STATE OF NEW YORK

9441--A

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. HUNTER, BUTTENSCHON, MILLER -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to the use of certain county jails; 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; and providing for the repeal of certain provisions upon expiration thereof

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-four 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

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

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fifty-four 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.

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. Oneida County-tribal detention agreement. Notwithstanding any other inconsistent provision of law, the agreement executed between the county of Oneida and the Oneida Indian Nation executed on May twenty-third, two thousand twenty-four, including, without limitation, the provisions contained therein relating to confinement at the Oneida county correctional facility of incarcerated adults remanded by the Oneida Indian Nation court, shall, upon its effective date and continuing for three years thereafter, be deemed approved, ratified, validated and confirmed by the legislature. It is the intention of the legislature in enacting this section to ensure that the agreement be fully enforceable in all respects as to the rights, benefits, responsibilities and privileges of all parties under the agreement.

§ 4. The county law is amended by adding a new section 854 to read as follows:

§ 854. Madison county-tribal detention agreement. Notwithstanding any other inconsistent provision of law, the agreement executed between the county of Madison and the Oneida Indian Nation executed on May twenty-eighth, two thousand twenty-four, including, without limitation, the provisions contained therein relating to confinement at the Madison county correctional facility of incarcerated adults remanded by the Oneida Indian Nation court, shall, upon its effective date and continuing for two years thereafter, be deemed approved, ratified, validated and confirmed by the legislature. It is the intention of the legislature in enacting this section to ensure that the agreement be fully enforceable in all respects as to the rights, benefits, responsibilities and privileges of all parties under the agreement.

§ 5. This act shall take effect immediately; provided, however that section three of this act shall expire and be deemed repealed May 23, 2027; provided further, however, that section four of this act shall expire and be deemed repealed May 28, 2026; and provided further, 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.