

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

NEW YORK
STATE DEPARTMENT OF STATE
FILED
JUL 06 1999

Raymond F. Quinlan
Secretary of State

County

~~City~~

~~Town~~

~~Village~~

of ----- ERIE -----

Local Law No. 3 of the year 1999

A local law requiring certain persons incarcerated in Erie County to pay the
(Insert Title)

County of Erie for actual unreimbursed incarceration costs.

ERIE COUNTY LEGISLATURE

Be it enacted by the ----- of the
(Name of Legislative Body)

County

~~City~~

~~Town~~

~~Village~~

of ----- ERIE ----- as follows:

Section 1. Legislative intent. With the rise of incarceration costs at the Erie county holding center and the Erie county correctional facility, it is in the best interest of the county of Erie to require certain persons who are in county custody at either or both the Erie county holding center and the Erie county correctional facility, and who ultimately stand convicted of the crime which led to their incarceration, to pay the county of Erie for the actual unreimbursed costs of such incarceration. This local law is further intended to reduce incarceration costs by reducing frivolous sick call visits by inmates who use sick call as an opportunity for socialization, thereby diverting resources from genuinely ill inmates and increasing operating costs. This local law shall be reviewed after two years to determine its success in reducing costs.

§2. Definition. For purposes of this local law, the term "incarceration costs" shall mean the actual costs incurred by the county of Erie in housing a person at either or both the Erie county holding center or the Erie county correctional facility, but not limited to, room, board and educational expenses.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

§3. Incarceration costs. Any person convicted of a crime shall pay the county of Erie the sum of forty dollars for each day or part thereof for the actual, unreimbursed, pre-conviction and post-conviction incarceration costs incurred in conjunction with the incarceration of such person in either or both the Erie county holding center or the Erie county correctional facility. The maximum amount charged shall in no event exceed two thousand five hundred dollars.

§4. Waiver of correctional facility costs. The superintendent of the Erie county correctional facility may waive all or part of the payment for incarceration costs at the Erie county correctional facility where, because of the indigence of the person ultimately convicted, the payment of said costs would work an unreasonable hardship on such person, upon that person's immediate family, or on any other person who is dependent on such individual for financial support. Presentation of evidence of receipt of public assistance benefits at the time of arrest shall be presumptive proof of indigence for purposes of this local law.

§5. Waiver of holding center costs. The sheriff or his designee may waive all or part of the payment for incarceration costs at the Erie county holding center where, because of the indigence of the person ultimately convicted, the payment of said costs would work an unreasonable hardship on such person, upon that person's immediate family, or on any other person who is dependent on such individual for financial support. Presentation of evidence of receipt of public assistance benefits at the time of arrest shall be presumptive proof of indigence for purposes of this local law.

§ 6. Medical co-pay. Each person incarcerated in the Erie county holding center or in the Erie county correctional facility shall pay a medical co-payment of two dollars for each visit to a physician. Where an inmate has health insurance coverage which requires the payment of a higher co-payment, such higher co-payment shall be charged. Where an inmate is indigent and the treating physician determines that the physician visit is not frivolous, the co-payment shall be waived.

§7. Non-payment. In the event of non-payment of any costs which have not been waived, the county of Erie may seek to enforce payment in any manner permitted by law for enforcement of a debt.

§8. The sheriff and the director of the county correctional facility shall file reports with the clerk of the legislature and with the county executive on the first day of September two thousand and on the first day of September two thousand one concerning the progress of implementation of this local law.

§9. This local law shall take effect immediately and shall remain in effect until October 1, 2001.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____³ of 19⁹⁹ of the (County)(City)(Town)(Village) of _____^{ERIE} was duly passed by the _____^{ERIE COUNTY LEGISLATURE} on _____^{June 3} 19⁹⁹, and was (approved)(~~not approved~~)(repassed after disapproval) by the _____^{COUNTY EXECUTIVE} and was deemed duly adopted on _____^{June 17, 1999}, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph.....2....., above.

James A. Mayella

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body.

(Seal)

Date: July 2, 1999

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature _____
Assistant County Attorney
Title _____

County
~~City~~ of ERIE
~~Town~~
~~Village~~

Date: July 2, 1999