

4394--A

2015-2016 Regular Sessions

I N   S E N A T E

March 18, 2015

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Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-  
20 TITUTION UNDER SECTION 240.37 OF THE PENAL LAW (PROVIDED THAT THE  
21 DEFENDANT WAS NOT ALLEGED TO BE LOITERING FOR THE PURPOSE OF PATRONIZING  
22 A PERSON FOR PROSTITUTION) OR PROSTITUTION UNDER SECTION 230.00 OF THE  
23 PENAL LAW; OR (IV) the court finds that a defendant is a victim of sex

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

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1 trafficking under section 230.34 of the penal law or a victim of traf-  
2 ficking in persons under the trafficking victims protection act (United  
3 States Code, Title 22, Chapter 78).  
4 S 2. This act shall take effect immediately and shall apply to  
5 convictions occurring on or after such date and for convictions for  
6 which sentence has not been imposed prior to such effective date.