

5424

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to fees for drug testing and electronic monitoring

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

- 1 Section 1. Subdivisions 2, 3, 4, and 5 of section 257-c of the execu-
2 tive law are renumbered subdivisions 4, 5, 6, and 7 and two new subdivi-
3 sions 2 and 3 are added to read as follows:
4 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY COUNTY AND THE
5 CITY OF NEW YORK, MAY ADOPT A LOCAL LAW REQUIRING INDIVIDUALS CURRENTLY
6 SERVING OR WHO SHALL BE SENTENCED TO A PERIOD OF PROBATION UPON
7 CONVICTION OF ANY CRIME AND WHO ARE REQUIRED TO SUBMIT TO DRUG TESTING,
8 TO PAY THE LOCAL PROBATION DEPARTMENT WITH THE RESPONSIBILITY OF SUPER-
9 VISING THE PROBATIONER AN ADMINISTRATIVE FEE DETERMINED BY THE LOCAL
10 PROBATION DEPARTMENT. THE DEPARTMENT SHALL WAIVE ALL OR PART OF SUCH FEE
11 WHERE, BECAUSE OF THE INDIGENCE OF THE OFFENDER, THE PAYMENT OF SAID
12 SURCHARGE WOULD WORK AN UNREASONABLE HARDSHIP ON THE PERSON CONVICTED,
13 HIS OR HER IMMEDIATE FAMILY, OR ANY OTHER PERSON WHO IS DEPENDENT ON
14 SUCH PERSON FOR FINANCIAL SUPPORT.
15 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY COUNTY AND THE
16 CITY OF NEW YORK, MAY ADOPT A LOCAL LAW REQUIRING INDIVIDUALS CURRENTLY
17 SERVING OR WHO SHALL BE SENTENCED TO A PERIOD OF PROBATION UPON
18 CONVICTION OF ANY CRIME AND WHO ARE REQUIRED TO SUBMIT TO ELECTRONIC
19 MONITORING, TO PAY THE LOCAL PROBATION DEPARTMENT WITH THE RESPONSIBIL-
20 ITY OF SUPERVISING THE PROBATIONER AN ADMINISTRATIVE FEE DETERMINED BY
21 THE LOCAL PROBATION DEPARTMENT. THE DEPARTMENT SHALL WAIVE ALL OR PART
22 OF SUCH FEE WHERE, BECAUSE OF THE INDIGENCE OF THE OFFENDER, THE PAYMENT
23 OF SAID SURCHARGE WOULD WORK AN UNREASONABLE HARDSHIP ON THE PERSON

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

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1 CONVICTED, HIS OR HER IMMEDIATE FAMILY, OR ANY OTHER PERSON WHO IS
2 DEPENDENT ON SUCH PERSON FOR FINANCIAL SUPPORT.

3 S 2. This act shall take effect immediately; provided the amendments
4 to section 257-c of the executive law made by section one of this act
5 shall not affect the expiration of such section and shall be deemed to
6 expire therewith.