

# STATE OF NEW YORK

8048

## IN SENATE

March 22, 2018

Introduced by Sen. GALLIVAN -- (at request of the State Commission of Correction) -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to remedying inconsistent definitions and other technical errors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 2 and 4 of section 40 of the correction law,  
2 subdivision 2 as amended by section 78-a of part WWW of chapter 59 of  
3 the laws of 2017, subdivision 4 as added by chapter 865 of the laws of  
4 1975, are amended to read as follows:

5 2. "Local correctional facility" means any [~~county~~] jail, [~~county~~]  
6 penitentiary, [~~county lockup, city jail, police station jail, town or~~  
7 ~~village jail or lockup~~] state, county or municipal lockup, court  
8 detention pen, hospital prison ward or specialized secure juvenile  
9 detention facility for older youth.

10 4. "Municipal official" means (a) the sheriff or, where a local  
11 correctional facility is under the jurisdiction of a county department,  
12 the head of such department, and clerk of the board of supervisors, in  
13 the case of a county jail; (b) the sheriff or other officer having  
14 custody or administrative jurisdiction and the clerk of the board of  
15 supervisors, in the case of a county penitentiary; (c) the clerk of the  
16 board of supervisors in the case of a county lockup; (d) the mayor and  
17 the city clerk, in the case of a city jail or [~~police station jail~~]  
18 lockup; (e) the supervisor and town clerk, in the case of a town [~~jail~~  
19 ~~or~~] lockup; (f) the mayor and village clerk, in the case of a village  
20 [~~jail or~~] lockup; (g) the clerk of the board of supervisors of the coun-  
21 ty wherein located and the officer having custody or control, in the  
22 case of a court detention pen or a hospital prison ward.

23 § 2. This act shall take effect immediately.

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

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