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

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:

Section 1. The civil practice law and rules is amended by adding a new section 8023 to read as follows:

S 8023. ELECTRONIC CITATION FEES. (A) AS USED IN THIS SECTION, "ELECTRONIC CITATION" MEANS THE PROCESS OF TRANSMITTING TRAFFIC, MISDEMEANOR, MUNICIPAL ORDINANCE, CONSERVATION, OR OTHER CITATIONS AND LAW ENFORCEMENT DATA VIA ELECTRONIC MEANS TO A COUNTY CLERK.

(B) THE CLERKS OF THE COUNTY IN THE STATE SHALL BE ENTITLED TO COLLECT AN ELECTRONIC CITATION FEE OF FIVE DOLLARS. SUCH FEE SHALL BE PAID BY THE DEFENDANT IN ANY TRAFFIC, MISDEMEANOR, MUNICIPAL ORDINANCE, OR CONSERVATION CITATION ISSUED UPON A PLEA OF GUILTY, JUDGMENT OF GUILTY OR GRANT OF SUPERVISION. THIS FEE SHALL BE IN ADDITION TO ALL OTHER FEES AND CHARGES AND ASSESSABLE AS COSTS AND SHALL NOT BE SUBJECT TO DISBURSEMENT. SIXTY PERCENT OF THE FEE SHALL BE DEPOSITED INTO THE "ELECTRONIC CITATION FUND" ESTABLISHED BY EACH COUNTY. FORTY PERCENT OF THE FEE SHALL BE DISBURSED TO THE ARRESTING AGENCY TO DEFRAY EXPENSES RELATED TO THE ESTABLISHMENT AND MAINTENANCE OF ELECTRONIC CITATIONS. EACH COUNTY CLERK SHALL BE THE CUSTODIAN, EX OFFICIO, OF THE ELECTRONIC CITATION FUND AND SHALL USE THE FUND TO PERFORM THE DUTIES REQUIRED BY THE OFFICE FOR ESTABLISHING AND MAINTAINING ELECTRONIC CITATIONS. THE COUNTY CLERK SHALL NOT CHARGE AND COLLECT AN ELECTRONIC CITATION FEE IF THE COUNTY HAS BY ORDINANCE ELECTED NOT TO BE SUBJECT TO THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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