

8351

I N A S S E M B L Y

January 9, 2014

Introduced by M. of A. TITONE -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to electronic citation fees

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

1 Section 1. The civil practice law and rules is amended by adding a new  
2 section 8023 to read as follows:  
3 S 8023. ELECTRONIC CITATION FEES. (A) AS USED IN THIS SECTION, "ELEC-  
4 TRONIC CITATION" MEANS THE PROCESS OF TRANSMITTING TRAFFIC, MISDEMEANOR,  
5 MUNICIPAL ORDINANCE, CONSERVATION, OR OTHER CITATIONS AND LAW ENFORCE-  
6 MENT DATA VIA ELECTRONIC MEANS TO A COUNTY CLERK.  
7 (B) THE CLERKS OF THE COUNTY IN THE STATE SHALL BE ENTITLED TO COLLECT  
8 AN ELECTRONIC CITATION FEE OF FIVE DOLLARS. SUCH FEE SHALL BE PAID BY  
9 THE DEFENDANT IN ANY TRAFFIC, MISDEMEANOR, MUNICIPAL ORDINANCE, OR  
10 CONSERVATION CITATION ISSUED UPON A PLEA OF GUILTY, JUDGMENT OF GUILTY  
11 OR GRANT OF SUPERVISION. THIS FEE SHALL BE IN ADDITION TO ALL OTHER FEES  
12 AND CHARGES AND ASSESSABLE AS COSTS AND SHALL NOT BE SUBJECT TO  
13 DISBURSEMENT. SIXTY PERCENT OF THE FEE SHALL BE DEPOSITED INTO THE  
14 "ELECTRONIC CITATION FUND" ESTABLISHED BY EACH COUNTY. FORTY PERCENT OF  
15 THE FEE SHALL BE DISBURSED TO THE ARRESTING AGENCY TO DEFRAID EXPENSES  
16 RELATED TO THE ESTABLISHMENT AND MAINTENANCE OF ELECTRONIC CITATIONS.  
17 EACH COUNTY CLERK SHALL BE THE CUSTODIAN, EX OFFICIO, OF THE ELECTRONIC  
18 CITATION FUND AND SHALL USE THE FUND TO PERFORM THE DUTIES REQUIRED BY  
19 THE OFFICE FOR ESTABLISHING AND MAINTAINING ELECTRONIC CITATIONS. THE  
20 COUNTY CLERK SHALL NOT CHARGE AND COLLECT AN ELECTRONIC CITATION FEE IF  
21 THE COUNTY HAS BY ORDINANCE ELECTED NOT TO BE SUBJECT TO THIS SECTION.  
22 S 2. This act shall take effect on the one hundred eightieth day after  
23 it shall have become a law.

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

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