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I N   A S S E M B L Y

February 14, 2014

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Introduced by M. of A. PAULIN, DINOWITZ, COOK, MOSLEY, LUPARDO, SCARBOROUGH, JAFFEE, TITONE, CLARK, GUNTHER, MARKEY, GALEF, SCHIMEL, ROBINSON, JACOBS, ENGLEBRIGHT, OTIS, COLTON, ZEBROWSKI, BRONSON, CROUCH, CURRAN, DIPIETRO, GOODELL, LUPINACCI, McDONOUGH, RAIA -- Multi-Sponsored by -- M. of A. ABBATE, BARCLAY, BRINDISI, DUPREY, HIKIND, RIVERA, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to waiving certain fees for victims of sex trafficking

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

1     Section 1. Subdivision 2 of section 420.35 of the criminal procedure  
2 law, as amended by section 6 of part F of chapter 56 of the laws of  
3 2004, is amended to read as follows:  
4     2. Under no circumstances shall the mandatory surcharge, sex offender  
5 registration fee, DNA databank fee or the crime victim assistance fee be  
6 waived provided, however, that a court may waive the crime victim  
7 assistance fee if such defendant is an eligible youth as defined in  
8 subdivision two of section 720.10 of this chapter, and the imposition of  
9 such fee would work an unreasonable hardship on the defendant, his or  
10 her immediate family, or any other person who is dependent on such  
11 defendant for financial support. A COURT SHALL WAIVE ANY MANDATORY  
12 SURCHARGE AND CRIME VICTIM ASSISTANCE FEE WHEN THE COURT FINDS THAT A  
13 DEFENDANT IS A VICTIM OF SEX TRAFFICKING UNDER SECTION 230.34 OF THE  
14 PENAL LAW OR A VICTIM OF TRAFFICKING IN PERSONS UNDER THE TRAFFICKING  
15 VICTIMS PROTECTION ACT (UNITED STATES CODE, TITLE 22, CHAPTER 78).  
16     S 2. This act shall take effect immediately and shall apply to  
17 convictions on or after such effective date as well as to charges for  
18 such offenses pending on such effective date for which sentence had not  
19 yet been imposed.

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

LBD13781-01-4