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

7182

2013-2014 Regular Sessions

I N A S S E M B L Y

May 6, 2013

Introduced by M. of A. MOSLEY -- (at request of the State Comptroller) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the refund of certain mandatory surcharges and fees

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

Section 1. Subdivision 4 of section 60.35 of the penal law, as amended by section 1 of part E of chapter 56 of the laws of 2004, is amended to read as follows:

4. Any person who has paid a mandatory surcharge, sex offender registration fee, DNA databank fee, a crime victim assistance fee or a supplemental sex offender victim fee under the authority of this section based upon a conviction that is subsequently reversed or who paid a mandatory surcharge, sex offender registration fee, DNA databank fee, a crime victim assistance fee or supplemental sex offender victim fee under the authority of this section which is ultimately determined not to be required by this section shall be entitled to a refund of such mandatory surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee upon application, *IN THE CASE OF A TOWN OR VILLAGE COURT,* to the state comptroller. The state comptroller shall require such proof as is necessary in order to determine whether a refund is required by law. *IN ALL OTHER CASES, SUCH APPLICATION SHALL BE MADE TO THE DEPARTMENT, AGENCY OR COURT THAT COLLECTED SUCH SURCHARGE OR FEE. SUCH DEPARTMENT, AGENCY OR COURT SHALL INITIATE THE REFUND PROCESS AND THE STATE COMPTROLLER SHALL PAY THE REFUND PURSUANT TO SUBDIVISION FIFTEEN OF SECTION EIGHT OF THE STATE FINANCE LAW.*

S 2. This act shall take effect immediately.

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

LBD08145-02-3