

5334

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law and the penal law, in relation to payment of a fee by persons sentenced to probation

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

1 Section 1. The executive law is amended by adding a new section 246-a
2 to read as follows:
3 S 246-A. REIMBURSEMENT FOR PROBATION SERVICES. 1. A COUNTY PROBATION
4 SERVICES OR THE PROBATION SERVICES OF NEW YORK CITY, AT LOCAL OPTION,
5 MAY MAKE A PERSON WHO RECEIVES A SENTENCE OF PROBATION PURSUANT TO ARTI-
6 CLE SIXTY-FIVE OF THE PENAL LAW CHARGEABLE WITH REIMBURSEMENT TO SUCH
7 COUNTY PROBATION SERVICES OR TO SUCH PROBATION SERVICES OF NEW YORK CITY
8 HAVING SUPERVISION OVER SUCH PERSON; PROVIDED HE OR SHE IS OF SUFFICIENT
9 MEANS OR ABLE TO EARN SUCH MEANS. REIMBURSEMENT PAYMENTS OF SUCH
10 REIMBURSEMENT PURSUANT TO THIS SECTION SHALL BE PAYABLE MONTHLY AND
11 SHALL NOT EXCEED THAT AMOUNT ACTUALLY EXPENDED FOR PROVISION OF SUCH
12 PROBATION SERVICES BY A COUNTY OR CITY DURING THE PERIOD THE PROBATIONER
13 IS ON PROBATION. THE SENTENCING COURT MAY MAKE REIMBURSEMENT PURSUANT
14 TO AN ADJUSTABLE SCALE A CONDITION OF PROBATION IN SUCH COUNTY OR CITY
15 AFTER CONSIDERATION OF ALL RELEVANT FACTORS, INCLUDING THE
16 PROBATIONER'S:
17 (A) FINANCIAL RESOURCES, ASSETS AND EXPENSES,
18 (B) HEALTH,
19 (C) AGE,
20 (D) CURRENT CHILD SUPPORT AND MAINTENANCE COURT ORDERS,
21 (E) OUTSTANDING COURT ORDERED FINES OR RESTITUTION OR CURRENT INCOME
22 EXECUTIONS OR INCOME DEDUCTION ORDERS, AND
23 (F) ANY OTHER FACTOR WHICH THE COURT SHALL EXPRESSLY FIND TO BE JUST
24 AND PROPER.

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

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1 2. THE SENTENCING COURT SHALL ORDER PAYMENT OF REIMBURSEMENT BY THE
2 PROBATIONER, PURSUANT TO SUBDIVISION ONE OF THIS SECTION, TO THE LOCAL
3 PROBATION SERVICES HAVING SUPERVISION OVER SUCH PERSON.

4 S 2. Subdivision 3 of section 65.10 of the penal law is amended by
5 adding a new paragraph (d) to read as follows:

6 (D) PAY A FEE FOR PROBATION SERVICES PURSUANT TO SECTION TWO HUNDRED
7 FORTY-SIX-A OF THE EXECUTIVE LAW.

8 S 3. This act shall take effect on the first of November next succeed-
9 ing the date on which it shall have become a law.