

5801

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 4, 2015

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Introduced by M. of A. BARCLAY, FINCH -- read once and referred to the  
Committee on 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  
24    CONVICTED, HIS OR HER IMMEDIATE FAMILY, OR ANY OTHER PERSON WHO IS  
25    DEPENDENT ON SUCH PERSON FOR FINANCIAL SUPPORT.

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

LBD07938-01-5

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