

5539

2009-2010 Regular Sessions

I N S E N A T E

May 14, 2009

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

AN ACT to amend the judiciary law, in relation to establishing a pilot program for the payment of fines by credit card or similar device in town and village courts

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

1 Section 1. Paragraph (j) of subdivision 2 of section 212 of the judi-
2 ciary law, as amended by chapter 457 of the laws of 2005, is amended to
3 read as follows:
4 (j) (I) Notwithstanding any provision of law, rule or regulation to
5 the contrary, establish a system for the posting of bail and the payment
6 of fines, mandatory surcharges, court fees, and other monies payable to
7 a court, county clerk in his or her capacity as clerk of court, or the
8 office of court administration, or to a sheriff upon enforcing a court
9 order or delivering a court mandate pursuant to article eighty of the
10 civil practice law and rules, by means of a credit card or similar
11 device. Notwithstanding any provision of law to the contrary, the chief
12 administrator may require a party making a payment in such manner also
13 to pay a reasonable administrative fee. In establishing such system, the
14 chief administrator shall seek the assistance of the state comptroller
15 who shall assist in developing such system so as to ensure that such
16 funds shall be returned to any jurisdiction which, by law, may be enti-
17 tled to them. The chief administrator shall periodically accord the head
18 of each police department or police force and of any state department,
19 agency, board, commission or public authority having police officers who
20 fix pre-arraignment bail pursuant to section 150.30 of the criminal
21 procedure law an opportunity to have the system established pursuant to
22 this paragraph apply to the posting of pre-arraignment bail with police
23 officers under his or her jurisdiction.

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

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(II) TO ESTABLISH, IN CONSULTATION WITH THE STATE COMPTROLLER, A PILOT PROGRAM FOR THE PAYMENT OF FINES BY CREDIT CARD OR SIMILAR DEVICE IN TOWN AND VILLAGE COURTS. THE PROGRAM SHALL UTILIZE VENDORS WHO, FOR THE PURPOSE OF THIS PILOT PROGRAM, SHALL BE EXPRESSLY AUTHORIZED TO COLLECT AND MAINTAIN CUSTODY OF ANY PUBLIC FUNDS INVOLVED WITH THE PILOT PROGRAM. CREDIT CARD PROCESSING EQUIPMENT SHALL BE PROVIDED BY VENDORS TO PARTICIPATING TOWN AND VILLAGE COURTS AT NO COST TO THE TOWN OR VILLAGE OR THE STATE.

ANY ADMINISTRATIVE AND TRANSACTIONAL FEES ASSOCIATED WITH SUCH CREDIT CARD TRANSACTIONS SHALL BE PAID BY THE PARTY MAKING PAYMENT OF THE FINE AND NOT BY THE PARTICIPATING TOWN, VILLAGE OR THE STATE. THE PILOT PROGRAM SHALL BE ESTABLISHED IN AT LEAST FIFTY TOWNS AND VILLAGES LOCATED THROUGHOUT THE STATE. TOWN AND VILLAGE COURTS PARTICIPATING IN THE PILOT PROGRAM SHALL ONLY UTILIZE CREDIT CARD PAYMENT SYSTEMS THAT SATISFY THESE REQUIREMENTS. THE CHIEF ADMINISTRATOR SHALL PROVIDE DATA REGARDING UTILIZATION AND COST OF THE PILOT PROGRAMS AND ANY OTHER PROGRAMS FOR THE PAYMENT OF FINES BY CREDIT CARD OR SIMILAR DEVICE IN TOWN AND VILLAGE COURTS, INCLUDING PROGRAMS WHERE THE EQUIPMENT COSTS OR ADMINISTRATIVE OR TRANSACTIONAL FEES ARE FINANCED BY THE STATE, TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE.

S 2. Paragraph (j) of subdivision 2 of section 212 of the judiciary law, as amended by chapter 537 of the laws of 2003, is amended to read as follows:

(j) (I) Notwithstanding any provision of law, rule or regulation to the contrary, establish a system for the posting of bail in court and the payment of fines, mandatory surcharges, crime victim assistance fees and court fees by credit card or similar device. In establishing such system, the chief administrator shall seek the assistance of the state comptroller who shall assist in developing such system so as to ensure that such funds shall be returned to any jurisdiction which, by law, may be entitled to them. The chief administrator shall periodically accord the head of each police department or police force and of any state department, agency, board, commission or public authority having police officers who fix pre-arraignment bail pursuant to section 150.30 of the criminal procedure law an opportunity to have the system established pursuant to this paragraph apply to the posting of pre-arraignment bail with police officers under his or her jurisdiction.

(II) TO ESTABLISH, IN CONSULTATION WITH THE STATE COMPTROLLER, A PILOT PROGRAM FOR THE PAYMENT OF FINES BY CREDIT CARD OR SIMILAR DEVICE IN TOWN AND VILLAGE COURTS. THE PROGRAM SHALL UTILIZE VENDORS WHO, FOR THE PURPOSE OF THIS PILOT PROGRAM, SHALL BE EXPRESSLY AUTHORIZED TO COLLECT AND MAINTAIN CUSTODY OF ANY PUBLIC FUNDS INVOLVED WITH THE PILOT PROGRAM. CREDIT CARD PROCESSING EQUIPMENT SHALL BE PROVIDED BY VENDORS TO PARTICIPATING TOWN AND VILLAGE COURTS AT NO COST TO THE TOWN OR VILLAGE OR THE STATE.

ANY ADMINISTRATIVE AND TRANSACTIONAL FEES ASSOCIATED WITH SUCH CREDIT CARD TRANSACTIONS SHALL BE PAID BY THE PARTY MAKING PAYMENT OF THE FINE AND NOT BY THE PARTICIPATING TOWN, VILLAGE OR THE STATE. THE PILOT PROGRAM SHALL BE ESTABLISHED IN AT LEAST FIFTY TOWNS AND VILLAGES LOCATED THROUGHOUT THE STATE. TOWN AND VILLAGE COURTS PARTICIPATING IN THE PILOT PROGRAM SHALL ONLY UTILIZE CREDIT CARD PAYMENT SYSTEMS THAT SATISFY THESE REQUIREMENTS. THE CHIEF ADMINISTRATOR SHALL PROVIDE DATA REGARDING UTILIZATION AND COST OF THE PILOT PROGRAMS AND ANY OTHER PROGRAMS FOR THE PAYMENT OF FINES BY CREDIT CARD OR SIMILAR DEVICE IN TOWN AND VILLAGE COURTS, INCLUDING PROGRAMS WHERE THE EQUIPMENT COSTS OR

1 ADMINISTRATIVE OR TRANSACTIONAL FEES ARE FINANCED BY THE STATE, TO THE
2 CHAIRS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS
3 COMMITTEE.

4 S 3. This act shall take effect immediately; provided however that the
5 amendments to paragraph (j) of subdivision 2 of section 212 of the judi-
6 ciary law made by section one of this act shall be subject to the expi-
7 ration and reversion of such paragraph pursuant to section 7 of chapter
8 457 of the laws of 2005, as amended, when upon such date the provisions
9 of section two of this act shall take effect.