S T A T E O F N E W Y O R K

5139

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. P. RIVERA, WALKER -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARRA, BRENNAN, BRODSKY, BURLING, BUTLER, CLARK, COLTON, COOK, CROUCH, CYMBROWITZ, DESTITO, EDDINGTON, ERRIGO, ESPAILLAT, FARRELL, GALEF, GIANARIS, GREENE, HAYES, HEASTIE, HOOPER, JOHN, MARKEY, MAYERSOHN, McDONOUGH, McENENY, MILLER, OAKS, ORTIZ, PERRY, PHEFFER, POWELL, J. RIVERA, N. RIVERA, THIELE, TOWNS, TOWNSEND, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to imposing an additional surcharge for violations relating to driving while intoxicated and while impaired; and to amend the state finance law, in relation to establishing the New York state victims of drunk driving trust fund

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

Section 1. Subdivisions 1 and 2 of section 1809-c of the vehicle and traffic law, as added by section 37 of part J of chapter 62 of the laws of 2003, are amended to read as follows:

1. Notwithstanding any other provision of law, whenever proceedings in a court of this state result in a conviction pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence or other surcharge required or permitted by law, an additional surcharge of [twenty-five] THIRTY-FIVE dollars.

2. The additional surcharge provided for in subdivision one of this section shall be paid to the clerk of the court that rendered the conviction. Within the first ten days of the month following collection of the surcharge the collecting authority shall determine the amount of surcharge collected and it shall pay such money to the state comptroller who shall deposit TWENTY-FIVE DOLLARS OF such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund AND TEN DOLLARS OF SUCH MONEY IN THE

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

LBD06509-01-9

STATE TREASURY PURSUANT TO SECTION ONE HUNDRED TWENTY-ONE OF THE STATE FINANCE LAW TO THE CREDIT OF THE NEW YORK STATE VICTIMS OF DRUNK DRIVING TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW.

S 2. The state finance law is amended by adding a new section 89-h to read as follows:

S 89-H. NEW YORK STATE VICTIMS OF DRUNK DRIVING TRUST FUND. 1. THERE IS HEREBY ESTABLISHED, IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK STATE VICTIMS OF DRUNK DRIVING TRUST FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONEYS RECEIVED BY THE COMPTROLLER PURSUANT TO SECTION EIGHTEEN HUNDRED NINE-C OF THE VEHICLE AND TRAFFIC LAW, AND ALL OTHER GRANTS, BEQUESTS AND OTHER MONEYS APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. MONEYS IN THE NEW YORK STATE VICTIMS OF DRUNK DRIVING TRUST FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER.

4. THE MONEYS OF THE NEW YORK STATE VICTIMS OF DRUNK DRIVING TRUST FUND, FOLLOWING APPROPRIATION THEREOF, SHALL BE EXPENDED AS FOLLOWS:

(A) ONE-THIRD OF SUCH MONEYS SHALL BE EXPENDED BY THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES PURSUANT TO TITLE D OF THE MENTAL HYGIENE LAW FOR ADOLESCENT ALCOHOL ABUSE PREVENTION PROGRAMS IN COMMUNITIES WITH THE HIGHEST DOCUMENTED NEED FOR INTERVENTION AS DETERMINED BY THE COMMISSIONER OF SUCH OFFICE;

(B) ONE-THIRD OF SUCH MONEYS SHALL BE EXPENDED BY THE CRIME VICTIMS BOARD PURSUANT TO ARTICLE TWENTY-TWO OF THE EXECUTIVE LAW TO PROVIDE COMPENSATION TO VICTIMS OF VIOLATIONS OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, AND THE FAMILIES OF SUCH VICTIMS; AND

(C) ONE-THIRD OF SUCH MONEYS SHALL BE ALLOCATED TO THE JURISDICTION WITH A SPECIAL TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED ESTABLISHED PURSUANT TO SECTION ELEVEN HUNDRED NINETY-SEVEN OF THE VEHICLE AND TRAFFIC LAW IN WHICH SUCH MONEYS WERE COLLECTED, AND EXPENDED BY SUCH JURISDICTION PURSUANT TO SUCH SECTION.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law and shall apply to offenses committed on or after such effective date.