



Legislation Text

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Int. No. 210

By Council Members Crowley and Halloran (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to establishing fees for certain probation services.

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 2 to read as follows:

Chapter 2

Department of Probation

§ 9-201 Probation administrative fee.

a. In accordance with section 257-c of the executive law, any individual currently serving or who shall be sentenced to a period of probation upon conviction of any crime under article thirty-one of the vehicle and traffic law shall pay to the department of probation an administrative fee of thirty dollars per month.

b. The provisions of subdivision six of section 420.10 of the criminal procedure law shall govern for purposes of collection of the administrative fee.

c. The administrative fee authorized by this subdivision shall not constitute, nor be imposed, as a condition of probation.

d. The department of probation shall waive all or part of the administrative fee where, because of the indigence of the offender, the payment of the administrative fee would work an unreasonable hardship on the person convicted, his or her immediate family, or any other person who is dependent on such person for financial support.

e. In the event of non-payment of any fees that have not been waived by the department of probation, the city of New York may seek to enforce payment in any manner permitted by law for enforcement of a debt.

f. Monies collected pursuant to this section shall be utilized for probation services by the department of probation.

Section 9-202 Investigation fee.

a. In accordance with section 252-a of the family court act, when ordered by the court to conduct an investigation pursuant to section six hundred fifty-three of the family court act, the department of probation shall receive an investigation fee of not less than fifty dollars and not more than five hundred dollars from the parties in such proceeding for performing such investigation.

b. Such investigation fee shall be determined by the court based on the party's ability to pay the fee, and the schedule for payment shall be fixed by the court issuing the order for investigation, pursuant to the guidelines issued by the director of the New York state division of probation and correctional alternatives.

c. The court, in its discretion, may waive the investigation fee when the parties lack sufficient means to pay the fee.

d. The court shall apportion the investigation fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.

e. Fees pursuant to this section shall be paid directly to the department of probation to be retained and utilized for local probation services.

§ 2. This local law shall take effect immediately, provided that the provisions of section 9-201 of the administrative code of the city of New York, as added by section one of this local law, 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 this local law and thereafter on the first day of the calendar month, and provided further that the provisions of

section 9-202 of the administrative code of the city of New York, as added by section one of this local law, shall apply to an investigation ordered by the court on or after the effective date of this local law.