

THOMAS P. DiNAPOLI
STATE COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

TO: Town and Village Justices and Court Clerks

FROM: Tammi Coburn-Sossei
Manager, Justice Court Fund

SUBJECT: Reporting New and Increased Surcharges and Fees to the
Justice Court Fund

DATE: July 9, 2008

RE: Unified Court System Court Fees under the New Budget Bill May 2008
Unified Court System Updated Mandatory Surcharge Schedule

As previously detailed in a memorandum from the Unified Court System (UCS), there were a number of changes in fees and surcharges enacted this year by the NYS Legislature. Below is a summary of these legislative amendments along with instructions and information relating to the reporting of these new and increased fees and surcharges to the Justice Court Fund.

EFFECTIVE July 1, 2008 – Increased Surcharges and Crime Victim Assistance Fees under Penal Law §60.35

The mandatory surcharges and crime victim assistance fees required by Penal Law §60.35 for conviction of a felony, misdemeanor or violation are increased effective July 1, 2008 as follows:

- | | |
|--|--|
| 1. Felony (Penal Law §60.35[1][a][i]): | Mandatory Surcharge- from \$250 to \$300
Crime Victim Assistance Fee- from \$20 to \$25 |
| 2. Misdemeanor (Penal Law §60.35[1][a][ii]): | Mandatory Surcharge- from \$140 to \$175
Crime Victim Assistance Fee- from \$20 to \$25 |
| 3. Violation (Penal Law §60.35[1][a][iii]): | Mandatory Surcharge- from \$75 to \$95
Crime Victim Assistance Fee- from \$20 to \$25 |

EFFECTIVE July 1, 2008 – Increased Surcharges and Crime Victim Assistance Fees under VTL §1809

DWI Convictions:

The mandatory surcharges and crime victim assistance fees required by VTL §1809 for convictions under VTL §1192 (operating a motor vehicle while under the influence of alcohol or drugs) are increased effective July 1, 2008 as follows:

- | | |
|---------------------------------------|--|
| 1. Felony (VTL §1809[1][b][i]): | Mandatory Surcharge- from \$250 to \$300
Crime Victim Assistance Fee- from \$20 to \$25 |
| 2. Misdemeanor (VTL §1809[1][b][ii]): | Mandatory Surcharge- from \$140 to \$175
Crime Victim Assistance Fee- from \$20 to \$25 |
| 3. Infraction (VTL §1809[1][c]): | Mandatory Surcharge- from \$45 to \$55
Crime Victim Assistance Fee- \$5 (no change) |

Other VTL Convictions:

The mandatory surcharge¹ required by VTL §1809(1)(c) for certain vehicle and traffic convictions² is increased from \$45 to \$55 effective July 1, 2008.

EFFECTIVE August 1, 2008 – New Additional Surcharge under VTL §1809-e

The new provision, VTL §1809-e, requires an additional surcharge to be added to certain vehicle and traffic violations effective August 1, 2008 as follows:

- | | |
|--|--|
| 1. DWI convictions under VTL §1192 (VTL §1809-e[1][b]): | Additional Surcharge- \$170 ³ |
| 2. Other VTL convictions ⁴ (VTL §1809-e[1][a]): | Additional Surcharge- \$20 ⁵ |

EFFECTIVE July 1, 2008 – Reporting Increased Surcharges and Crime Victim Assistance Fees

¹ The crime victim assistance fee required by VTL §1809(1)(c) was not increased by the Legislature. As such, this fee remains \$5.

² The mandatory surcharge and crime victim assistance fee required by VTL §1809(1)(c) does not apply to certain specified VTL offenses (i.e., crimes under VTL §1192; traffic infractions involving standing, stopping or parking; violations by pedestrians or bicyclists; camera-generated red light tickets under VTL §1111-a; and failure to pay a toll in certain situations).

³ The new additional surcharge of \$170 under VTL §1809-e for convictions under VTL §1192 appears to be in addition to the existing additional surcharges of \$5 under VTL §1809(9) and \$25 under VTL §1809-c. Thus, the total “additional surcharge” required for convictions under VTL §1192 is \$200.

⁴ The new \$20 additional surcharge does not apply to certain specified VTL offenses (i.e., convictions under VTL §1192; traffic infractions involving standing, stopping or parking; violations by pedestrians or bicyclists; camera-generated red light tickets under VTL §1111-a; and failure to pay a toll in certain situations).

⁵ The new \$20 additional surcharge under VTL §1809-e appears to be in addition to the existing additional surcharges of \$5 under VTL §1809(9) and \$50 under VTL §1809-d. Thus, the total “additional surcharge” for convictions involving the maximum speed limit in highway construction zones is \$75.

Continue to report the increased surcharges and crime victim assistance fees in the surcharge column. Be sure to reference the specific statutes and sections on your report.

The mandatory surcharges and crime victim assistance fees required by VTL §1809(1) should continue to be levied for each conviction up to the \$100 limit, as provided in VTL §1809(2).

EFFECTIVE August 1, 2008 – Reporting New VTL Surcharge

Report the new surcharge, VTL §1809-e, together with all other applicable surcharges and crime victim assistance fees in the surcharge column. Be sure to reference the specific statutes and sections on your report.

The new VTL §1809-e surcharge is not subject to the \$100 maximum contained in VTL §1809(2); as such, it should not be included in determining whether the \$100 limit has been reached under section 1809(2). The \$100 maximum also does not apply to the \$5 town and village surcharge required by VTL §1809(9) [note that the additional \$5 surcharge collected by town and village courts pursuant to VTL §1809(9) is still in effect], the additional \$25 driving while intoxicated surcharge required by VTL §1809-c(1) and the additional \$50 work zone surcharge required by VTL §1809-d.

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

CC: Office of Court Administration
Admit
SEI – Service Education Incorporated