

STATE OF NEW YORK

8692

IN SENATE

March 1, 2024

Introduced by Sen. GRIFFO -- 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 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:

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

3 2-u. The Madison county correctional facility may also be used for the
4 detention of individuals detained and imprisoned under the authority and
5 jurisdiction of the Oneida Indian Nation court pursuant to a county-tribal
6 detention agreement between the county of Madison, the Madison coun-
7 ty sheriff and the Oneida Indian Nation pursuant to section eight
8 hundred fifty-three of the county law.

9 2-v. The Oneida county correctional facility may also be used for the
10 detention of individuals detained and imprisoned under the authority and
11 jurisdiction of the Oneida Indian Nation court pursuant to a county-tribal
12 detention agreement between the county of Oneida, the Oneida county
13 sheriff and the Oneida Indian Nation pursuant to section eight hundred
14 fifty-three of the county law.

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

17 27. Notwithstanding any other provision of law, in the county of Madi-
18 son all the provisions of this section shall equally apply in any case
19 where the sheriff is holding a person under the authority and jurisdic-
20 tion of the Oneida Indian Nation court pursuant to a county-tribal
21 detention agreement between the county of Madison, the Madison county
22 sheriff and the Oneida Indian Nation pursuant to section eight hundred
23 fifty-three of the county law, as if such person had been judicially

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

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1 committed to the custody of the sheriff and such person may be held in
2 the Madison county correctional facility.

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

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

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

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