



Legislation Text

File #: Int 1823-2019, **Version:** *

Preconsidered Int. No. 1823

By The Speaker (Council Member Johnson) and Council Members Kallos, Brannan and the Public Advocate (Mr. Williams)

A Local Law in relation to establishing a day-fines pilot program in the office of administrative trials and hearings

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Chief administrative law judge. The term “chief administrative law judge” means the chief administrative law judge of the office of administrative trials and hearings.

Day-fines. The term “day-fines” means a system of assessing and imposing fines that takes into account the daily disposable income of a respondent.

Office. The term “office” means the office of administrative trials and hearings.

Organization. The term “organization” means a not-for-profit corporation, as determined by the chief administrative law judge, capable of efficaciously selecting appropriate statutes for, and conducting research into, the efficacy and final fine-rates of, the use of day-fines.

b. No later than January 1, 2021, the office shall establish a pilot program, in consultation with the organization, in no fewer than two boroughs, for the implementation of day-fines. Such pilot program shall include a total of no fewer than 10 statutes, addressing summonses issued by no fewer than two different agencies, with a sufficient quantity to adequately assess the fiscal and policy implications of permanently imposing day-fines. Such pilot program shall continue through at least January 1, 2022, and may continue

further at the discretion of the chief administrative law judge. Pursuant to such pilot program, notwithstanding the provisions of subdivision 4 of section 1049 of the New York city charter, the office may offer community service pursuant to section 1049 of the New York city charter for up to 10 offenses that are not specified offenses as defined in such section.

c. The chief administrative law judge shall have the authority, during the duration of the pilot program, to discontinue the inclusion of any statute in such pilot program, provided that no fewer than 10 statutes shall be assessed for day-fines in such pilot program at any time.

d. No later than June 30, 2022, the chief administrative law judge, in conjunction with the organization, shall submit a report to the mayor and the speaker of the city council on such pilot program, which shall include recommendations as to whether and how such pilot program should be expanded, and compare the use of community service to day-fines. Such report shall also include the following information:

1. The number of statutes included in the pilot program, in total disaggregated by the agency or agencies that issued summonses under such statutes, and also disaggregated by which statutes were utilized for day-fines and which for community service, if any.

2. The amount of fines imposed and collected, and the number of community service hours completed, in total and disaggregated by statute, and also disaggregated by the borough in which the summonses underlying such fines were issued.

3. A historical comparison of the fines imposed and collected under such pilot program to the fines imposed and collected under each such statute over the five years preceding the implementation of such program.

4. The costs associated with the pilot program, and a projection of such costs for any reasonable expansion of the use of day-fines.

5. Feedback from participants in such pilot program, including employees of the office of administrative trials and hearings judges and relevant respondents

6. A list of statutes that were removed from the pilot program, if any, and the reason for such discontinuation.

§ 2. This local law takes effect immediately.

LS# 8256
MKW
11/26/19