

**REPORT TO THE GENERAL CONFERENCE COMMITTEE BY THE
SUBCOMMITTEE ON PUBLIC PROTECTION ON THE ENACTMENT
OF THE 2005-2006 STATE BUDGET**

Honorable Members of the General Conference Committee:

Over the past several days the Subcommittee on Public Protection (the "Subcommittee") has met on five occasions to resolve differences between the Senate and the Assembly on implementation of those portions of the 2005-2006 State 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 report 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 \$45 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.

II. Article VII Issues:

The Subcommittee has discussed the Article VII bill included in the Executive budget and Senate budget as well as the changes to the Article VII bill proposed in the Assembly resolution.

The Subcommittee has agreed to:

1. Enact the Executive proposal to establish the Attica State Employee Victim's Account to provide compensation to state employees injured in the Attica prison uprising;

2. Enact the Executive proposal to permit quarterly reimbursement to the Office of Court Administration from the indigent legal services fund;

3. Enact the Executive proposal which extends the motor vehicle law enforcement fee;

4. Enact the Executive proposal to extend various criminal justice programs and fees, with the modification that rather than the five year extension proposed by the Governor, the Subcommittee agrees to extend determinate sentencing for four years and all other criminal justice programs and fees, including the Temporary State Commission of Investigation, for two years;

5. Enact the Executive proposal, with modifications, which clarifies provisions for collection and use of wireless surcharges;

6. Enact the Executive proposal to provide updated photos of registered sex offenders, with certain modifications, and reject for the present time the Executive proposal to post information regarding all registered sex offenders on the Internet with the agreement that this proposal as well as other proposed revisions to Megan's Law will be discussed between the respective houses after enactment of the budget;

7. Enact legislation to require the Department of Correctional Services to provide to the legislature an annual report on staffing of correctional facilities;

8. Enact the Executive proposal to raise the compensation of the Superintendent of State Police by \$9,000 annually;

9. Enact the Senate proposal to retain the 16 temporary troopers assigned to security at the Empire State Plaza and Capitol;

10. Enact legislation to extend various legislative commissions for one year;

11. Enact legislation to require the Department of Correctional Services, to give one year prior notice of any closure of a correction facility, and to require the department to undertake certain actions prior to such closure pursuant to an adaptive reuse plan.

12. Reject the Executive proposal to establish a new aggregate weight standard for laboratory analysis of illegal drug evidence;

13. Reject the Executive proposal to extend from 5 days to 10 days the period of time in which parole is permitted to act upon out of state parole violators;

14. Reject the Executive proposal to merge the Division of Probation and Correctional Alternatives into the Division of Criminal Justice Services;

15. Reject the Executive proposal to establish an automated speed photo monitoring system and expand the use of red light cameras;

16. Reject the Executive proposal to allow for business records to be submitted to the grand jury by means of an affidavit;

17. Reject the Executive proposal to increase the civil penalty for unfair and deceptive business practices;

The Subcommittee further agrees that these decisions and agreements made with respect to the Article VII and language issues are contingent upon resolution by the general conference committee of a proposed reduction in spending in the Division of Parole. The Public Protection Conference Subcommittee recommends that this reduction be eliminated. Further, the Senate and Assembly mutually withdraw their recommendations to reduce year-to-year funding for the Statewide Wireless Network.

III. Other Issues:

The Subcommittee has discussed the concerns of the members regarding certain aspects of the administration of the Office of Homeland Security. As a result of our public discussion of these concerns, the Subcommittee has received a letter from the Executive which has satisfied the concerns raised. A copy of the letter is attached to this report as appendix "B".

The Subcommittee has also discussed and begun drafting a memorandum of understanding with regard to the administration of the Legal Services Assistance Account which was established in a prior fiscal year for the purpose of providing funds for reimbursement of services and expenses incurred by criminal and civil legal service providers. We expect to have the memorandum finalized in the coming days.

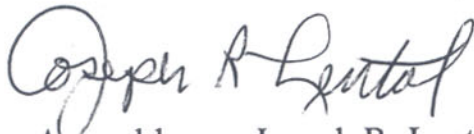
Language in the Executive proposal for the Capital Defender Office stipulates that if the Legislature fails to reenact the death penalty by June 30th, 2005 no more than 30% of the enacted appropriations may be utilized. The Subcommittee recommends that appropriations for the CDO be reduced by 50% if the death penalty is not reinstated by June 30, 2005. The Executive proposal includes no year-to-year funding reductions in appropriations for training and prosecution in capital cases, while the Subcommittee recommends that such appropriations be reduced by 50% if the death penalty is not reinstated by June 30, 2005.

The Subcommittee has discussed the legislative resolutions that contain proposals which seek funding reductions to the Judiciary and other State agencies. These proposals have been forwarded to the General Conference Committee for further consideration.

Lastly, the Subcommittee has also agreed that the appropriation to the Office for the Prevention of Domestic Violence be amended to provide a separate appropriation to the batterers' prevention program.



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 Ruth Hassell-Thompson (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, 2005.

PUBLIC PROTECTION CONFERENCE COMMITTEE - TABLE AGREEMENTS
TABLE TARGET = \$45,000,000

Department of Correctional Services

Restore Half Year Funding: Groveland Annex	1,800,000
Restore Half Year Funding: Greene Special Housing Unit (SHU)	500,000
Full Year Restoration: Camp Pharsalia	7,000,000
Full Year Restoration: Camp McGregor	6,000,000
Full Year Restoration: Watertown SHU	400,000
Full Year Restoration: Fulton	6,700,000
SUBTOTAL	22,400,000

Division of Criminal Justice Services

Westchester County Policing	2,600,000
Indigent Parolee Representation Program	580,000
New York Prosecutors Training Institute	134,000
Lifespan Elder Abuse Project	100,000
Education and Assistance Corporation	500,000
Erie County DA Comprehensive Assault Abuse Rape Program	75,000
Onondaga County DA Witness Protection Program	50,000
Onondaga County DA Information Technology Case Management	184,000
Monroe County Forensic Crime Laboratory	200,000
For restoration of anti-drug, anti-violence, crime control, prevention and treatment programs.	3,717,000
SUBTOTAL	8,140,000

Department of Law

Negotiated Salary Increases	4,200,000
Document Management System	3,500,000
Additional Funding: Anti-Crime and Anti-Fraud Initiatives	1,000,000
Deceptive Practices Article VII Rejection	600,000
SUBTOTAL	9,300,000

Division of Military and Naval Affairs

Maritime Security Watercraft	450,000
SUBTOTAL	450,000

Division of Parole

Deny Attrition of 47 FTE Positions	2,100,000
Reject Warrant Processing Article VII	200,000
SUBTOTAL	2,300,000

Office for the Prevention of Domestic Violence

Restoration to the Batterers Intervention Program	210,000
SUBTOTAL	210,000

Division of State Police

Extend Authorization for 16 Temporary Troopers	1,200,000
Deny "Aggregate Weight" Article VII	1,000,000
SUBTOTAL	2,200,000

GRAND TOTAL	45,000,000
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STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

GEORGE E. PATAKI
GOVERNOR

March 19, 2005

WILLIAM F. HOWARD
FIRST DEPUTY SECRETARY
TO THE GOVERNOR

Dear Assemblywoman Destito:

It is my understanding that in the course of the Public Protection Joint Fiscal Committee meetings, issues have been raised regarding Legislative access to certain information regarding the allocation of federal homeland security dollars to local governments throughout New York State. In conversations with you and Senator Balboni, it would appear that these concerns have arisen in relation to the receipt of such funds by local governments against the broader overlay of the State's homeland security strategy.

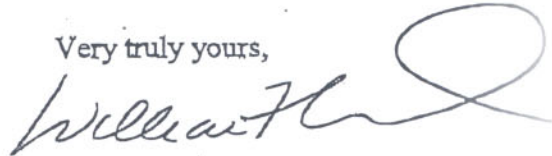
The interest that has been demonstrated by Senator Balboni and yourself has been appreciated and your willingness to review sensitive homeland security information under conditions that recognize the public safety risks if such information were disclosed, has been essential to the homeland security mission. It was this spirit of cooperation and participation that allowed for the bipartisan approval of anti-terror legislation that has gone a long way toward ensuring public safety during such difficult times.

As you know, Chapter 1 of the Laws of 2004, established the New York State Office of Homeland Security (OHS) and re-emphasized a partnership agreement between the Executive and the Legislature in relation to homeland security. The statute provided designated legislative representatives with unprecedented access to security information and formalized the relationships between the parties on such issues as security information, budget development and funding. It is my view that Chapter 1 offers sufficient avenues to continue and expand discussions on the issues that have been raised by the Senate and the Assembly. In the interest of more firmly restating my interpretation of such purposes, I would like to advise you that as the designated Legislative representatives, it is my understanding and commitment that information relating to homelands security funding allocations to local governments as well as information regarding the State's homeland security strategy should be provided, subject to the conditions of the non-disclosure agreements that you have signed previously, when requested. It would further be my view, that as the designated legislative representatives, you would be able to receive information about funding allocations to local governments based on requests from your Legislative colleagues, and would be permitted to share such information based on sensitivity to public security concerns.

It has been a pleasure working with both Senator Balboni and yourself, and I believe that we can fulfill the stated desire to secure more information about homeland security funding when requested, without the need for additional layers of reporting requirements, but rather, subject to the broad purposes of our bipartisan accomplishment in Chapter 1 of the Laws of 2004.

Please let me know if I can be of any additional assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "William F. Miller". The signature is written in dark ink and is positioned to the right of the typed name "William F. Miller".

Honorable RoAnn M. Destito
Member, New York State Assembly
Legislative Office Building
Room 621
Albany, New York 12248