

**REPORT TO THE GENERAL CONFERENCE COMMITTEE BY THE
SUBCOMMITTEE ON PUBLIC PROTECTION ON THE ENACTMENT
OF THE STATE FISCAL YEAR (SFY) 2006-2007 BUDGET**

Honorable Members of the General Conference Committee:

Over the past several days the Subcommittee on Public Protection (the "Subcommittee") has met on three occasions to resolve differences between the Senate and the Assembly on implementation of those portions of the SFY 2006-2007 Budget which impact our state's criminal justice and public protection systems. These discussions have been frank, productive and useful. Through our discussions, we have come to a full understanding of the many issues which need to be resolved to finalize this year's state budget and we have adopted this joint report, reflecting the product of our work, for your review.

The Subcommittee reports as follows:

I. Spending Targets:

In accordance with the spending targets provided by the General Conference Committee, the Subcommittee recommends that spending in the amount of \$20 million above the level proposed by the Executive budget be enacted to further provide necessary resources for law enforcement, homeland security, legal adjudication, drug treatment, crime victims' assistance, offender supervision and related justice system needs. The Subcommittee believes that these additional resources will significantly enhance public safety, save money by reducing crime and provide necessary support to the dedicated law enforcement and other personnel who work to make New York's streets, homes and communities safer.

The Subcommittee recommends that this additional spending be specifically allocated to the initiatives described in appendix "A", attached. The Subcommittee also provides increases in Special Revenue Fund appropriations to allow for additional crime victim services, enhanced homeland security initiatives and support for the Department of Law.

Article VII Issues:

The Subcommittee has discussed the Article VII bill included in the Executive budget, and new proposals advanced by the Senate and Assembly.

The Subcommittee has agreed to:

1. Accept the Executive proposal to extend the Patriot Plan for two years to suspend repayment of retirement system loans while on active military duty;
2. Amend the Executive proposal to extend provisions related to the Motor Vehicle Law Enforcement Account from five years to one year;
3. Reject the Executive proposal to permit the closure of State Correctional Facilities without adhering to the statutory closure notification process as required by the Correction Law;
4. Reject the Executive proposal to establish an automated speed photo monitoring system in workzones and dangerous stretches of highway;
5. Reject the Executive proposal to expand the uses of the Criminal Justice Improvement Account;
6. Reject the Executive proposal to increase the Office of Court Administration (OCA) Criminal History Search Fee from \$52 to \$60;
7. Reject the Executive proposal to allow for the admission of business records into evidence in grand jury proceedings by way of a sworn affidavit;
8. Reject the Executive proposal to allow municipalities to impose various probation fees at local option;
9. Reject the Executive proposal to repeal provisions of current law which establish the local conditional release program;
10. Reject the Executive proposal to establish a new aggregate weight standard for laboratory analysis of illegal drug evidence;

11. Enact the Senate proposal to retain the temporary troopers assigned to security at the Empire State Plaza and Capitol;
12. Enact the Assembly proposal to require a report to be compiled by the Division of Criminal Justice Services regarding the function and effectiveness of Operation Impact.

III. Other Issues:

The Subcommittee was unable to resolve proposed reductions in funding for the Office for Technology, as proposed by the Assembly and Senate. The Subcommittee agrees that the Office for Technology should be allocated at least \$1 million toward the development of a consolidated data center. Members of this Subcommittee are prepared to work with the General Conference Committee to resolve these matters as we move toward enactment of this year's budget. The Subcommittee refers this matter to the General Conference Committee. The Public Protection Subcommittee notes that certain provisions related to a False Claims Act and Medicaid Fraud maybe within the jurisdiction of this Subcommittee. While there is currently a discrepancy as to which Table will discuss these matters, we stand ready to reconvene and work to include these provisions in the enacted budget.


The Subcommittee has discussed the Executive proposal to close Camp Pharsalia, a minimum security facility, located in Chenango County. The Subcommittee provides \$5.2 million to ensure that Camp Pharsalia continues to be utilized as a minimum security correctional facility throughout SFY 2006-07. This action reflects the Legislature's commitment to a law enacted last year to provide adequate notice to employees and families prior to such closure. Under the Executive's proposal, Camp Pharsalia would be transferred to the Office of Mental Health (OMH) to allow for the civil confinement of sexually violent predators. This proposal is being discussed at a different conference committee table.

The Subcommittee rejects Executive Article VII language to codify an expansion of allowable uses of revenue deposited to the Criminal Justice Improvement Account beyond the Account's present use of providing for crime victims services exclusively. Instead, the Subcommittee reluctantly allows for an end-of-the-year transfer of funds from this Account to support the Executive's budget proposals, including Operation IMPACT, Aid to Crime Labs and other local assistance programs. Although these initiatives are laudable, the

Subcommittee opposes utilizing funds earmarked for the exclusive use of crime victims services for these programs or any additional purpose in future years.

The Subcommittee also rejects a proposal to increase the Office of Court Administration (OCA) Criminal History Search Fee by \$8, and the programs that would have been funded by this fee increase are rejected as well.

Lastly, the Subcommittee provides \$10 million to allow for a portion of Federal Homeland Security Grant Funds to support port security needs in New York City and Upstate New York. The Subcommittee also urges the Federal Government to enhance its investment in port security and to allocate additional funds for this purpose, with such allocations determined by a threat or risk-based assessment.


Senator Dale M. Volker (co-chair)


Assemblyman Joseph R. Lentol (co-chair)

Senator Michael Balboni
Senator John DeFrancisco
Senator Michael Nozzolio
Senator Serphin Maltese (alternate member)
Senator Thomas Duane
Senator Jeffrey D. Klein (alternate member)

Assemblywoman Helene Weinstein
Assemblyman Jeffrion Aubry
Assemblywoman RoAnn Destito
Assemblyman Adriano Espaillat (alternate member)
Assemblywoman Dierdre Scozzafava
Assemblyman David Townsend (alternate member)

All of the regular members of the Subcommittee concur in this report, by vote at a regular meeting of the Subcommittee held March 21, 2006.

PUBLIC PROTECTION CONFERENCE COMMITTEE - TABLE AGREEMENTS
TABLE TARGET: \$20,000,000

Capital Defender Office	General Fund
Supplemental Assistance	500,000
SUBTOTAL	500,000
 Department of Correctional Services	
Restoration: Camp Pharsalia	5,200,000
Correctional Officer Equipment	25,000
GPS Devices for PEF Employees at Cayuga, Auburn or Elmira	100,000
SUBTOTAL	5,325,000
 Division of Criminal Justice Services	
New York State Defenders Association	400,000
Manhattan County DA Crimes Against Revenue Program	198,000
Oneida County District Attorney	98,000
Aid to Prosecution and Anti-Crime Initiatives	438,000
Indigent Parolee Representation Program (including Wyoming County)	580,000
New York Prosecutors Training Institute	134,000
Education and Assistance Corporation	617,000
Erie County DA Comprehensive Assault Abuse Rape Program	75,000
Onondaga County Witness Protection Program	50,000
Onondaga County Law Enforcement Technology	184,000
Finger Lakes Law Enforcement Initiatives	300,000
Restoration of Anti-Drug, Anti-Violence, Crime Control, Prevention and Treatment Programs	4,155,000
Catholic Family Center of Rochester	250,000
Mercy College B.S. Degree in Corporate and Homeland Security	100,000
City of Yonkers PD Operation Safe Street Program	300,000
Westchester County DA Youth Violence/Gang Intervention Program and NarcoPro Tech Program	200,000
Pilot Programs for GPS Tracking of Sex Offenders	500,000
Medicaid Fraud Prosecution Services	500,000
SUBTOTAL	9,079,000
 Division of Military and Naval Affairs	
Maritime Security Watercraft	500,000
SUBTOTAL	500,000
 Division of Parole	
Reject Article VII to Eliminate Local Conditional Release	2,150,000
SUBTOTAL	2,150,000
 Division of Probation and Correctional Alternatives	
Supplemental Assistance - ATI Article 13-A Programming	246,000
SUBTOTAL	246,000
 Division of State Police	
Extend Authorization for Temporary Troopers	1,200,000
Deny "Aggregate Weight" Article VII	1,000,000
SUBTOTAL	2,200,000
 GRAND TOTAL	 20,000,000