

5096

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. AUBRY, DIAZ -- read once and referred to the
Committee on Codes

AN ACT to amend the criminal procedure law, in relation to allowing a
court to waive certain surcharges and fees; and to repeal certain
provisions of such law relating thereto

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

1 Section 1. Subdivision 2 of section 420.35 of the criminal procedure
2 law is REPEALED and a new subdivision 2 is added to read as follows:
3 2. A COURT MAY WAIVE ANY MANDATORY SURCHARGE, ADDITIONAL SURCHARGE,
4 TOWN OR VILLAGE SURCHARGE, THE CRIME VICTIM ASSISTANCE FEE, DNA DATABANK
5 FEE, SEX OFFENDER REGISTRATION FEE AND/OR SUPPLEMENTAL SEX OFFENDER
6 VICTIM FEE WHEN THE COURT FINDS THAT:
7 (A) THE IMPOSITION OF SUCH SURCHARGE OR FEE WOULD WORK AN UNREASONABLE
8 HARDSHIP ON THE DEFENDANT, HIS OR HER IMMEDIATE FAMILY, OR ANY OTHER
9 PERSON WHO IS DEPENDENT ON SUCH DEFENDANT FOR FINANCIAL SUPPORT; OR
10 (B) AFTER CONSIDERING THE GOAL OF PROMOTING SUCCESSFUL AND PRODUCTIVE
11 REENTRY AND REINTEGRATION AS SET FORTH IN SUBDIVISION SIX OF SECTION
12 1.05 OF THE PENAL LAW, THE IMPOSITION OF SUCH SURCHARGE OR FEE WOULD
13 ADVERSELY IMPACT THE DEFENDANT'S REINTEGRATION INTO SOCIETY.
14 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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