

STATE OF NEW YORK

9243

2025-2026 Regular Sessions

IN ASSEMBLY

November 7, 2025

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

AN ACT to amend the penal law and the state finance law, in relation to increasing the crime victim assistance fee, creating a crime victim's lien and creating a crime victim's assistance account

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 80.00 of the penal law is amended by adding a new
2 subdivision 8 to read as follows:

3 8. The term "fine" as defined in this section shall not include a
4 mandatory surcharge or a crime victim assistance fee as defined in
5 section 60.35 of this title.

6 § 2. Section 80.05 of the penal law is amended by adding a new subdivi-
7 sion 7 to read as follows:

8 7. The term "fine" as defined in this section shall not include a
9 mandatory surcharge or a crime victim assistance fee as defined in
10 section 60.35 of this title.

11 § 3. Section 60.35 of the penal law, as amended by section 1 of part E
12 of chapter 56 of the laws of 2004, subparagraphs (i), (ii) and (iii) of
13 paragraph (a) of subdivision 1 as amended by section 1 of part DD of
14 chapter 56 of the laws of 2008, paragraph (b) of subdivision 1 as
15 amended by chapter 320 of the laws of 2006, subdivision 4 as amended by
16 chapter 525 of the laws of 2013, subdivision 5 as amended by chapter 322
17 of the laws of 2021, and subdivision 8 as amended by section 121 of
18 subpart B of part C of chapter 62 of the laws of 2011, is amended to
19 read as follows:

20 § 60.35 Mandatory surcharge, sex offender registration fee, DNA databank
21 fee, supplemental sex offender victim fee and crime victim
22 assistance fee required in certain cases.

23 1. (a) Except as provided in section eighteen hundred nine of the
24 vehicle and traffic law and section 27.12 of the parks, recreation and
25 historic preservation law, whenever proceedings in an administrative
26 tribunal or a court of this state result in a conviction for a felony, a
27 misdemeanor, or a violation, as these terms are defined in section 10.00

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

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1 of this chapter, there shall be levied at sentencing a mandatory
2 surcharge, sex offender registration fee, DNA databank fee and a crime
3 victim assistance fee in addition to any sentence required or permitted
4 by law, in accordance with the following schedule:

5 (i) a person convicted of a felony, excluding those felonies set forth
6 in clauses (A) and (B) of this subparagraph, shall pay a mandatory
7 surcharge of three hundred dollars and a crime victim assistance fee of
8 [~~twenty-five~~] five hundred dollars;

9 (A) A person convicted of a felony offense of homicide, as defined in
10 section 125.00 of this chapter, shall pay a mandatory surcharge of five
11 hundred dollars and a crime victim assistance fee of two thousand five
12 hundred dollars for every month of which such person is sentenced to
13 serve time in a correctional facility, as defined in section forty of
14 the correction law;

15 (B) A person convicted of a violent felony offense, as defined in
16 section 70.02 of this chapter, shall pay a mandatory surcharge of two
17 hundred fifty dollars and a crime victim assistance fee of one thousand
18 dollars for every month of which such person is sentenced to serve time
19 in a correctional facility, as defined in section forty of the
20 correction law;

21 (ii) a person convicted of a misdemeanor shall pay a mandatory
22 surcharge of one hundred seventy-five dollars and a crime victim assist-
23 ance fee of [~~twenty-five~~] two hundred fifty dollars;

24 (iii) a person convicted of a violation shall pay a mandatory
25 surcharge of [~~ninety-five~~] one hundred dollars and a crime victim
26 assistance fee of twenty-five dollars;

27 (iv) a person convicted of a sex offense as defined by subdivision two
28 of section one hundred sixty-eight-a of the correction law or a sexually
29 violent offense as defined by subdivision three of section one hundred
30 sixty-eight-a of the correction law shall, in addition to a mandatory
31 surcharge and crime victim assistance fee, pay a sex offender registra-
32 tion fee of fifty dollars.

33 (v) a person convicted [~~of~~] as a designated [~~offense~~] offender as
34 defined by subdivision seven of section nine hundred ninety-five of the
35 executive law shall, in addition to a mandatory surcharge and crime
36 victim assistance fee, pay a DNA databank fee of fifty dollars.

37 (b) When the felony or misdemeanor conviction in subparagraphs (i),
38 (ii) or (iv) of paragraph (a) of this subdivision results from an
39 offense contained in article one hundred thirty of this chapter, incest
40 in the third, second or first degree as defined in sections 255.25,
41 255.26 and 255.27 of this chapter or an offense contained in article two
42 hundred sixty-three of this chapter, the person convicted shall pay a
43 supplemental sex offender victim fee of one thousand dollars in addition
44 to the mandatory surcharge and any other fee.

45 2. Where a person is convicted of two or more crimes or violations
46 committed through a single act or omission, or through an act or omis-
47 sion which in itself constituted one of the crimes or violations and
48 also was a material element of the other, the court shall impose a
49 mandatory surcharge and a crime victim assistance fee, and where appro-
50 priate a supplemental sex offender victim fee, in accordance with the
51 provisions of this section for the crime or violation which carries the
52 highest classification, and no other sentence to pay a mandatory
53 surcharge, crime victim assistance fee or supplemental sex offender
54 victim fee required by this section shall be imposed. Where a person is
55 convicted of two or more sex offenses or sexually violent offenses, as
56 defined by subdivisions two and three of section one hundred sixty-

1 eight-a of the correction law, committed through a single act or omis-
2 sion, or through an act or omission which in itself constituted one of
3 the offenses and also was a material element of the other, the court
4 shall impose only one sex offender registration fee. Where a person is
5 convicted of two or more designated offenses, as defined by subdivision
6 seven of section nine hundred ninety-five of the executive law, commit-
7 ted through a single act or omission, or through an act or omission
8 which in itself constituted one of the offenses and also was a material
9 element of the other, the court shall impose only one DNA databank fee.

10 3. The mandatory surcharge, sex offender registration fee, DNA data-
11 bank fee[~~, crime victim assistance fee,~~] and supplemental sex offender
12 victim fee provided for in subdivision one of this section shall be paid
13 to the clerk of the court or administrative tribunal that rendered the
14 conviction. Within the first ten days of the month following collection
15 of the mandatory surcharge[~~, crime victim assistance fee,~~] and supple-
16 mental sex offender victim fee, the collecting authority shall determine
17 the amount of mandatory surcharge, crime victim assistance fee, and
18 supplemental sex offender victim fee collected and, if it is an adminis-
19 trative tribunal, or a town or village justice court, it shall then pay
20 such money to the state comptroller who shall deposit such money in the
21 state treasury pursuant to section one hundred twenty-one of the state
22 finance law to the credit of the criminal justice improvement account
23 established by section ninety-seven-bb of the state finance law. Within
24 the first ten days of the month following collection of the sex offender
25 registration fee and DNA databank fee, the collecting authority shall
26 determine the amount of the sex offender registration fee and DNA data-
27 bank fee collected and, if it is an administrative tribunal, or a town
28 or village justice court, it shall then pay such money to the state
29 comptroller who shall deposit such money in the state treasury pursuant
30 to section one hundred twenty-one of the state finance law to the credit
31 of the general fund. If such collecting authority is any other court of
32 the unified court system, it shall, within such period, pay such money
33 attributable to the mandatory surcharge or crime victim assistance fee
34 to the state commissioner of taxation and finance to the credit of the
35 criminal justice improvement account established by section ninety-sev-
36 en-bb of the state finance law. If such collecting authority is any
37 other court of the unified court system, it shall, within such period,
38 pay such money attributable to the sex offender registration fee and the
39 DNA databank fee to the state commissioner of taxation and finance to
40 the credit of the general fund.

41 3-a. Within the first ten days following the pronouncement of
42 sentence of the convicted offender, the clerk of the court pronouncing
43 the sentence shall calculate and determine the amount of the crime
44 victim assistance fee provided for in subdivision one of this section.
45 Immediately thereafter, the convicted offender shall pay to the clerk of
46 the court or administrative tribunal that rendered the conviction the
47 full amount of the crime victim assistance fee so calculated and deter-
48 mined, and such court shall thereupon act as the collecting authority.
49 If such collecting authority is an administrative tribunal, or a town or
50 village justice court, it shall then pay such money to the state comp-
51 troller who shall deposit such money in the state treasury pursuant to
52 section one hundred twenty-one of the state finance law to the credit of
53 the crime victim's assistance account established by section ninety-
54 four-c of the state finance law. If such collecting authority is any
55 other court of the unified court system, it shall, within such period,
56 pay such money to the state commissioner of taxation and finance to the

1 credit of the crime victim's assistance account established by section
2 ninety-four-c of the state finance law.

3 3-b. Upon the pronouncement of sentence upon a convicted offender,
4 the clerk of the court pronouncing such sentence shall create a crime
5 victim's list. This list shall provide the name of the convicted offen-
6 der and the offenses for which they were convicted, as well as the name,
7 address, and telephone number of every individual whom the court deems a
8 victim of the crime or crimes for which the convicted offender was
9 convicted. A victim of the crime shall include anyone against whom a
10 crime or violent act in furtherance of a crime was committed, or in the
11 case of a homicide all family members of the deceased victim within one
12 degree of consanguinity. This list shall be filed with the attorney
13 general and shall be sealed from public inspection so as to protect
14 crime victims from having their names and identities made known to the
15 public and the press.

16 4. Any person who has paid a mandatory surcharge, sex offender regis-
17 tration fee, DNA databank fee, a crime victim assistance fee or a
18 supplemental sex offender victim fee under the authority of this section
19 based upon a conviction that is subsequently reversed or who paid a
20 mandatory surcharge, sex offender registration fee, DNA databank fee, a
21 crime victim assistance fee or supplemental sex offender victim fee
22 under the authority of this section which is ultimately determined not
23 to be required by this section shall be entitled to a refund of such
24 mandatory surcharge, sex offender registration fee, DNA databank fee,
25 crime victim assistance fee or supplemental sex offender victim fee upon
26 application, in the case of a town or village court, to the state comp-
27 troller. The state comptroller shall require such proof as is necessary
28 in order to determine whether a refund is required by law. In all other
29 cases, such application shall be made to the department, agency or court
30 that collected such surcharge or fee. Such department, agency or court
31 shall initiate the refund process and the state comptroller shall pay
32 the refund pursuant to subdivision fifteen of section eight of the state
33 finance law.

34 5. When a person who is convicted of a crime or violation and
35 sentenced to a term of imprisonment has failed to pay the mandatory
36 surcharge, sex offender registration fee, DNA databank fee, crime victim
37 assistance fee or supplemental sex offender victim fee required by this
38 section, the clerk of the court that rendered the conviction shall noti-
39 fy the superintendent or the municipal official of the facility where
40 the person is confined. The superintendent or the municipal official
41 shall cause any amount owing to be collected from such person during
42 [~~his or her~~] their term of imprisonment from moneys to the credit of an
43 incarcerated individuals' fund or such moneys as may be earned by a
44 person in a work release program pursuant to section eight hundred sixty
45 of the correction law or as they may be awarded to such incarcerated
46 individual pursuant to litigation or settlement of litigation. Such
47 moneys attributable to the mandatory surcharge or crime victim assist-
48 ance fee shall be paid over to the state comptroller to the credit of
49 the criminal justice improvement account established by section ninety-
50 seven-bb of the state finance law and such moneys attributable to the
51 sex offender registration fee or DNA databank fee shall be paid over to
52 the state comptroller to the credit of the general fund, except that any
53 such moneys collected which are surcharges, sex offender registration
54 fees, DNA databank fees, crime victim assistance fees or supplemental
55 sex offender victim fees levied in relation to convictions obtained in a
56 town or village justice court shall be paid within thirty days after the

1 receipt thereof by the superintendent or municipal official of the
2 facility to the justice of the court in which the conviction was
3 obtained. Such moneys, with respect to the payment of the crime victim
4 assistance fee, shall be paid over to the state comptroller to the cred-
5 it of the crime victim's assistance account established by section nine-
6 ty-four-c of the state finance law. For the purposes of collecting such
7 mandatory surcharge, sex offender registration fee, DNA databank fee,
8 crime victim assistance fee and supplemental sex offender victim fee,
9 the state shall be legally entitled to the money to the credit of an
10 incarcerated individuals' fund or money which is earned by an incarcer-
11 ated individual in a work release program or as they may be awarded to
12 such incarcerated individual pursuant to litigation or settlement of
13 litigation. For purposes of this subdivision, the term "incarcerated
14 individuals' fund" shall mean moneys in the possession of an incarcerat-
15 ed individual at the time of [~~his or her~~] their admission into such
16 facility, funds earned by [~~him or her~~] them as provided for in section
17 one hundred eighty-seven of the correction law and any other funds
18 received by [~~him or her or on his or her~~] them or on their behalf and
19 deposited with such superintendent or municipal official, or funds
20 received including any funds that may be awarded to such incarcerated
21 individual pursuant to litigation or settlement of litigation.

22 5-a. For the purposes of collecting such mandatory surcharge or crime
23 victim assistance fee, the state shall be legally entitled to file a
24 crime victim's lien against the convicted offender, in the amount of the
25 unpaid portion of such mandatory surcharge or crime victim assistance
26 fee. Such lien may be filed any time after a sentence is pronounced upon
27 the offender, and shall exist from the date of the pronouncement of such
28 sentence until the convicted offender pays the full amount of the manda-
29 tory surcharge and crime victim assistance fee, or for twenty-five years
30 from the date of the pronouncement of the convicted offender's sentence,
31 whichever is less. Such lien shall be filed with the attorney general by
32 the clerk of the court from which the offender is convicted. Upon the
33 filing of such lien, the attorney general may at any time thereafter
34 execute and enforce such lien against the convicted offender, for the
35 collection of the mandatory surcharge and/or the crime victim assistance
36 fee. Such lien shall empower the attorney general, without prior appli-
37 cation to any court or administrative tribunal, to take any action
38 necessary to collect such mandatory surcharge and/or crime victim
39 assistance fee, including, but not limited to, the attachment, seizure
40 and sale of the convicted offender's assets, including real property,
41 personal tangible property and/or personal intangible property, as well
42 as the garnishment of up to twenty-five percent of the convicted
43 offender's wages. This collection shall be enforceable whether or not
44 such offender is incarcerated at the time of its execution, and whether
45 or not such offender has completely or partially served the sentence
46 pronounced upon them.

47 5-b. All monies collected pursuant to the enforcement and execution of
48 the state's crime victim's lien against a convicted offender, as set
49 forth in subdivision five of this section, shall be delivered by the
50 attorney general to the comptroller. The comptroller shall deposit into
51 the internal service fund account for the department of law, an amount
52 equal to nineteen percent of the monies so collected, in order to offset
53 the costs and expenses of performing such collection, lien enforcement
54 and execution. All remaining monies, if collected from the failure of
55 the convicted offender to pay a mandatory surcharge, shall be deposited
56 by the comptroller into the criminal justice improvement account, as

1 defined in section ninety-seven-bb of the state finance law, and if
2 collected from the failure of the convicted offender to pay a crime
3 victim assistance fee shall be deposited by the comptroller into the
4 crime victim's assistance account, as defined in section ninety-four-c
5 of the state finance law. Upon the collection of monies under this
6 section, the attorney general shall provide written notice to the crime
7 victim or victims on the crime victim's list for the convicted offender
8 which was prepared by the court or administrative tribunal and filed
9 with the attorney general pursuant to subdivision three-b of this
10 section.

11 6. Notwithstanding any other provision of this section, where a person
12 has made restitution or reparation pursuant to section 60.27 of this
13 article, such person [~~shall~~] at the discretion of the court, may not be
14 required to pay a mandatory surcharge or a crime victim assistance fee.

15 7. Notwithstanding the provisions of subdivision one of section 60.00
16 of this article, the provisions of subdivision one of this section shall
17 not apply to a violation under any law other than this chapter.

18 8. Subdivision one of section 130.10 of the criminal procedure law
19 notwithstanding, at the time that the mandatory surcharge, sex offender
20 registration fee or DNA databank fee, crime victim assistance fee or
21 supplemental sex offender victim fee is imposed a town or village court
22 may, and all other courts shall, issue and cause to be served upon the
23 person required to pay the mandatory surcharge, sex offender registra-
24 tion fee or DNA databank fee, crime victim assistance fee or supple-
25 mental sex offender victim fee, a summons directing that such person
26 appear before the court regarding the payment of the mandatory
27 surcharge, sex offender registration fee or DNA databank fee, crime
28 victim assistance fee or supplemental sex offender victim fee, if after
29 sixty days from the date it was imposed it remains unpaid. The desig-
30 nated date of appearance on the summons shall be set for the first day
31 court is in session falling after the sixtieth day from the imposition
32 of the mandatory surcharge, sex offender registration fee or DNA data-
33 bank fee, crime victim assistance fee or supplemental sex offender
34 victim fee. The summons shall contain the information required by subdi-
35 vision two of section 130.10 of the criminal procedure law except that
36 in substitution for the requirement of paragraph (c) of such subdivision
37 the summons shall state that the person served must appear at a date,
38 time and specific location specified in the summons if after sixty days
39 from the date of issuance the mandatory surcharge, sex offender regis-
40 tration fee or DNA databank fee, crime victim assistance fee or supple-
41 mental sex offender victim fee remains unpaid. The court shall not issue
42 a summons under this subdivision to a person who is being sentenced to a
43 term of confinement in excess of sixty days in jail or in the department
44 of corrections and community supervision. The mandatory surcharges, sex
45 offender registration fee and DNA databank fees, crime victim assistance
46 fees and supplemental sex offender victim fees for those persons shall
47 be governed by the provisions of section 60.30 of this article.

48 9. Notwithstanding the provisions of subdivision one of this section,
49 in the event a proceeding is in a town or village court, such court
50 shall add an additional five dollars to the surcharges imposed by such
51 subdivision one.

52 § 4. The state finance law is amended by adding a new section 94-c to
53 read as follows:

54 § 94-c. Crime victim's assistance account. 1. There is hereby estab-
55 lished in the joint custody of the state comptroller and the attorney

1 general a special revenue fund to be known as the "crime victim's
2 assistance account."

3 2. The crime victim's assistance account shall consist of all monies
4 received by the state pursuant to section 60.35 of the penal law and all
5 other fees, fines, grants, bequests or other monies credited, appropri-
6 ated or transferred thereto from any other fund or source.

7 3. Monies of the crime victim's assistance account shall be made
8 available for the following purposes:

9 a. For state operation expenses and local assistance services to
10 provide services to crime victims and witnesses; and

11 b. For grants and expenses to private associations, services and
12 programs which provide services to crime victims and witnesses; and

13 c. For compensation payments to crime victims and their families.

14 4. Monies allocated from the crime victim's assistance account for
15 state operation expenses and local assistance services, to provide
16 services to crime victims and witnesses, shall not, in the aggregate,
17 annually exceed ten percent of the funds of the account's previous
18 year's annual cash balance. The attorney general shall make an annual
19 recommendation to the governor and the legislature as to the allocation
20 of these monies.

21 5. Monies allocated from the crime victim's assistance account for
22 grants and expenses to private associations, services and programs,
23 which provide services to crime victims and witnesses, shall not, in the
24 aggregate, annually exceed ten percent of the funds of the account's
25 previous year's annual cash balance. The attorney general shall make an
26 annual recommendation to the governor and the legislature as to the
27 allocation of these monies.

28 6. Upon the payment or collection of a crime victim assistance fee, or
29 a portion thereof, from a convicted offender, and upon the deposit of
30 such monies into the crime victim's assistance account by the comp-
31 troller, a crime victim, who is set forth on a crime victim's list for
32 the convicted offender as defined in subdivision five of section 60.35
33 of the penal law, shall be eligible to apply to the attorney general for
34 crime victim's assistance. Upon verification of the attorney general
35 from the crime victim's list that such applicant is a crime victim of
36 the convicted offender, and upon verification from the state comptroller
37 that payment or collection of monies were made against such convicted
38 offender and that such monies were deposited into the crime victim's
39 assistance account and the amount of such monies, if any, that have been
40 previously paid by or collected from, such convicted offender, the
41 attorney general shall certify to the comptroller that such applicant is
42 eligible to receive crime victim's assistance. Such certification shall
43 specify the current name and address of the crime victim, and the amount
44 of the monies deposited into the crime victim's assistance account as a
45 result of the payment by, or the collection of monies from, the
46 convicted offender. Pursuant to the issuance of the attorney general's
47 certification or certifications, the comptroller shall within thirty
48 days of receipt of such certification or certifications, issue and
49 provide a pro rata payment to each crime victim in the amount of seven-
50 ty-five percent of the amount of money so certified as having been
51 deposited in the crime victim's assistance account as a result of the
52 payment by, or the collection of monies from, the convicted offender.

53 § 5. This act shall take effect on the ninetieth day after it shall
54 have become a law and shall apply to all convictions occurring on or
55 after such date.