

4394

2015-2016 Regular Sessions

I N S E N A T E

March 18, 2015

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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 the
13 court finds that a defendant is a victim of sex trafficking under
14 section 230.34 of the penal law or a victim of trafficking in persons
15 under the trafficking victims protection act (United States Code, Title
16 22, Chapter 78).
17 S 2. This act shall take effect immediately and shall apply to
18 convictions occurring on or after such date and for convictions for
19 which sentence has not been imposed prior to such effective date.

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

LBD05489-01-5