S T A T E O F N E W Y O R K

10042

I N A S S E M B L Y

May 6, 2016

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the imposition of fines

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

Section 1. The penal law is amended by adding a new section 80.20 to read as follows:

S 80.20 IMPOSITION OF A SENTENCE OF FINE.

WHEN IMPOSING A FINE PURSUANT TO THIS ARTICLE, THE COURT SHALL CONSIDER THE EXPECTED COSTS TO THE STATE OR LOCALITY OF ANY IMPRISONMENT, POST-RELEASE SUPERVISION OR PROBATION COMPONENT OF A DEFENDANT'S SENTENCE. WHEN CONSIDERING SUCH COSTS, THE COURT SHALL ALSO CONSIDER:

1. THE DEFENDANT'S INCOME, EARNING CAPACITY, AND FINANCIAL RESOURCES; AND

2. THE BURDEN A FINE WILL IMPOSE UPON THE DEFENDANT, ANY PERSON WHO IS FINANCIALLY DEPENDENT ON THE DEFENDANT, OR ANY OTHER PERSON (INCLUDING A GOVERNMENT) THAT WOULD BE RESPONSIBLE FOR THE WELFARE OF ANY PERSON FINANCIALLY DEPENDENT ON THE DEFENDANT, RELATIVE TO THE BURDEN THAT ALTERNATIVE PUNISHMENTS WOULD IMPOSE.

S 2. This act shall take effect immediately and shall apply to offenses committed on or after such effective date.

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

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