



THOMAS P. DiNAPOLI
COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

STEVEN J. HANCOX
DEPUTY COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

TO: Town and Village Justices and Court Clerks

FROM: Tammi Coburn-Sossei
Manager, Justice Court Fund

SUBJECT: Reporting to the Justice Court Fund (JCF)

ISSUED: January 31, 2008

Mandatory Surcharge and Crime Victim Assistance Fee Extensions, effective until 9/1/09

Chapter 56, Laws of 2007, has extended the current mandatory surcharge and crime victim assistance fee required to be levied for certain violations of Vehicle and Traffic Law (VTL) in accordance with VTL § 1809 (1). This provision, which was scheduled to sunset September 1, 2007, has been extended until September 1, 2009. The mandatory surcharge and crime victim assistance fee should continue to be levied for each conviction up to the \$100 limit as established by VTL § 1809 (2).¹

Increase to Report Adjustment Threshold, effective 3/1/08

In order to relieve the courts of the administrative burden of requesting refunds from the JCF for small monetary amounts, effective March 1, 2008, the threshold for allowing a court to process refunds as adjustments to the monthly report will be raised from \$100 to \$250. Refunds are only made to courts in certain limited circumstances: overpayments by the court to the JCF, checks returned to the court for insufficient funds and bail forfeited through clerical error (see 1993 Ops St Comp No. 93-22, at 38).

The JCF will continue to require a written request for refunds in excess of \$250. Written requests must (1) be on court letterhead, (2) include a brief explanation of the circumstances, the month, page and line of the report conveying the funds to us and (3) include an original signature of the justice. The JCF will also continue to process all refunds paid directly to defendants for reversals on appeal, vacation of judgments or remissions of forfeited bail (see Criminal Procedure Law § 540.30).

¹ We note that, where appropriate, certain mandatory surcharges, sex offender registration fees, DNA databank fees, supplemental sex offender victim fees and crime victim assistance fees are required to be levied pursuant to Penal Law § 60.35.

Changes in Reporting Format – Non-Electronic Filers

In the next few months, the JCF will be reviewing the format for the monthly report that is used by non-electronic filing courts (AC1030). While it is anticipated that the new report will, for the most part, require the same information as the current report, the report format will be updated to allow for increased processing efficiencies by our office. New report stock, along with reporting instructions, will be sent to non-electronic filing courts as soon as the new report format has been determined.

Other Reporting Issues

The following reminders address areas of reporting where we have seen a significant increase in errors.

Appropriate Report Certification – The monthly report must be certified by the appropriate justice by either faxing the signed certification form to our office or, for non-electronic filers, by signing the final page of the paper report. The JCF will not accept reports certified by someone other than the justice. For example, it is not appropriate for the court clerk to sign the justice's name and initial this action. An original signature of a justice provides assurance that the justice has reviewed the report and certifies that the information being reported is complete and accurate. Since it is the justice's personal responsibility to safeguard the court's assets, the use of signature stamps on the reports or on checks drawn against a justice's bank account is highly discouraged. Authorizing the court clerk to sign the justice reports and/or checks increases the risk of reporting errors or monies being misappropriated. Please refer to page 59 in the *Handbook for Town and Village Justices and Court Clerks* for further information on the fiscal responsibilities of the justice.

No Activity Reports – In addition to faxing the certification, justices filing electronically must also transmit an electronic file, even if the justice is reporting no activity for the month. If you are using a commercial vendor reporting package, contact your software vendor for instruction on how to create a "no activity" report.

Termination of Suspension Fees – Termination of suspension fees should be reported in the "civil fees" column on a separate line referencing VTL § 503. You may report these cases individually or in lump sum. If you are using a commercial vendor reporting package, contact your software vendor for instruction on how to properly record this fee.

Violations of Environmental Conservation Law – The court fee for many civil cases enumerated in the Environmental Conservation Law is \$2.50 and must be reported and remitted to the JCF. Please remember that these fees should be reported in the "civil fees" column. They should not be reported in the "mandatory surcharges" column.

We hope that this information is sufficient to address your reporting concerns. If you should have any questions, please contact us by e-mail at courtfund@osc.state.ny.us or by phone at (518) 473-6438.