criminal proceeding. For the purposes of

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

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1 this subdivision, "volunteer fire company" means a fire company as
2 defined in paragraph a of subdivision two of section one hundred of the
3 general municipal law. FOR PURPOSES OF THIS SECTION, THE TERM "MUNICI-
4 PALITY" SHALL MEAN A STATE, COUNTY, CITY, TOWN, VILLAGE, SCHOOL
5 DISTRICT, LIBRARY DISTRICT, FIRE DISTRICT, WATER OR SEWER DISTRICT OR
6 ANY OTHER POLITICAL SUBDIVISION WITHIN THE TERRITORIAL LIMITS OF THE
7 STATE OF NEW YORK.

8 S 2. This act shall take effect on the ninetieth day after it shall
9 have become a law.