



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

INTRO. 210

COMMITTEE: Fire and Criminal Justice Services

TITLE: A local law to amend the administrative code of the city of New York in relation to establishing fees for certain probation services. **SPONSORS:** Council Members Crowley and Halloran (by request of the Mayor).

SUMMARY OF LEGISLATION: This legislation would amend Title 9 of the Administrative Code of the city of New York by adding a new section, section 9-201, which would add fees for certain probation services. Under the proposed legislation, newly added Section 9-201 would establish a probation fee and Section 9-202 establishes a probation investigation fee.

Section 9-201 establishes that: (i) any individual currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law (i.e., driving while intoxicated or driving under the influence) shall pay an administrative fee of \$30 per month to the Department of Probation (DOP); (ii) collection of the administrative fee shall be governed by subdivision 6 of section 420.10 of the Criminal Procedure Law and shall not constitute, nor be imposed, as a condition of probation; (iii) DOP shall waive part or all of the administrative fee based upon the indigence of the defendant; (iv) in the event of non-payment the City of New York may seek to enforce payment in any manner permitted by law for enforcement of debt in cases of non-payment; and (v) monies collected shall be utilized for probation services by DOP.

Section 9-202 establishes that: (i) when ordered by the court to conduct an investigation in a child custody or visitation case pursuant to section 653 of the Family Court Act (FCA), DOP is entitled to receive an investigation fee of not less than \$50 and not more than \$500 for such investigation from parties involved in the proceeding; (ii) the fee shall be determined by the court based on the party's ability to pay and the schedule for payment shall be fixed by the court in accordance with state guidelines; (iii) the court may waive the fee when parties lack the sufficient means to pay; and (iv) the court shall apportion the fee between the parties based on their respective financial circumstances and the equities of the case. Fees collected shall be paid directly to DOP to be retained and utilized for local probation services.

EFFECTIVE DATE: Section 2 of the bill states that it shall take effect immediately, provided that the provisions of Section 9-201 shall apply to any individual currently serving or who shall be sentenced to a period of probation and such fee shall become due and owing on the first day of the first calendar month occurring at least ninety days after the effective date of the local law, and subsequently on the first day of each calendar month thereafter. Furthermore, the provisions of Section 9-202 shall apply to any investigation ordered by the family court pursuant to section 653 of the FCA on or after the effective date of the local law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2011

FISCAL IMPACT STATEMENT:

	Effective FY11	FY Succeeding Effective FY12	Full Fiscal Impact FY11
Revenues (+)	\$0	\$1,019,000	\$1,019,000
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$1,019,000	\$1,019,000

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division, City Council Governmental Affairs Division, Mayor's Office of Legislative Affairs, and Department of Probation.

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director
Eisha Wright, Supervising Legislative Financial Analyst

HISTORY: On May 12, 2010, Intro. 210 was introduced by the Council and referred to the Committee on Fire and Criminal Justice Services. On May 27, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On June 29, 2010, the Committee on Finance will consider Intro. 210.