STATE OF NEW YORK

9441

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the use of certain county jails; and to amend the county law, in relation to the legislature's approval, ratification, validation and confirmation of county-tribal detention agreements between the Oneida Indian Nation and Madison county and Oneida county

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

Section 1. Section 500-a of the correction law is amended by adding two new subdivisions 2-u and 2-v to read as follows:

2-u. The Madison county correctional facility may also be used for the detention of individuals detained and imprisoned under the authority and jurisdiction of the Oneida Indian Nation court pursuant to a county-tribal detention agreement between the county of Madison, the Madison county sheriff and the Oneida Indian Nation pursuant to section eight hundred fifty-three of the county law.

2-v. The Oneida county correctional facility may also be used for the detention of individuals detained and imprisoned under the authority and jurisdiction of the Oneida Indian Nation court pursuant to a county-tribal detention agreement between the county of Oneida, the Oneida county sheriff and the Oneida Indian Nation pursuant to section eight hundred fifty-three of the county law.

§ 2. Section 500-c of the correction law is amended by adding two new subdivisions 27 and 28 to read as follows:

27. Notwithstanding any other provision of law, in the county of Madison all the provisions of this section shall equally apply in any case where the sheriff is holding a person under the authority and jurisdiction of the Oneida Indian Nation court pursuant to a county-tribal detention agreement between the county of Madison, the Madison county sheriff and the Oneida Indian Nation pursuant to section eight hundred fifty-three of the county law, as if such person had been judicially committed to the custody of the sheriff and such person may be held in the Madison county correctional facility.

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

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28. Notwithstanding any other provision of law, in the county of Oneida all the provisions of this section shall equally apply in any case where the sheriff is holding a person under the authority and jurisdiction of the Oneida Indian Nation court pursuant to a county-tribal detention agreement between the county of Oneida, the Oneida county sheriff and the Oneida Indian Nation pursuant to section eight hundred fifty-three of the county law, as if such person had been judicially committed to the custody of the sheriff and such person may be held in the Oneida county correctional facility.

§ 3. The county law is amended by adding a new section 853 to read as follows:

§ 853. County-tribal detention agreements. Notwithstanding any other provision of law, upon filing with the secretary of state, the county-tribal detention agreements executed between the counties of Madison and Oneida and the Oneida Indian Nation shall upon their effective dates be deemed approved, ratified, validated and confirmed by the legislature. It is the intention of the legislature in enacting this section to ensure that such county-tribal detention agreements shall be fully enforceable in all respects as to the rights, benefits, responsibilities and privileges of all parties thereto.

§ 4. This act shall take effect immediately; provided, however that the amendments to section 500-c of the correction law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.