

4485

2013-2014 Regular Sessions

I N   S E N A T E

April 3, 2013

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Introduced by Sen. NOZZOLIO -- (at request of the State Comptroller) --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Codes

AN ACT to amend the penal law, in relation to the refund of certain  
mandatory surcharges and fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 4 of section 60.35 of the penal law, as amended  
2     by section 1 of part E of chapter 56 of the laws of 2004, is amended to  
3     read as follows:  
4     4. Any person who has paid a mandatory surcharge, sex offender regis-  
5     tration fee, DNA databank fee, a crime victim assistance fee or a  
6     supplemental sex offender victim fee under the authority of this section  
7     based upon a conviction that is subsequently reversed or who paid a  
8     mandatory surcharge, sex offender registration fee, DNA databank fee, a  
9     crime victim assistance fee or supplemental sex offender victim fee  
10    under the authority of this section which is ultimately determined not  
11    to be required by this section shall be entitled to a refund of such  
12    mandatory surcharge, sex offender registration fee, DNA databank fee,  
13    crime victim assistance fee or supplemental sex offender victim fee upon  
14    application, IN THE CASE OF A TOWN OR VILLAGE COURT, to the state comp-  
15    troller. The state comptroller shall require such proof as is necessary  
16    in order to determine whether a refund is required by law. IN ALL OTHER  
17    CASES, SUCH APPLICATION SHALL BE MADE TO THE DEPARTMENT, AGENCY OR COURT  
18    THAT COLLECTED SUCH SURCHARGE OR FEE. SUCH DEPARTMENT, AGENCY OR COURT  
19    SHALL INITIATE THE REFUND PROCESS AND THE STATE COMPTROLLER SHALL PAY  
20    THE REFUND PURSUANT TO SUBDIVISION FIFTEEN OF SECTION EIGHT OF THE STATE  
21    FINANCE LAW.  
22    S 2. This act shall take effect immediately.

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

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