

2469--A

Cal. No. 100

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 16, 2015

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Introduced by M. of A. PAULIN, HEASTIE, SCHIMMINGER, DINOWITZ, GOTT-FRIED, TITONE, CUSICK, OTIS, THIELE, SKOUFIS, JAFFEE, MAYER, ROSENTHAL, ABINANTI, GALEF, STECK, BICHOTTE, LUPARDO, PEOPLES-STOKES, LINARES -- Multi-Sponsored by -- M. of A. HEVESI, LOPEZ, PERRY, SIMON -- read once and referred to the Committee on Codes -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the criminal procedure law, in relation to exempting victims of sex trafficking from the DNA databank fee

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 chapter 385 of the laws of 2014, is amended to read  
3     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, DNA DATABANK FEE and crime victim assistance fee when: (I)  
13    THE DEFENDANT IS CONVICTED OF LOITERING FOR THE PURPOSE OF ENGAGING IN  
14    PROSTITUTION UNDER SECTION 240.37 OF THE PENAL LAW (PROVIDED THAT THE  
15    DEFENDANT WAS NOT CONVICTED OF LOITERING FOR THE PURPOSE OF PATRONIZING  
16    A PERSON FOR PROSTITUTION); (II) THE DEFENDANT IS CONVICTED OF PROSTITU-  
17    TION UNDER SECTION 230.00 OF THE PENAL LAW; (III) THE DEFENDANT IS  
18    CONVICTED OF A VIOLATION IN THE EVENT SUCH CONVICTION IS IN LIEU OF A  
19    PLEA TO OR CONVICTION FOR LOITERING FOR THE PURPOSE OF ENGAGING IN PROS-

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

LBD05489-06-5

1   TITUTION UNDER SECTION 240.37 OF THE PENAL LAW (PROVIDED THAT THE  
2   DEFENDANT WAS NOT ALLEGED TO BE LOITERING FOR THE PURPOSE OF PATRONIZING  
3   A PERSON FOR PROSTITUTION) OR PROSTITUTION UNDER SECTION 230.00 OF THE  
4   PENAL LAW; OR (IV) the court finds that a defendant is a victim of sex  
5   trafficking under section 230.34 of the penal law or a victim of traf-  
6   ficking in persons under the trafficking victims protection act (United  
7   States Code, Title 22, Chapter 78).  
8   S 2. This act shall take effect immediately and shall apply to  
9   convictions occurring on or after such date and for convictions for  
10  which sentence has not been imposed prior to such effective date.