

# STATE OF NEW YORK

9312

## IN SENATE

May 10, 2024

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

AN ACT to amend the state finance law, in relation to removing the tax cap limitation from the calculation of local share of expenditures for the implementation of raise the age programs and to establish the youth justice innovation fund

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

1 Section 1. Section 54-m of the state finance law, as added by section  
2 104 of part WWW of chapter 59 of the laws of 2017, is amended to read as  
3 follows:

4 § 54-m. Local share requirements associated with increasing the age of  
5 juvenile jurisdiction above fifteen years of age. Notwithstanding any  
6 other provision of law to the contrary, counties and the city of New  
7 York shall not be required to contribute a local share of eligible  
8 expenditures that would not have been incurred absent the provisions of  
9 [a] part WWW of chapter fifty-nine of the laws of two thousand seventeen  
10 ~~[that added this section unless the most recent budget adopted by a~~  
11 ~~county that is subject to the provisions of section three-c of the~~  
12 ~~general municipal law exceeded the tax levy limit prescribed in such~~  
13 ~~section or the local government is not subject to the provisions of~~  
14 ~~section three-c of the general municipal law; provided, however, that~~  
15 ~~the state budget director shall be authorized to waive any local share~~  
16 ~~of expenditures associated with a chapter of the laws of two thousand~~  
17 ~~seventeen that increased the age of juvenile jurisdiction above fifteen~~  
18 ~~years of age, upon a showing of financial hardship by a county or the~~  
19 ~~city of New York upon application in the form and manner prescribed by~~  
20 ~~the division of the budget. In evaluating an application for a financial~~  
21 ~~hardship waiver, the budget director shall consider the incremental cost~~  
22 ~~to the locality related to increasing the age of juvenile jurisdiction,~~  
23 ~~changes in state or federal aid payments, and other extraordinary costs,~~  
24 ~~including the occurrence of a disaster as defined in paragraph a of~~  
25 ~~subdivision two of section twenty of the executive law, repair and main-~~  
26 ~~tenance of infrastructure, annual growth in tax receipts, including~~

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

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1 ~~personal income, business and other taxes, prepayment of debt service~~  
2 ~~and other expenses, or such other factors that the director may deter-~~  
3 ~~mine].~~

4 § 2. The state finance law is amended by adding a new section 89-gg  
5 to read as follows:

6 § 89-gg. Youth justice innovation fund. 1. A fund to be known as the  
7 "youth justice innovation fund" is hereby established in the custody of  
8 the state comptroller and the commissioner of taxation and finance.

9 2. The fund shall consist of fifty million dollars transferred to the  
10 account by the comptroller pursuant to a plan developed by the director  
11 of the budget from funds made available for the purposes of funding  
12 raise the age requirements, and any interest earnings which may accrue  
13 from the investment of monies in the fund. Nothing contained herein  
14 shall prevent the state from receiving grants, gifts or bequests for the  
15 purposes of the fund as defined in this section and depositing them into  
16 the fund according to law.

17 3. Monies of the fund shall be available to the division of criminal  
18 justice services and shall be provided to community-based organizations  
19 to be expended for services and programs with the purpose of youth  
20 development and preventing youth arrest and incarceration, including,  
21 but not limited to, those providing violence-prevention services for  
22 youth, alternatives to detention, placement and incarceration programs  
23 for youth, and reentry, education, and employment training and placement  
24 programs for youth. Such funding shall supplement and not supplant  
25 existing state supports for local probation services under the "raise  
26 the age" law.

27 4. On or before the first day of March of each year, the director of  
28 the division of criminal justice services shall provide a written report  
29 to the temporary president of the senate, the speaker of the assembly,  
30 the minority leader of the senate, the minority leader of the assembly,  
31 the chair of the senate finance committee, the chair of the assembly  
32 ways and means committee, the chair of the senate committee on codes,  
33 the chair of the assembly committee on codes, the state comptroller, and  
34 the public. Such report shall include how the monies of the fund were  
35 utilized during the preceding calendar year, and shall include:

36 (a) the amount of money disbursed from the fund and the award process  
37 used for such disbursements;

38 (b) recipients of awards from the fund;

39 (c) the amount awarded to each recipient;

40 (d) the purposes for which such awards were granted; and

41 (e) a summary financial plan for such monies which shall include esti-  
42 mates of all receipts and all disbursements for the current and succeed-  
43 ing fiscal years, along with the actual results from the prior fiscal  
44 year.

45 5. Monies shall be payable from the fund on the audit and warrant of  
46 the comptroller on vouchers approved and certified by the director of  
47 the division of criminal justice services.

48 § 3. This act shall take effect immediately and shall apply to  
49 expenditures made on and after April 1, 2023.