

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:

1 Section 1. Subdivision 4 of section 60.35 of the penal law, as amended
2 by section 1 of part E of chapter 56 of the laws of 2004, is amended to
3 read as follows:
4 4. Any person who has paid a mandatory surcharge, sex offender regis-
5 tration fee, DNA databank fee, a crime victim assistance fee or a
6 supplemental sex offender victim fee under the authority of this section
7 based upon a conviction that is subsequently reversed or who paid a
8 mandatory surcharge, sex offender registration fee, DNA databank fee, a
9 crime victim assistance fee or supplemental sex offender victim fee
10 under the authority of this section which is ultimately determined not
11 to be required by this section shall be entitled to a refund of such
12 mandatory surcharge, sex offender registration fee, DNA databank fee,
13 crime victim assistance fee or supplemental sex offender victim fee upon
14 application, IN THE CASE OF A TOWN OR VILLAGE COURT, to the state comp-
15 troller. The state comptroller shall require such proof as is necessary
16 in order to determine whether a refund is required by law. IN ALL OTHER
17 CASES, SUCH APPLICATION SHALL BE MADE TO THE DEPARTMENT, AGENCY OR COURT
18 THAT COLLECTED SUCH SURCHARGE OR FEE. SUCH DEPARTMENT, AGENCY OR COURT
19 SHALL INITIATE THE REFUND PROCESS AND THE STATE COMPTROLLER SHALL PAY
20 THE REFUND PURSUANT TO SUBDIVISION FIFTEEN OF SECTION EIGHT OF THE STATE
21 FINANCE LAW.
22 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