

4703

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LEIBELL -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, the penal law and the state finance law, in relation to creating a pilot program for parent workshops for parents of newborn infants who may be considered at risk for negative parenting outcomes in order to prevent juvenile delinquent behavior and to provide funding therefor through an increase in, and segregation of, the crime victim assistance fees

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 75 to
2 read as follows:
3 S 75. PARENTING WORKSHOP PILOT PROGRAM. 1. LEGISLATIVE FINDINGS. THE
4 LEGISLATURE FINDS AND DECLARES THAT JUVENILE CRIME HAS BEEN STEADILY
5 INCREASING IN NEW YORK STATE AT AN ALARMING RATE. IT IS UNDERSTOOD THAT
6 CHILDREN DO NOT SUDDENLY BECOME PRONE TO DELINQUENT OR VIOLENT BEHAVIOR,
7 BUT THAT SUCH BEHAVIOR MAY BE ATTRIBUTABLE TO THE FAMILY AND COMMUNITY
8 ENVIRONMENT IN WHICH THEY HAVE DEVELOPED. RESEARCHERS HAVE FOUND A
9 NUMBER OF RISK FACTORS ASSOCIATED WITH, OR INDICATIONS OF PROCLIVITY
10 TOWARDS, JUVENILE DELINQUENCY AND YOUTH VIOLENCE, MANY OF WHICH ARE
11 ROOTED WITHIN THE FAMILY. THESE RISK FACTORS INCLUDE CHILD ABUSE OR
12 NEGLECT, LACK OF PARENT AND CHILD BONDING, UNDULY HARSH OR ERRATIC
13 PARENTAL DISCIPLINE, AND PARENTAL ABSENCE.
14 THE LEGISLATURE THEREFORE DECLARES THAT A PILOT PROGRAM DIRECTED
15 TOWARD PARENTS OF NEWBORN INFANTS CONSIDERED TO BE AT RISK FOR NEGATIVE
16 PARENTING OUTCOMES BE DEVELOPED IN AN EFFORT TO REDUCE, AT THE EARLIEST
17 OPPORTUNITY, MANY OF THE FAMILY RISK FACTORS ATTRIBUTABLE TO JUVENILE
18 DELINQUENCY AND YOUTH VIOLENCE. IT IS BELIEVED THAT CREATING A PARENTING
19 WORKSHOP PROGRAM AT SIX VARIOUS LOCATIONS THROUGHOUT THE STATE WHICH
20 WOULD INCLUDE PARENTS FROM BOTH RURAL AND URBAN AREAS, AS BOTH OF THESE
21 AREAS HAVE EXPERIENCED AN INCREASE IN JUVENILE CRIME, AND WHICH WOULD

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

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1 INCLUDE BOTH PARENTS DEEMED AT RISK, AS WELL AS THOSE WHO ARE NOT AT
2 RISK IN ORDER TO ELIMINATE ANY STIGMATIZATION OF THE AT RISK PARENTS,
3 WILL LIKELY ATTRACT THOSE PARENTS MOST IN NEED.

4 2. PARENTING WORKSHOP PILOT PROGRAM. (A) THE ATTORNEY GENERAL IS
5 HEREBY AUTHORIZED AND DIRECTED TO ESTABLISH A PARENTING WORKSHOP PILOT
6 PROGRAM WITHIN NEW YORK STATE. SUCH PILOT PROGRAM MAY PROVIDE FOR THE
7 ESTABLISHMENT OF LOCAL PARENTING WORKSHOP PROGRAMS IN LONG ISLAND, NEW
8 YORK CITY, WESTCHESTER COUNTY, THE CAPITAL DISTRICT, BINGHAMTON, WATER-
9 TOWN, BUFFALO, SYRACUSE, AND ROCHESTER. THE PURPOSE OF THE PILOT PROGRAM
10 WOULD BE TO ESTABLISH LOCAL PARENTING WORKSHOP PROGRAMS THAT WOULD
11 PROVIDE PARENT TRAINING, EDUCATION AND INFORMATION, IN AN EFFORT TO
12 ASSIST AND EDUCATE PARENTS AND CHILDREN, AND IN AN EFFORT TO:

13 (I) DEVELOP IMPROVED PARENTING AND FAMILY INTERACTION SKILLS;
14 (II) PROMOTE POSITIVE CHILD DEVELOPMENT;
15 (III) PROMOTE PRIMARY EDUCATION;
16 (IV) REDUCE THE INCIDENCE OF CHILD ABUSE, NEGLECT AND MISTREATMENT;
17 AND

18 (V) REDUCE THE INCIDENCE OF JUVENILE DELINQUENCY AND CRIME.

19 (B) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE COMMISSIONER OF THE
20 OFFICE OF CHILDREN AND FAMILY SERVICES, SHALL PROMULGATE REGULATIONS AND
21 REQUIREMENTS FOR THE ESTABLISHMENT OF THE PARENTING WORKSHOP PILOT
22 PROGRAM. THE REGULATIONS ESTABLISHING THE PARENTING WORKSHOP PILOT
23 PROGRAM SHALL ALSO PROVIDE FOR A PROCEDURE BY WHICH THE ATTORNEY GENERAL
24 MAY DESIGNATE SPONSORS FOR LOCAL PARENTING WORKSHOP PROGRAMS FOR EACH
25 LOCALITY TO BE SERVED. CONSISTENT WITH THE FOREGOING, A PROSPECTIVE
26 SPONSOR OF A LOCAL PARENTING WORKSHOP PROGRAM SHALL SUBMIT A PROPOSAL
27 FOR APPROVAL BY THE ATTORNEY GENERAL WHICH DESCRIBES:

28 (I) THE SPECIFIC POPULATION TO BE SERVED;
29 (II) THE MANNER IN WHICH SUCH POPULATION WILL BE IDENTIFIED;
30 (III) THE SPECIFIC PARENTING SERVICES TO BE PROVIDED;
31 (IV) THE MANNER IN WHICH SUCH PARENTING SERVICES SHALL BE PROVIDED;
32 (V) ALL ASSOCIATED COSTS;
33 (VI) THE EXPECTED BENEFITS OF THE LOCAL PARENTING WORKSHOP PROGRAM;
34 (VII) THE METHOD TO BE UTILIZED TO MEASURE THE EFFECTIVENESS OF THE
35 LOCAL PARENTING WORKSHOP PROGRAM; AND

36 (VIII) SUCH OTHER INFORMATION AS THE ATTORNEY GENERAL MAY DEEM NECES-
37 SARY TO ASSURE THE SUCCESS AND SAFETY OF THE LOCAL PARENTING WORKSHOP
38 PROGRAM.

39 3. APPROVAL AND TERMS OF SPONSORS AND LOCAL PARENTING WORKSHOP
40 PROGRAMS. THE WRITTEN APPROVAL OF A SPONSOR'S APPLICATION BY THE ATTOR-
41 NEY GENERAL SHALL CONSTITUTE AUTHORIZATION TO A SPONSOR TO COMMENCE A
42 LOCAL PARENTING WORKSHOP PROGRAM.

43 SUCH AUTHORIZATION SHALL BE IN EFFECT FOR THREE YEARS, ABSENT REVOCATION
44 OR EXTENSION BY THE ATTORNEY GENERAL.

45 4. REPORTING AND EVALUATION OF THE PROGRAM. ON OR BEFORE EACH ONE YEAR
46 ANNIVERSARY OF THE PILOT PROGRAM'S INCEPTION, THE ATTORNEY GENERAL SHALL
47 SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE CONCERNING THE LOCAL
48 PARENTING WORKSHOP PROGRAMS ESTABLISHED HEREUNDER AND SHALL PROVIDE AN
49 EVALUATION AS TO THE EFFECTIVENESS OF THE PILOT PROGRAM IN MEETING THE
50 PURPOSES FOR WHICH IT WAS ESTABLISHED. SUCH REPORT SHALL ALSO RECOMMEND
51 WHETHER THE PILOT PROGRAM SHOULD BE EXPANDED TO ADDITIONAL LOCATIONS IN
52 THE STATE AND SHALL ESTIMATE THE FINANCIAL COST OF ANY SUCH EXPANSION.

53 5. FUNDING. THE FUNDING FOR THIS PROGRAM SHALL BE OBTAINED FROM THAT
54 PORTION OF THE INCREASED FEES COLLECTED UNDER THE CRIME VICTIM ASSIST-
55 ANCE FEES PURSUANT TO SECTION 60.35 OF THE PENAL LAW WHICH ARE IMPOSED
56 WHERE THE VICTIM OF A CRIME IS A PERSON EIGHTEEN YEARS OF AGE OR YOUNGER

1 AND WHICH FEES HAVE BEEN REMITTED TO THE STATE COMPTROLLER AND SEGRE-
2 GATED IN THE BETTER PARENTING TRUST ACCOUNT PURSUANT TO SECTION NINETY-
3 SEVEN-KKKK OF THE STATE FINANCE LAW.

4 S 2. Section 80.05 of the penal law is amended by adding a new subdi-
5 vision 7 to read as follows:

6 7. THE TERM "FINE" AS DEFINED IN THIS SECTION SHALL NOT INCLUDE A
7 MANDATORY SURCHARGE OR A CRIME VICTIM ASSISTANCE FEE AS DEFINED IN
8 SECTION 60.35 OF THIS CHAPTER.

9 S 3. Section 60.35 of the penal law, as amended by section 1 of part E
10 of chapter 56 of the laws of 2004, subparagraphs (i), (ii) and (iii) of
11 paragraph (a) of subdivision 1 as amended by section 1 of part DD of
12 chapter 56 of the laws of 2008, paragraph (b) of subdivision 1 as
13 amended by chapter 320 of the laws of 2006, and subdivision 10 as
14 amended by section 2 of part Y of chapter 56 of the laws of 2008, is
15 amended to read as follows:

16 S 60.35 Mandatory surcharge, sex offender registration fee, DNA databank
17 fee, supplemental sex offender victim fee and crime victim
18 assistance fee required in certain cases.

19 1. (a) Except as provided in section eighteen hundred nine of the
20 vehicle and traffic law and section 27.12 of the parks, recreation and
21 historic preservation law, whenever proceedings in an administrative
22 tribunal or a court of this state result in a conviction for a felony, a
23 misdemeanor, or a violation, as these terms are defined in section 10.00
24 of this chapter, there shall be levied at sentencing a mandatory
25 surcharge, sex offender registration fee, DNA databank fee and a crime
26 victim assistance fee in addition to any sentence required or permitted
27 by law, in accordance with the following schedule:

28 (I) A PERSON CONVICTED OF A VIOLENT FELONY OFFENSE, AS DEFINED IN
29 SECTION 70.02 OF THIS CHAPTER, SHALL PAY A MANDATORY SURCHARGE OF TWO
30 HUNDRED FIFTY DOLLARS AND A CRIME VICTIM ASSISTANCE FEE OF TWO HUNDRED
31 FIFTY DOLLARS;

32 [(i)] (II) a person convicted of [a] ANY OTHER felony shall pay a
33 mandatory surcharge of [three hundred] TWO HUNDRED FIFTY dollars and a
34 crime victim assistance fee of [twenty-five] ONE HUNDRED FIFTY dollars;

35 [(ii)] (III) a person convicted of a misdemeanor shall pay a mandatory
36 surcharge of one hundred [seventy-five] dollars and a crime victim
37 assistance fee of [twenty-five] SEVENTY-FIVE dollars;

38 [(iii)] (IV) a person convicted of a violation shall pay a mandatory
39 surcharge of [ninety-five] FIFTY dollars and a crime victim assistance
40 fee of twenty-five dollars;

41 [(iv)] (V) a person convicted of a sex offense as defined by subdivi-
42 sion two of section one hundred sixty-eight-a of the correction law or a
43 sexually violent offense as defined by subdivision three of section one
44 hundred sixty-eight-a of the correction law shall, in addition to a
45 mandatory surcharge and crime victim assistance fee, pay a sex offender
46 registration fee of fifty dollars.

47 [(v)] (VI) a person convicted of a designated offense as defined by
48 subdivision seven of section nine hundred ninety-five of the executive
49 law shall, in addition to a mandatory surcharge and crime victim assist-
50 ance fee, pay a DNA databank fee of fifty dollars.

51 (b) When the felony or misdemeanor conviction in subparagraphs [(i),
52 (ii) or (iv)] (II), (III), OR (V) of paragraph (a) of this subdivision
53 results from an offense contained in article one hundred thirty of this
54 chapter, incest in the third, second or first degree as defined in
55 sections 255.25, 255.26 and 255.27 of this chapter or an offense
56 contained in article two hundred sixty-three of this chapter, the person

1 convicted shall pay a supplemental sex offender victim fee of one thou-
2 sand dollars in addition to the mandatory surcharge and any other fee.

3 2. Where a person is convicted of two or more crimes or violations
4 committed through a single act or omission, or through an act or omis-
5 sion which in itself constituted one of the crimes or violations and
6 also was a material element of the other, the court shall impose a
7 mandatory surcharge and a crime victim assistance fee, and where appro-
8 priate a supplemental sex offender victim fee, in accordance with the
9 provisions of this section for the crime or violation which carries the
10 highest classification, and no other sentence to pay a mandatory
11 surcharge, crime victim assistance fee or supplemental sex offender
12 victim fee required by this section shall be imposed. Where a person is
13 convicted of two or more sex offenses or sexually violent offenses, as
14 defined by subdivisions two and three of section one hundred sixty-
15 eight-a of the correction law, committed through a single act or omis-
16 sion, or through an act or omission which in itself constituted one of
17 the offenses and also was a material element of the other, the court
18 shall impose only one sex offender registration fee. Where a person is
19 convicted of two or more designated offenses, as defined by subdivision
20 seven of section nine hundred ninety-five of the executive law, commit-
21 ted through a single act or omission, or through an act or omission
22 which in itself constituted one of the offenses and also was a material
23 element of the other, the court shall impose only one DNA databank fee.

24 3. The mandatory surcharge, sex offender registration fee, DNA data-
25 bank fee, [crime victim assistance fee,] and supplemental sex offender
26 victim fee provided for in subdivision one of this section shall be paid
27 to the clerk of the court or administrative tribunal that rendered the
28 conviction. Within the first ten days of the month following collection
29 of the mandatory surcharge, [crime victim assistance fee,] and supple-
30 mental sex offender victim fee, the collecting authority shall determine
31 the amount of mandatory surcharge, [crime victim assistance fee,] and
32 supplemental sex offender victim fee collected and, if it is an adminis-
33 trative tribunal, or a town or village justice court, it shall then pay
34 such money to the state comptroller who shall deposit such money in the
35 state treasury pursuant to section one hundred twenty-one of the state
36 finance law to the credit of the criminal justice improvement account
37 established by section ninety-seven-bb of the state finance law. Within
38 the first ten days of the month following collection of the sex offender
39 registration fee and DNA databank fee, the collecting authority shall
40 determine the amount of the sex offender registration fee and DNA data-
41 bank fee collected and, if it is an administrative tribunal, or a town
42 or village justice court, it shall then pay such money to the state
43 comptroller who shall deposit such money in the state treasury pursuant
44 to section one hundred twenty-one of the state finance law to the credit
45 of the general fund. If such collecting authority is any other court of
46 the unified court system, it shall, within such period, pay such money
47 attributable to the mandatory surcharge [or crime victim assistance fee]
48 to the state commissioner of taxation and finance to the credit of the
49 criminal justice improvement account established by section ninety-sev-
50 en-bb of the state finance law. If such collecting authority is any
51 other court of the unified court system, it shall, within such period,
52 pay such money attributable to the sex offender registration fee and the
53 DNA databank fee to the state commissioner of taxation and finance to
54 the credit of the general fund.

55 4. WITHIN THE FIRST TEN DAYS FOLLOWING THE PRONOUNCEMENT OF SENTENCE
56 OF THE CONVICTED OFFENDER, THE CLERK OF THE COURT PRONOUNCING THE

1 SENTENCE SHALL CALCULATE AND DETERMINE THE AMOUNT OF THE CRIME VICTIM
2 ASSISTANCE FEE PROVIDED FOR IN SUBDIVISION ONE OF THIS SECTION. IMME-
3 DIATELY THEREAFTER, THE CONVICTED OFFENDER SHALL PAY TO THE CLERK OF THE
4 COURT OR ADMINISTRATIVE TRIBUNAL THAT RENDERED THE CONVICTION THE FULL
5 AMOUNT OF THE CRIME VICTIM ASSISTANCE FEE SO CALCULATED AND DETERMINED,
6 AND SUCH COURT SHALL THEREUPON ACT AS THE COLLECTING AUTHORITY. IF SUCH
7 COLLECTING AUTHORITY IS AN ADMINISTRATIVE TRIBUNAL, OR A TOWN OR VILLAGE
8 JUSTICE COURT, IT SHALL THEN PAY SUCH MONEY TO THE STATE COMPTROLLER WHO
9 SHALL DEPOSIT SUCH MONEY IN THE STATE TREASURY PURSUANT TO SECTION ONE
10 HUNDRED TWENTY-ONE OF THE STATE FINANCE LAW TO THE CREDIT OF THE CRIME
11 VICTIM ASSISTANCE ACCOUNT ESTABLISHED BY SECTION NINETY-SEVEN-JJJJ OF
12 THE STATE FINANCE LAW, UNLESS THE VICTIM OF THE CRIME FOR WHICH THE
13 OFFENDER HAS BEEN CONVICTED WAS LESS THAN NINETEEN YEARS OF AGE AT THE
14 TIME OF THE COMMISSION OF THE OFFENSE, THEN IN WHICH CASE THE COMP-
15 TROLLER SHALL DEPOSIT SUCH MONIES INTO THE BETTER PARENTING TRUST
16 ACCOUNT ESTABLISHED BY SECTION NINETY-SEVEN-KKKK OF THE STATE FINANCE
17 LAW. IF SUCH COLLECTING AUTHORITY IS ANY OTHER COURT OF THE UNIFIED
18 COURT SYSTEM, IT SHALL, WITHIN SUCH PERIOD, PAY SUCH MONEY TO THE STATE
19 COMMISSIONER OF TAXATION AND FINANCE TO THE CREDIT OF THE CRIME VICTIM
20 ASSISTANCE ACCOUNT ESTABLISHED BY SECTION NINETY-SEVEN-JJJJ OF THE STATE
21 FINANCE LAW, UNLESS THE VICTIM OF THE CRIME FOR WHICH THE OFFENDER HAS
22 BEEN CONVICTED IS LESS THAN NINETEEN YEARS OF AGE, IN WHICH CASE SUCH
23 MONEY SHALL BE CREDITED TO THE BETTER PARENTING TRUST ACCOUNT ESTAB-
24 LISHED BY SECTION NINETY-SEVEN-KKKK OF THE STATE FINANCE LAW.

25 5. Any person who has paid a mandatory surcharge, sex offender regis-
26 tration fee, DNA databank fee, a crime victim assistance fee or a
27 supplemental sex offender victim fee under the authority of this section
28 based upon a conviction that is subsequently reversed or who paid a
29 mandatory surcharge, sex offender registration fee, DNA databank fee, a
30 crime victim assistance fee or supplemental sex offender victim fee
31 under the authority of this section which is ultimately determined not
32 to be required by this section shall be entitled to a refund of such
33 mandatory surcharge, sex offender registration fee, DNA databank fee,
34 crime victim assistance fee or supplemental sex offender victim fee upon
35 application to the state comptroller. The state comptroller shall
36 require such proof as is necessary in order to determine whether a
37 refund is required by law.

38 [5.] 6. (a) When a person who is convicted of a crime or violation and
39 sentenced to a term of imprisonment has failed to pay the mandatory
40 surcharge, sex offender registration fee, DNA databank fee, crime victim
41 assistance fee or supplemental sex offender victim fee required by this
42 section, the clerk of the court that rendered the conviction shall noti-
43 fy the superintendent or the municipal official of the facility where
44 the person is confined. The superintendent or the municipal official
45 shall cause any amount owing to be collected from such person during his
46 or her term of imprisonment from moneys to the credit of an inmates'
47 fund or such moneys as may be earned by a person in a work release
48 program pursuant to section eight hundred sixty of the correction law OR
49 AS THEY MAY BE AWARDED TO SUCH INMATE PURSUANT TO LITIGATION OR SETTLE-
50 MENT OF LITIGATION. Such moneys, WITH RESPECT TO PAYMENT OF THE MANDA-
51 TORY SURCHARGE, attributable to the mandatory surcharge or crime victim
52 assistance fee shall be paid over to the state comptroller to the credit
53 of the criminal justice improvement account established by section nine-
54 ty-seven-bb of the state finance law and such moneys attributable to the
55 sex offender registration fee or DNA databank fee shall be paid over to
56 the state comptroller to the credit of the general fund, except that any

1 such moneys collected which are surcharges, sex offender registration
2 fees, DNA databank fees, crime victim assistance fees or supplemental
3 sex offender victim fees levied in relation to convictions obtained in a
4 town or village justice court shall be paid within thirty days after the
5 receipt thereof by the superintendent or municipal official of the
6 facility to the justice of the court in which the conviction was
7 obtained. ANY OTHER SUCH MONEYS, WITH RESPECT TO THE PAYMENT OF THE
8 CRIME VICTIM ASSISTANCE FEE FOR ANY OTHER CONVICTION SHALL BE PAID OVER
9 TO THE STATE COMPTROLLER TO THE CREDIT OF THE CRIME VICTIM ASSISTANCE
10 ACCOUNT ESTABLISHED BY SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE
11 LAW OR TO THE BETTER PARENTING TRUST ACCOUNT ESTABLISHED BY SECTION
12 NINETY-SEVEN-KKKK OF THE STATE FINANCE LAW IN THE MANNER PROVIDED IN
13 SUBDIVISION FOUR OF THIS SECTION. For the purposes of collecting such
14 mandatory surcharge, sex offender registration fee, DNA databank fee,
15 crime victim assistance fee, and supplemental sex offender victim fee,
16 the state shall be legally entitled to the money to the credit of an
17 inmates' fund or money which is earned by an inmate in a work release
18 program OR AS THEY MAY BE AWARDED TO SUCH INMATE PURSUANT TO LITIGATION
19 OR SETTLEMENT OF LITIGATION. For purposes of this subdivision, the term
20 "inmates' fund" shall mean moneys in the possession of an inmate at the
21 time of his or her admission into such facility, funds earned by him or
22 her as provided for in section one hundred eighty-seven of the
23 correction law and any other funds received by him or her or on his or
24 her behalf and deposited with such superintendent or municipal official,
25 OR FUNDS RECEIVED, INCLUDING ANY FUNDS THAT MAY BE AWARDED TO SUCH
26 INMATE PURSUANT TO LITIGATION OR SETTLEMENT OF LITIGATION.

27 (b) The incarceration fee provided for in subdivision two of section
28 one hundred eighty-nine of the correction law shall not be assessed or
29 collected if any order of restitution or reparation, fine, mandatory
30 surcharge, sex offender registration fee, DNA databank fee, crime victim
31 assistance fee or supplemental sex offender victim fee remains unpaid.
32 In such circumstances, any monies which may lawfully be withheld from
33 the compensation paid to a prisoner for work performed while housed in a
34 general confinement facility in satisfaction of such an obligation shall
35 first be applied toward satisfaction of such obligation.

36 [6.] 7. Notwithstanding any other provision of this section, where a
37 person has made restitution or reparation pursuant to section 60.27 of
38 this article, such person [shall] AT THE DISCRETION OF THE COURT, MAY
39 not be required to pay a mandatory surcharge or a crime victim assist-
40 ance fee.

41 [7.] 8. Notwithstanding the provisions of subdivision one of section
42 60.00 of this article, the provisions of subdivision one of this section
43 shall not apply to a violation under any law other than this chapter.

44 [8.] 9. Subdivision one of section 130.10 of the criminal procedure
45 law notwithstanding, at the time that the mandatory surcharge, sex
46 offender registration fee or DNA databank fee, crime victim assistance
47 fee or supplemental sex offender victim fee is imposed a town or village
48 court may, and all other courts shall, issue and cause to be served upon
49 the person required to pay the mandatory surcharge, sex offender regis-
50 tration fee or DNA databank fee, crime victim assistance fee or supple-
51 mental sex offender victim fee, a summons directing that such person
52 appear before the court regarding the payment of the mandatory
53 surcharge, sex offender registration fee or DNA databank fee, crime
54 victim assistance fee or supplemental sex offender victim fee, if after
55 sixty days from the date it was imposed it remains unpaid. The desig-
56 nated date of appearance on the summons shall be set for the first day

1 court is in session falling after the sixtieth day from the imposition
2 of the mandatory surcharge, sex offender registration fee or DNA data-
3 bank fee, crime victim assistance fee or supplemental sex offender
4 victim fee. The summons shall contain the information required by subdivi-
5 sion two of section 130.10 of the criminal procedure law except that
6 in substitution for the requirement of paragraph (c) of such subdivision
7 the summons shall state that the person served must appear at a date,
8 time and specific location specified in the summons if after sixty days
9 from the date of issuance the mandatory surcharge, sex offender regis-
10 tration fee or DNA databank fee, crime victim assistance fee or supple-
11 mental sex offender victim fee remains unpaid. The court shall not issue
12 a summons under this subdivision to a person who is being sentenced to a
13 term of confinement in excess of sixty days in jail or in the department
14 of correctional services. The mandatory surcharges, sex offender regis-
15 tration fee and DNA databank fees, crime victim assistance fees and
16 supplemental sex offender victim fees for those persons shall be
17 governed by the provisions of section 60.30 of this article.

18 [9.] 10. Notwithstanding the provisions of subdivision one of this
19 section, in the event a proceeding is in a town or village court, such
20 court shall add an additional five dollars to the surcharges imposed by
21 such subdivision one.

22 [10.] 11. The provisions of this section shall apply to sentences
23 imposed upon a youthful offender finding; provided, however that the
24 court shall not impose the sex offender registration fee, DNA databank
25 fee or supplemental sex offender victim fee, as defined in subparagraphs
26 (iv) and (v) of paragraph (a) and paragraph (b) of subdivision one of
27 this section, for an offense in which the conviction was substituted
28 with a youthful offender finding.

29 S 4. The state finance law is amended by adding a new section 97-jjjj
30 to read as follows:

31 S 97-JJJJ. CRIME VICTIM ASSISTANCE ACCOUNT. 1. THERE IS HEREBY ESTAB-
32 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE ATTORNEY
33 GENERAL A SPECIAL REVENUE FUND TO BE KNOWN AS THE "CRIME VICTIM ASSIST-
34 ANCE ACCOUNT".

35 2. THE CRIME VICTIM ASSISTANCE ACCOUNT SHALL CONSIST OF ALL MONIES
36 RECEIVED BY THE STATE PURSUANT TO SECTION 60.35 OF THE PENAL LAW AND ALL
37 OTHER FEES, FINES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED, APPROPRI-
38 ATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE.

39 3. MONIES OF THE CRIME VICTIM ASSISTANCE ACCOUNT SHALL BE MADE AVAIL-
40 ABLE FOR THE FOLLOWING PURPOSES:

41 A. FOR STATE OPERATION EXPENSES AND LOCAL ASSISTANCE SERVICES TO
42 PROVIDE SERVICES TO CRIME VICTIMS AND WITNESSES, INCLUDING ANY PARENTING
43 WORKSHOP PILOT PROGRAM WHICH MAY BE ESTABLISHED; AND

44 B. FOR GRANTS AND EXPENSES TO PRIVATE ASSOCIATIONS, SERVICES AND
45 PROGRAMS WHICH PROVIDE SERVICES TO CRIME VICTIMS AND WITNESSES; AND

46 C. FOR COMPENSATION PAYMENTS TO CRIME VICTIMS AND THEIR FAMILIES.

47 4. EXCEPT FOR PAYMENTS MADE IN SUPPORT OF ANY PARENTING WORKSHOP PILOT
48 PROGRAM ESTABLISHED IN ACCORDANCE WITH SECTION SEVENTY-FIVE OF THE EXEC-
49 UTIVE LAW, ALL MONIES ALLOCATED FROM THE CRIME VICTIM ASSISTANCE ACCOUNT
50 FOR STATE OPERATION EXPENSES AND LOCAL ASSISTANCE SERVICES, TO PROVIDE
51 SERVICES TO CRIME VICTIMS AND WITNESSES, SHALL NOT, IN THE AGGREGATE,
52 ANNUALLY EXCEED TEN PERCENT OF THE FUNDS OF THE ACCOUNT'S PREVIOUS
53 YEAR'S ANNUAL CASH BALANCE.

54 5. MONIES ALLOCATED FROM THE CRIME VICTIM ASSISTANCE ACCOUNT FOR
55 GRANTS AND EXPENSES TO PRIVATE ASSOCIATIONS, SERVICES AND PROGRAMS,
56 WHICH PROVIDE SERVICES TO CRIME VICTIMS AND WITNESSES, SHALL NOT, IN THE

1 AGGREGATE, ANNUALLY EXCEED TEN PERCENT OF THE FUNDS OF THE ACCOUNT'S
2 PREVIOUS YEAR'S ANNUAL CASH BALANCE. THE ATTORNEY GENERAL SHALL MAKE AN
3 ANNUAL RECOMMENDATION TO THE GOVERNOR AND THE LEGISLATURE AS TO THE
4 ALLOCATION OF THESE MONIES.

5 6. UPON THE PAYMENT OR COLLECTION OF A CRIME VICTIM ASSISTANCE FEE, OR
6 A PORTION THEREOF, FROM A CONVICTED OFFENDER, THE COMPTROLLER SHALL
7 DEPOSIT SUCH MONIES INTO THE CRIME VICTIM ASSISTANCE ACCOUNT. AT THE
8 REQUEST OF THE ATTORNEY GENERAL, THE COMPTROLLER SHALL PROVIDE FUNDING
9 FOR THE PARENTING WORKSHOP PILOT PROGRAM ESTABLISHED IN ACCORDANCE WITH
10 SECTION SEVENTY-FIVE OF THE EXECUTIVE LAW, BY PAYMENTS FROM SUCH
11 ACCOUNT.

12 7. A CRIME VICTIM SHALL BE ELIGIBLE TO APPLY TO THE ATTORNEY GENERAL
13 FOR A CRIME VICTIM PAYMENT ANY TIME AFTER A PAYMENT OR COLLECTION OF A
14 CRIME VICTIM ASSISTANCE FEE, OR A PORTION THEREOF, IS MADE FROM SUCH
15 VICTIM'S CONVICTED OFFENDER. SUCH APPLICATION SHALL SPECIFY THE CURRENT
16 NAME AND ADDRESS OF THE CRIME VICTIM, THE NAME OF THE OFFENDER AND THE
17 AMOUNT OF CRIME VICTIM'S ASSISTANCE REQUESTED. UPON VERIFICATION FROM
18 THE STATE COMPTROLLER THAT PAYMENT OR COLLECTION OF MONIES WERE MADE
19 AGAINST SUCH CONVICTED OFFENDER AND THAT SUCH MONIES WERE DEPOSITED INTO
20 THE CRIME VICTIM ASSISTANCE ACCOUNT AND THE AMOUNT OF SUCH MONIES, IF
21 ANY, THAT HAVE BEEN PREVIOUSLY PAID BY OR COLLECTED FROM, SUCH CONVICTED
22 OFFENDER, THE COMPTROLLER SHALL CERTIFY TO THE ATTORNEY GENERAL THAT
23 SUCH APPLICANT IS ELIGIBLE TO RECEIVE A CRIME VICTIM PAYMENT. SUCH
24 CERTIFICATION SHALL SPECIFY THE AMOUNT OF THE MONIES DEPOSITED AND HELD
25 IN THE CRIME VICTIM ASSISTANCE ACCOUNT AS A RESULT OF THE PAYMENT BY, OR
26 THE COLLECTION OF MONIES FROM, THE CONVICTED OFFENDER, AND SHALL BE
27 ISSUED WITHIN THIRTY DAYS OF THE TIME WHEN THE CRIME VICTIM'S APPLICA-
28 TION WAS FORWARDED FROM THE ATTORNEY GENERAL TO THE COMPTROLLER. AFTER
29 THE ISSUANCE OF SUCH CERTIFICATION, PURSUANT TO THE REQUEST OF THE
30 ATTORNEY GENERAL, THE COMPTROLLER SHALL WITHIN THIRTY DAYS OF SUCH
31 REQUEST, ISSUE AND PROVIDE A PRO RATA PAYMENT TO EACH CRIME VICTIM IN
32 THE AMOUNT OF SEVENTY-FIVE PERCENT OF THE AMOUNT OF MONEY SO CERTIFIED
33 AS HAVING BEEN DEPOSITED AND HELD IN THE CRIME VICTIM ASSISTANCE ACCOUNT
34 AS A RESULT OF THE PAYMENT BY, OR THE COLLECTION OF MONIES FROM, THE
35 CONVICTED OFFENDER.

36 S 5. The state finance law is amended by adding a new section 97-kkkk
37 to read as follows:

38 S 97-KKKK. BETTER PARENTING TRUST ACCOUNT. 1. THERE IS HEREBY ESTAB-
39 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE ATTORNEY
40 GENERAL A SPECIAL REVENUE FUND TO BE KNOWN AS THE "BETTER PARENTING
41 TRUST ACCOUNT".

42 2. THE BETTER PARENTING TRUST ACCOUNT SHALL CONSIST OF ALL MONIES
43 RECEIVED BY THE STATE PURSUANT TO SECTION 60.35 OF THE PENAL LAW AND ALL
44 OTHER FEES, FINES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED, APPROPRI-
45 ATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE.

46 3. MONIES OF THE BETTER PARENTING TRUST ACCOUNT SHALL BE MADE AVAIL-
47 ABLE FOR THE COST OF PROVIDING FOR A PARENTING WORKSHOP PILOT PROGRAM
48 ESTABLISHED IN ACCORDANCE WITH SECTION SEVENTY-FIVE OF THE EXECUTIVE
49 LAW.

50 4. UPON THE RECEIPT OF CRIME VICTIM ASSISTANCE FEES, THE COMPTROLLER
51 SHALL DEPOSIT SUCH MONIES INTO THE BETTER PARENTING TRUST ACCOUNT. AT
52 THE REQUEST OF THE ATTORNEY GENERAL, THE COMPTROLLER SHALL PROVIDE FUND-
53 ING FOR AN APPROVED LOCAL PARENTING WORKSHOP PILOT PROGRAM ESTABLISHED
54 PURSUANT TO SECTION SEVENTY-FIVE OF THE EXECUTIVE LAW.

55 S 6. This act shall take effect on the ninetieth day after it shall
56 have become a law; provided, however, that the amendments to subdivision

1 5 of section 60.35 of the penal law made by section three of this act
2 shall not affect the expiration and reversion of such subdivision as
3 provided by section 74 of chapter 3 of the laws of 1995, as amended and
4 shall be deemed to expire therewith.