



# Report on the Justice Court Fund

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## Executive Summary

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- New York's 1,246<sup>1</sup> town and village justice courts adjudicate over two million cases per year. These courts, which, among other things, rule on traffic offenses and small claims matters, and issue orders of protection, are often the only point of contact that citizens have with the justice system. Presently, there are over 2,100 justices serving in these courts.
- Justice courts collected \$246.3 million in fines and other charges in 2009, of which \$115.7 million was distributed to the State, \$10.7 million to counties and \$119.9 million to towns and villages. All of these funds were processed and distributed through the Comptroller's Justice Court Fund.
- The amount of revenue received by towns and villages varies greatly, influenced by the total number of cases adjudicated (ranging from fewer than five to over 18,000 per year) and by the type and disposition of those cases.
- The State and county share of justice court revenues fund an array of specific programs, including legal services for indigent defendants, crime victims' services, and driving while intoxicated (DWI) education programs.
- In the past five years, the State has increased or added mandatory fees, surcharges and surcharge caps for certain offenses five times, resulting in numerous changes implemented on five different dates. Multiple ad hoc changes over many years have resulted in a system that is complicated and difficult to administer.

## Introduction

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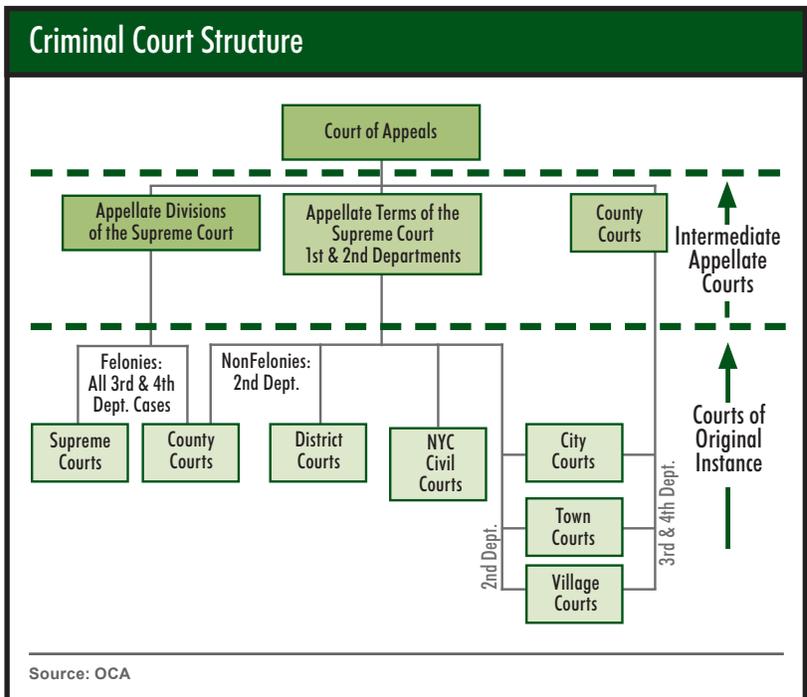
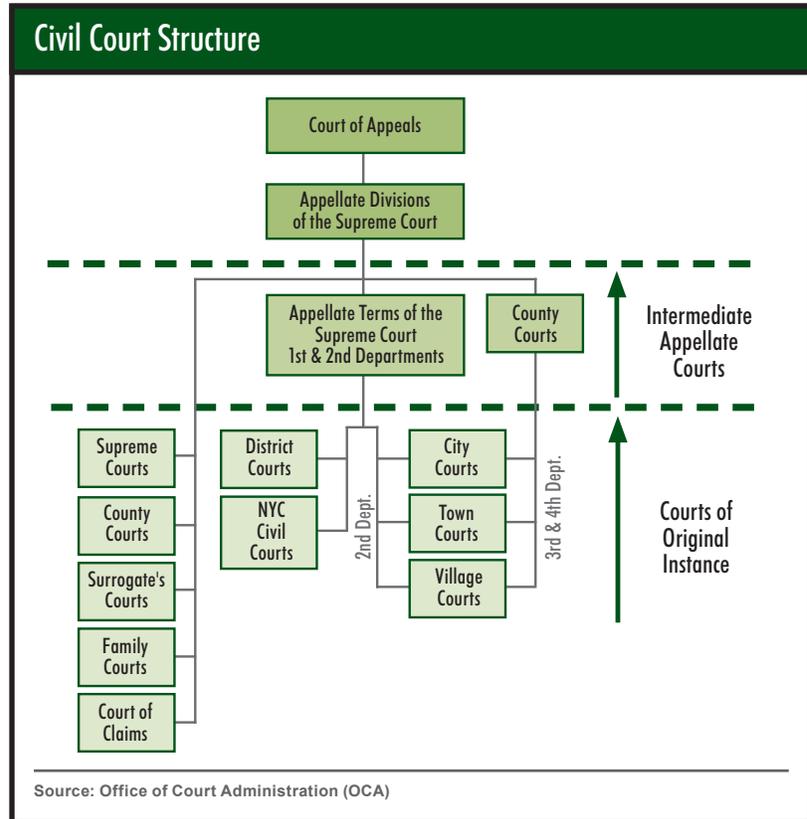
The Office of the State Comptroller (OSC) administers the Justice Court Fund (JCF), a sole custody fund established in 1944 into which the revenues generated by the State's 1,246 town and village justice courts are deposited. In 2009, these justice courts collected over \$246 million in fine-related revenue. OSC divided the revenue in accordance with a complex set of laws to the State (\$116 million), its counties (\$11 million), and towns and villages (\$120 million). The State's share was divided between the General Fund and eleven special revenue funds, which support various programs, such as providing legal representation to indigent defendants.

The role of OSC's Justice Court Fund Unit in OSC's Division of Local Government and School Accountability is to receive and review monthly justice reports, and to distribute or direct the distribution of the revenue in accordance with State statutes. The JCF Unit is also often called upon to provide statewide analysis of the data reported by the justice courts to determine trends in revenue collection and distribution. These analyses are often used to support proposals for legislative and policy changes. During 2009, the JCF Unit responded to over 60 individual requests for data from a variety of interested parties, including the Division of the Budget, the Assembly Ways and Means Committee, the Senate Finance Committee, the Commission on Judicial Conduct, other State agencies, the media and academic research groups. In addition, OSC conducts audits of justice courts to oversee the quality of their fiscal controls and works closely with the Office of Court Administration (OCA) in the development and delivery of training programs. In 2009, OSC provided fiscal oversight related training to over 1,400 justices and other court personnel.

## Background on Justice Courts

Town and village justice courts are part of the overall civil and criminal court structure in New York State (NYS). The NYS Unified Court System (UCS) also includes city courts, county courts, district courts, family courts, and others (see diagrams). Town and village justice courts handle many of the same types of cases that city courts do. However, city courts operate as an arm of OCA, directly administered and funded by the State Unified Court System, and thus do not report their revenues to OSC.

By contrast, town and village justice courts are entities of their sponsoring municipalities, which are responsible for funding the courts, providing adequate facilities, and staffing them. Local justices are elected by the voters of the town or village in which they reside. In addition, the sponsoring locality has responsibility for ensuring the accuracy of court financial records. This leaves justice courts functionally independent from the State, even though OCA exercises oversight responsibility over judicial matters.



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## Jurisdiction

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New York's 1,246 town and village justice courts adjudicate over 2 million cases per year.<sup>2</sup> Justices in these courts, which are often the only contact many citizens have with the justice system, preside over both civil and criminal matters. Many of the cases are related to the Vehicle and Traffic Law (VTL), such as equipment violations and speeding tickets. These courts also serve as the venue for small claims proceedings, which are intended to provide a low-cost, simplified and informal procedure for individuals to resolve disputes involving limited monetary claims. Individual litigants are not required to use an attorney in these matters. These courts also handle landlord/tenant matters that could result in a verdict, such as an eviction, as well as a monetary judgment for the payment of back rent.

These courts are also authorized to handle criminal cases that involve the prosecution of misdemeanors and violations that are committed within the town or village, and to conduct arraignments and preliminary hearings in felony matters.

Town and village justices must be on-call 24 hours a day and are also called upon to act as family court judges when family court is not in session. In cases involving domestic violence, the justices are authorized to issue orders of protection.

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## Structure

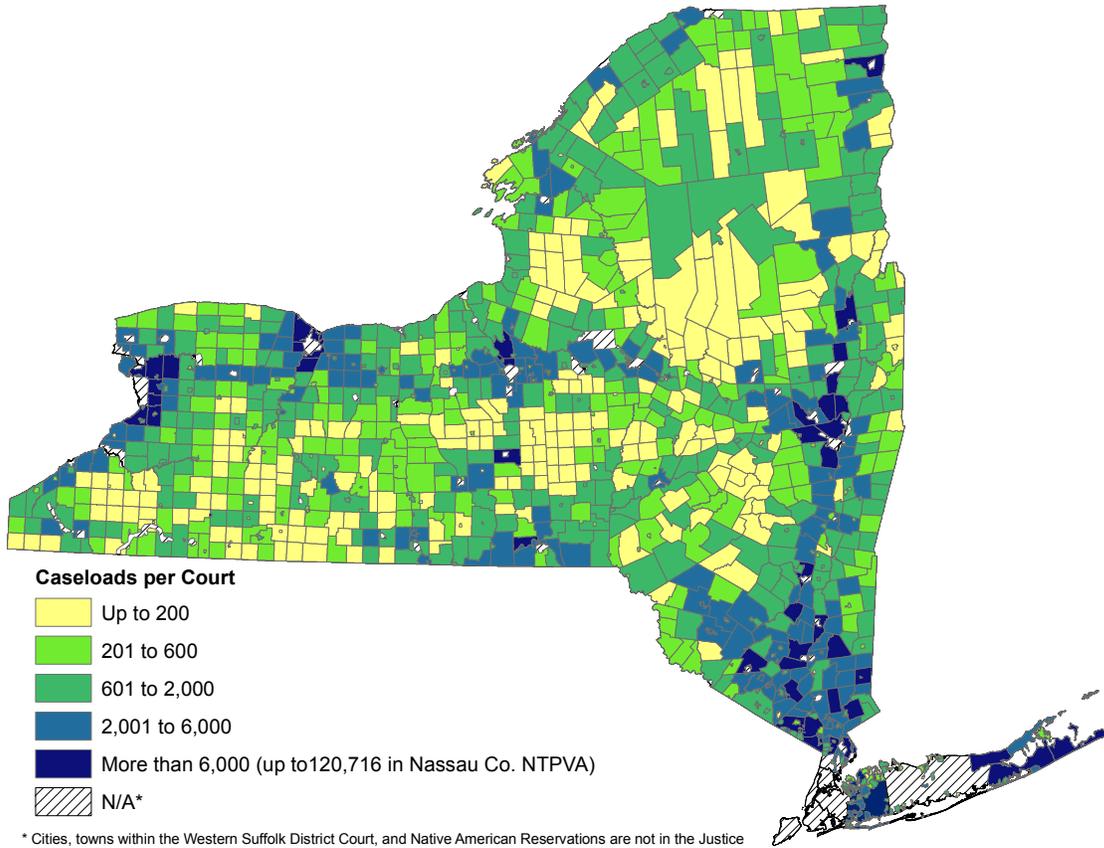
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Located in all 57 counties outside New York City, justice courts exist in nearly every town and more than half of the State's villages, ranging from sparsely-populated rural municipalities to densely-populated suburban localities.

Not surprisingly, these courts have diverse caseloads, staffing, facilities, security, oversight and administration. In some rural communities, the courts may only be in session once or twice per month, collect very little in the way of fines, and employ no full-time staff. By contrast, the largest justice courts may be in session every day, hear thousands of cases annually, employ extensive full-time staff, and collect millions of dollars from defendants.

State law generally requires each town in New York State to have two justices and allows each village up to two. However, a town may, by resolution subject to permissive referendum, reduce the number of justices to one, and villages with only one justice are required also to have an additional "acting" justice who will serve when requested by the village justice, or in the absence or inability of the village justice to serve. Furthermore, there is authority for certain towns and villages to increase their number of justices to three or even four.<sup>3</sup> In 2009, most town courts had two justices, while most village courts had only one. Only a handful of courts had more. The number of cases heard in individual courts in 2009 ranged from one each in the Town of Worth and the Village of Saltaire, to over 18,000 in the Town of Southampton.

## Justice Court Caseloads, 2009



\* Cities, towns within the Western Suffolk District Court, and Native American Reservations are not in the Justice Court Fund system; Nassau County's District Court is not either, but the Nassau County Traffic and Parking Violations Agency is, and is included on the map.

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## Background of Justices

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Elected locally, town and village court justices need not have any specific degree or background, and are not required to have any formal legal training before running for office. Presently, there are over 2,100 justices serving on these courts. According to OCA, 72 percent of all town and village justices are not attorneys, and this percentage is even higher in rural areas.<sup>4</sup> However, prior to taking the bench, newly elected non-attorney justices are required by law to successfully complete a basic training program, which is provided by OCA. Beyond this initial requirement, OCA has additional training requirements for all justices. The sheer number and frequent turnover of town and village justices make it difficult to maintain support and oversight of justice courts throughout the State and help courts adhere to financial accountability standards. Toward this end, the Office of the State Comptroller partners with OCA to provide enriched training programs at low cost. Such programs include seminars, workshops, teleconferences and online training. During 2009, OSC participated in 18 separate events where over 1,400 justices and court personnel received training to improve accountability over court financial matters.

### Long Island: The Exception to the Rule

**The three towns in Nassau County (Hempstead, North Hempstead and Oyster Bay) and the five westernmost towns in Suffolk County (Babylon, Brookhaven, Huntington, Islip and Smithtown) have no town justice courts. Although several villages in these towns have their own courts, outside of these villages all nonvehicular offenses and civil issues, as well as misdemeanors and felony vehicular offenses, and all DWIs, are adjudicated through the Nassau and Suffolk County District Courts.**

**Those vehicular offenses that are not required to be heard in the County court are adjudicated through specific administrative entities.**

- **Nassau County's Traffic and Parking Violations Agency (NCTPVA)<sup>5</sup> was established by Nassau County to assist the Nassau County District Court in the disposition and administration of infractions of traffic and parking laws, ordinances, rules, and regulations with certain exceptions. Revenues generated through the resolution of these infractions are distributed between Nassau County and New York State.**
- **Western Suffolk has a Traffic Violations Bureau, run by the State's Department of Motor Vehicles (DMV), which also runs similar administrative traffic bureaus in New York City, Buffalo and Rochester. DMV's Traffic Violations Bureaus are permitted to adjudicate noncriminal moving traffic violations.<sup>6</sup> The revenues are remitted to OSC for subsequent distribution to the local jurisdictions and the State.**

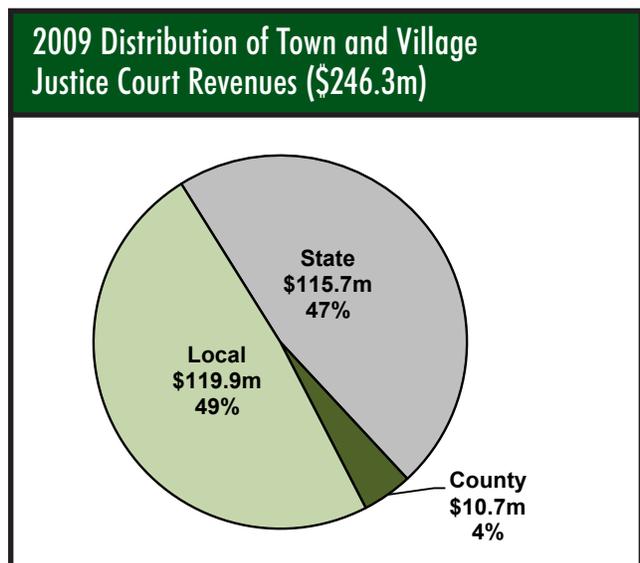
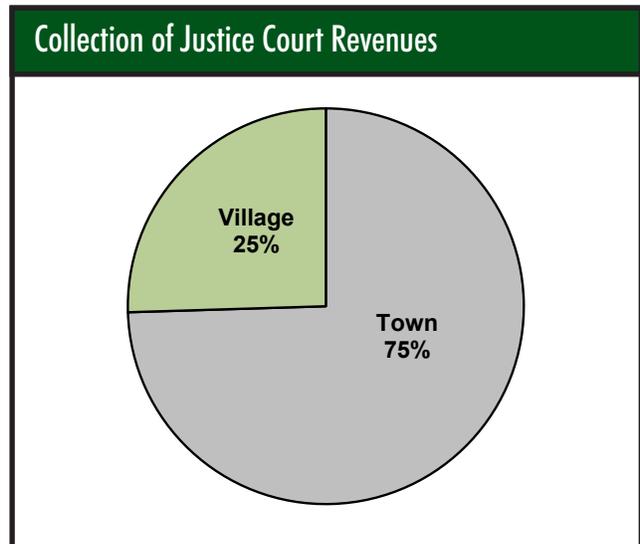
## Distribution of Revenues

In 2009, New York’s justice courts collected \$246.3 million in revenues. About 90 percent of this revenue was generated through fines, fees and surcharges on vehicle and traffic violations, and smaller amounts were generated from forfeited bail and violations of environmental, penal and other laws. Justice court revenues have increased by 55 percent since 2000-01, or about 5 percent per year on average. Town courts collected 75 percent of these revenues.

Of this total, towns and villages received 49 percent or \$119.9 million. Counties received a much smaller portion – \$10.7 million, while the State received the remaining 47 percent, or \$115.7 million. The amount distributed to each level of government is determined by a complex and often-changing set of laws.

In the absence of any law to the contrary, a fine imposed by a town or village court for a violation that occurs within that town or village is a revenue of that town or village.<sup>7</sup> This includes fines collected for violations of town and village ordinances, such as parking violations, and an assortment of violations of State statutes, such as the Penal Law, the Public Health Law and other laws.<sup>8</sup>

However, there are many exceptions to this general principle.<sup>9</sup> For example, although villages receive fine revenue for violations of locally enacted ordinances whether they have a court or not, they are not eligible to receive any VTL fines if they do not have a court.<sup>10</sup> In those cases, the fine revenue the village would have received is distributed to the town. The fines collected for violations of certain VTL provisions, such as those related to equipment, inspections, dimensions and weights, licenses, registration, insurance, certain instances of speeding, reckless driving and speed contests, must be distributed to the State. Revenue from other types of violations – such as snowmobile license violations – is divided between the town or village and the State. Counties receive fine revenues for a few specific offenses, including driving while intoxicated (DWI).<sup>11</sup>



The distribution of revenue for speeding tickets is particularly complex. Certain fines are retained by the town or village while other fines are distributed to the State, depending on where the violation occurred. For example, the State receives the fines for speeding violations that occur on most State-regulated roads. However, towns and villages receive the fines for violations that occur either on a State parkway or within a State park. In addition, larger towns and all villages with a court receive the fines collected from speeding violations that occur within locally-enacted speed limits,<sup>12</sup> but the amount they are entitled to receive is capped at \$5.00 per capita per year. Fines collected in excess of this cap must be distributed to the State. In villages without a court, fines collected for violation of a village speed limit are distributed to the town up to the village's annual fine cap.

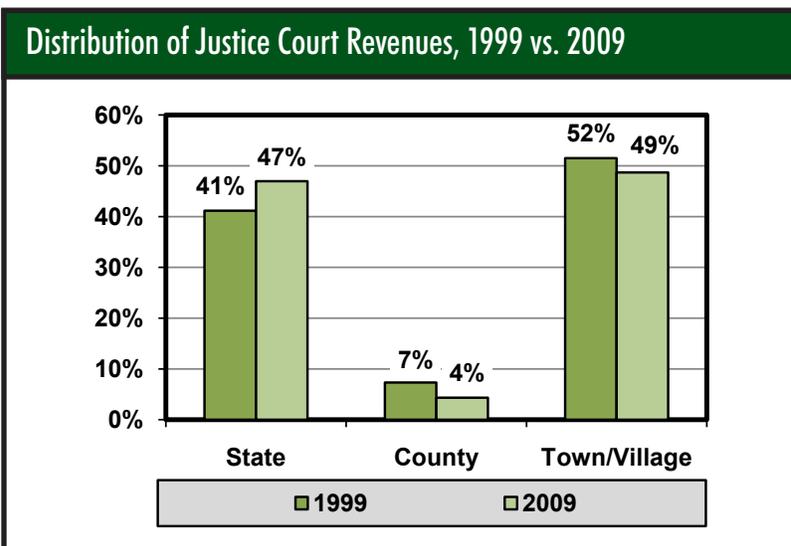
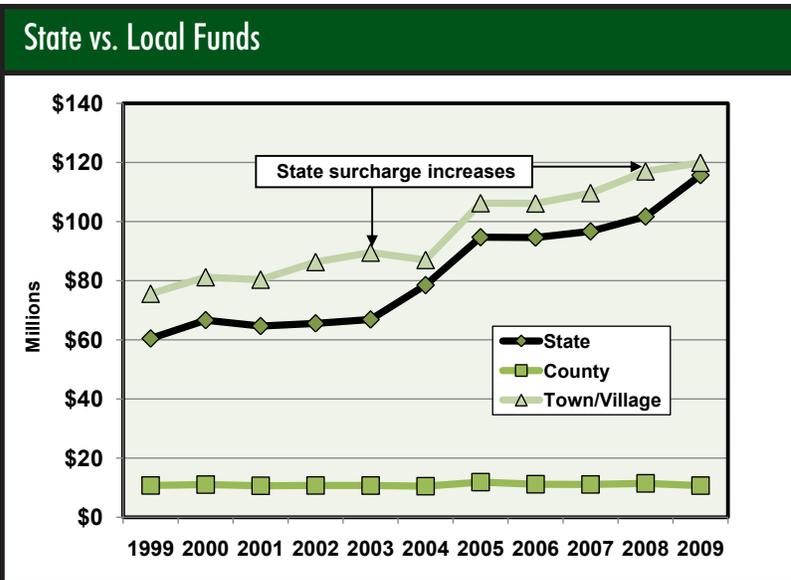
In addition to any fine or sentence imposed by the court, mandatory surcharges must be assessed on certain violations of the Environmental Conservation Law, the Penal Law and the Vehicle and Traffic Law. The majority of these surcharges are distributed to the State. Some laws require the imposition of State fees in addition to fines and/or surcharges. For example, crime victim assistance fees, DNA databank fees and/or sex offender registration fees are collected for certain violations of the VTL and the Penal Law. These fees are intended to support specific State programs. (See the section entitled "State Revenue" for more information.)

### E-Filing: A Win-Win

**By law, every justice court must report its collections to OSC's Justice Court Fund Unit each month. In order to expedite distribution and reduce data entry errors, the JCF Unit has offered an electronic filing option since 1997. Courts that file electronically and participate in the Invoice Billing Program remit court funds to the Chief Financial Officer (CFO) of the town or village each month and the CFO, upon receipt of the invoice and billing statement from the JCF Unit, pays only the State and county share into the JCF. Courts that continue to file manual reports must remit all collections to the JCF each month and wait for the JCF Unit to distribute the local portion of those revenues back to their local government on a quarterly basis.**

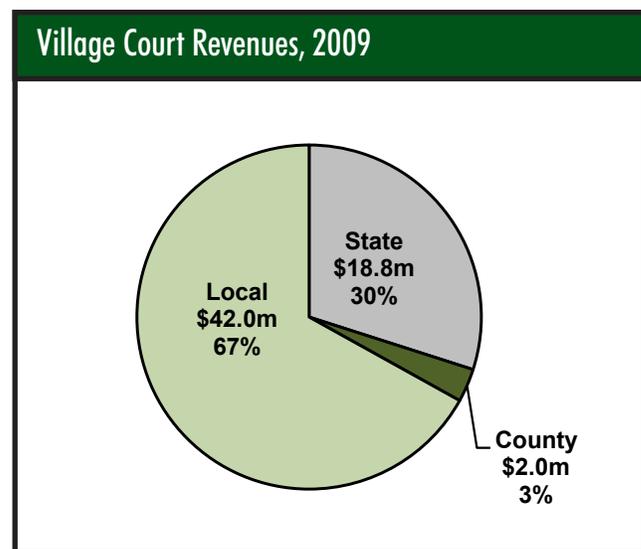
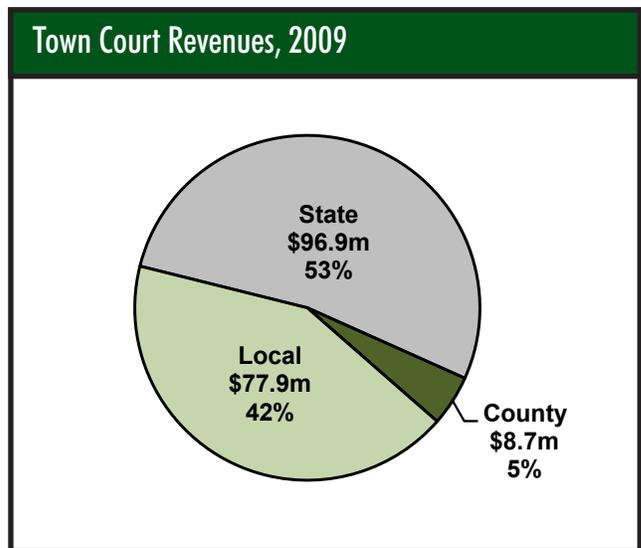
**Not surprisingly, e-filing is increasingly popular, especially with larger, more technologically sophisticated court systems, as it substantially improves their cash flow. As of December 2009, 1,118 courts (90 percent) were participating, accounting for \$244 million (99 percent) of total revenues collected. More courts join every year.**

Over the past ten years (1999 to 2009), while the total amount of revenue collected by justice courts has increased by 68 percent, the distribution of that revenue has been shifting, with a larger portion going to the State (which gained 91 percent over the decade) than to either towns and villages (which saw 59 percent growth) or counties (which remained flat). Thus, the State's share of justice court revenues has risen from 41 to 47 percent, while the town and village share has decreased from 52 to 49 percent. Since revenue distributed to counties remained essentially flat, by 2009 counties received only 4 percent of the total distribution, down from 7 percent in 1999.



## Town and Village Revenue

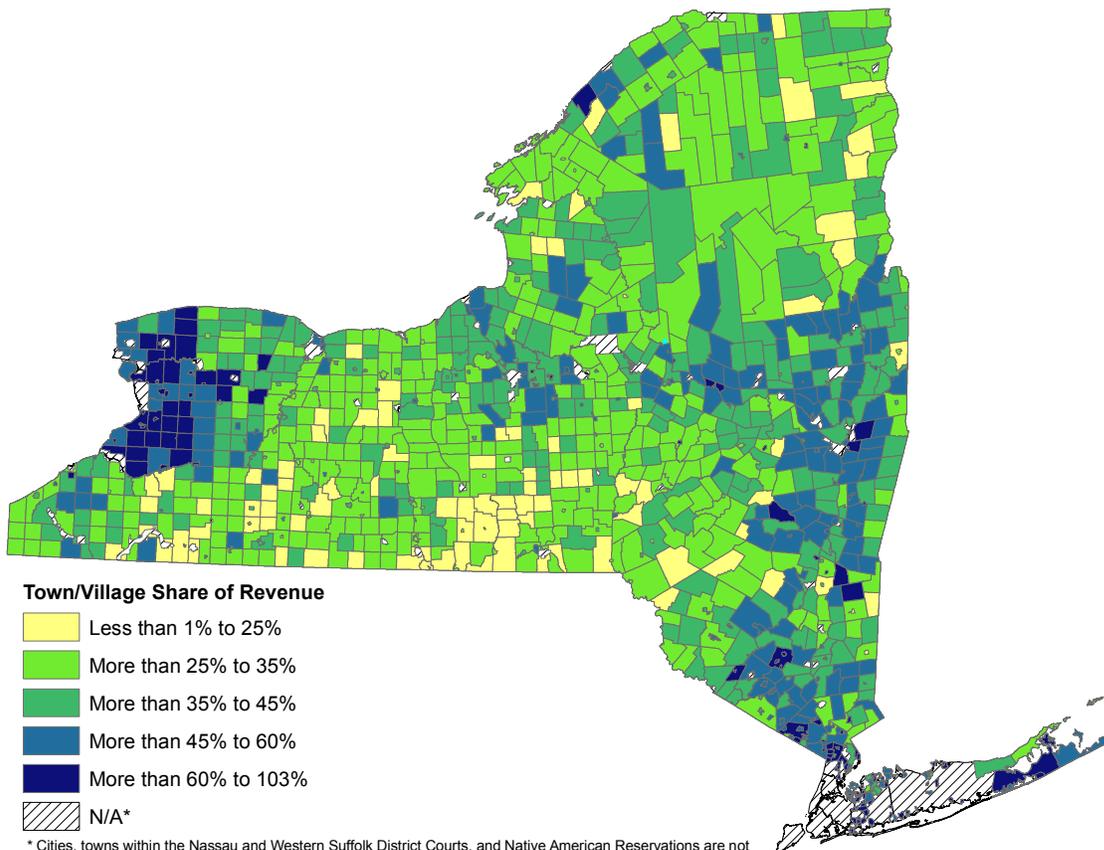
In 2009, towns retained an average of 42 percent of the \$183.5 million collected in their courts, while villages retained an average of 67 percent of the \$62.8 million collected in their courts. This disparity reflects the different types of cases that the town and village courts handle. Many towns have small populations and relatively few local ordinances. Often, a large percentage of their collections are from violations in which the fine and/or surcharge must be distributed to the State, such as moving violations and other VTL violations. Thus, a larger percentage is distributed to the State. Villages, on the other hand, are generally centers of population and may experience more Penal Law and other offenses with fines that remain local. Additionally, villages often enact local ordinances, such as local speed zones, parking, building, noise and animal control, and may also have increased code and law enforcement capability. Thus the revenue they collect often includes a large percentage of locally-imposed (and thus locally-distributed) fines.



## Top Ten Revenue-Generating Courts

In 2009, the top ten courts collected \$24.6 million, or about 10 percent of total revenues generated by the 1,246 town and village justice courts. Seven of these courts are located in major towns and villages surrounding New York City. Although each of these courts collected over \$2 million, the distribution of those revenues between the municipalities, counties and the State ranged widely. The Village of Freeport, for example, retained 81 percent of collections, distributed none to Nassau County, and only 19 percent to the State. By contrast, the Town of Colonie retained only 44 percent of its collected revenues, distributed 6 percent to Albany County, and 50 percent to the State. The Town of Southampton (in Suffolk County) ranked first, collecting over \$3 million, and retaining a relatively high percentage (62 percent) of that revenue compared with other towns. The three villages in the top ten – Hempstead, Port Chester and Freeport – are all populous suburbs of New York City. The Towns of Amherst and Cheektowaga are suburbs of the State’s second-largest city, Buffalo, and the Town of Colonie is a suburb of Albany and a sizable center of commerce.

### Share of Revenue Retained by Town or Village, 2009



### Top Ten Justice Courts by Amount of Revenue Raised in 2009

Jurisdiction	County	Rank	State		County		Local		Total
			Amount	%	Amount	%	Amount	%	
TOWN OF SOUTHAMPTON	SUFFOLK	1	\$1,023,345	33%	\$157,542	5%	\$1,905,073	62%	\$3,085,959
TOWN OF AMHERST	ERIE	2	\$836,711	29%	\$194,448	7%	\$1,875,308	65%	\$2,906,467
TOWN OF COLONIE	ALBANY	3	\$1,266,251	50%	\$146,571	6%	\$1,111,146	44%	\$2,523,967
TOWN OF EAST HAMPTON	SUFFOLK	4	\$841,904	34%	\$185,715	7%	\$1,462,250	59%	\$2,489,869
VILLAGE OF HEMPSTEAD	NASSAU	5	\$338,142	14%	\$2,670	0%	\$2,099,534	86%	\$2,440,345
VILLAGE OF PORT CHESTER	WESTCHESTER	6	\$435,001	18%	\$57,910	2%	\$1,922,754	80%	\$2,415,665
TOWN OF CHEEKTOWAGA	ERIE	7	\$940,748	41%	\$175,512	8%	\$1,168,187	51%	\$2,284,448
TOWN OF CLARKSTOWN	ROCKLAND	8	\$982,061	44%	\$87,766	4%	\$1,171,225	52%	\$2,241,052
TOWN OF WALLKILL	ORANGE	9	\$1,091,687	51%	\$67,708	3%	\$974,160	46%	\$2,133,555
VILLAGE OF FREEPORT	NASSAU	10	\$389,832	19%	\$6,195	0%	\$1,661,114	81%	\$2,057,141

Source: OSC

### Courts/Justices With No Revenue

There are a couple of situations in which a court may collect no revenue:

- **Extremely small courts:** Very small, rural courts may collect no revenue in a given year, although most courts collect some revenue every year.
- **Town of Scarsdale:** The Town of Scarsdale elects two unpaid town Justices that do not report any cases or revenue, as their responsibilities are limited to such things as performing civil marriages. The Town of Scarsdale is entirely coterminous with the Village of Scarsdale, which has its own (very busy) Justice Court. None of the other four coterminous town/village courts in the State have Town Justices without associated revenue.

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## County Revenue

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Counties receive relatively little revenue from town and village justice courts (4 percent in 2009), and the amount they do receive has actually decreased slightly over the past nine years. In addition, these revenues must be used to fund specific county programs and cannot support general operations of the county. For example, in counties that have established a special traffic options program for DWI, fines resulting from DWI convictions are distributed to the county in which the violation occurred, but these must be used for “Stop DWI” programs. Similarly, counties must use their half of the handicapped parking surcharges collected by town and village courts to support handicapped parking education programs, and the small amount of bail fees they receive to fund their alternatives-to-incarceration service plans.<sup>13</sup> County revenue is also offset by a \$10 fee counties must pay town and village courts each time these courts perform a felony arraignment on behalf of the county. The one exception to this is Nassau County, which receives revenues from traffic tickets adjudicated by the NCTPVA, generally either from fines or in the form of an adjudication fee from the State.

## State Revenue

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During 2009, New York State received nearly \$116 million in revenue from town and village justice courts.<sup>14</sup> This revenue was generated by the imposition of mandatory surcharges, from fines that are distributed to the State, and from specific fees that the State imposes in addition to any other fines and surcharges. The State’s revenue has increased significantly over the past decade, mostly because the State has routinely increased the dollar amounts of mandatory surcharges, fines and fees. Much of this revenue (\$77 million) is deposited into the State’s General Fund. This includes most VTL and all Environmental Conservation Law surcharges, as well as an assortment of fines, fees and forfeitures. Other revenues are earmarked for specific programs, including:

- **Indigent Legal Services Fund (\$25.6 million):** Some VTL surcharges and all license suspension lift fees are deposited into this fund, which assists counties and New York City in providing legal representation for persons who are financially unable to afford counsel.
- **Criminal Justice Improvement Account (\$10.1 million):** Crime victim assistance and sex offender fees are deposited into this account, and are used to provide local assistance services and cover some of the expenses of programs to provide services to crime victims and witnesses.
- **Commercial Vehicle Safety Program Fund (\$2.2 million):** Fines and forfeitures for violations of the Transportation Law are used for administration and enforcement of the highway safety program and related purposes, including the purchase of highway safety equipment.

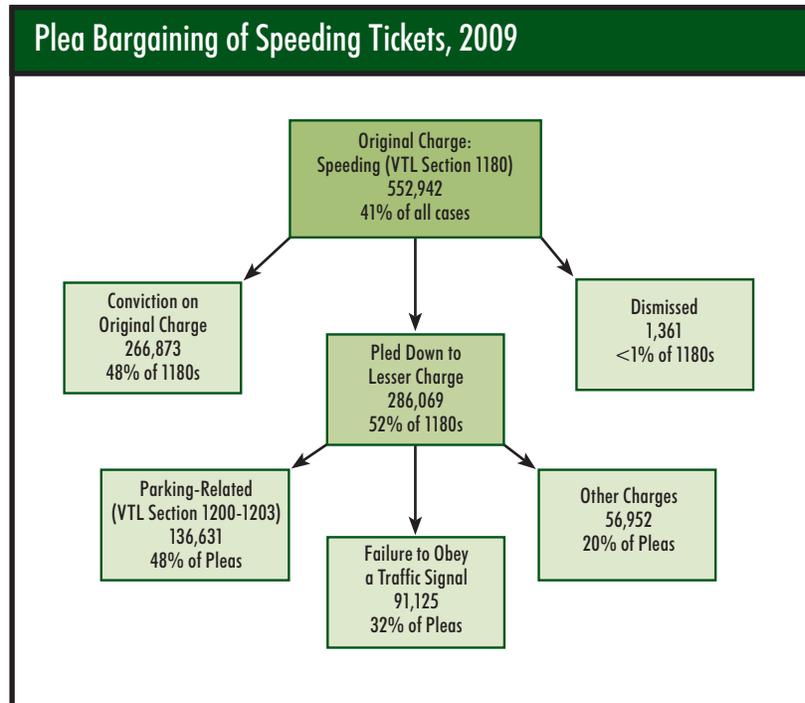
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- **Conservation Fund (\$581,000):** This fund receives fines, forfeitures and civil penalties for violations of environmental laws. These revenues are generally used for the care, management, protection and enlargement of the fish, game and shellfish resources of the State and for the promotion of public fishing and shooting.
  - **Highway Construction/Maintenance Safety Fund (\$203,000):** This fund receives the additional mandatory surcharge of \$50 for violations of maximum speed limits in highway construction or maintenance work areas to provide education, advocacy and increased awareness of the laws pertaining to speeding in these areas.
  - **Boating Noise/Boating Safety Funds (\$60,000):** Fines and forfeitures from violations of the Navigation Law are used to fund boating noise enforcement and “I Love NY Waterways” boating safety programs, respectively.
  - **Patron Services Account (\$42,000):** Mandatory Parks, Recreation and Historic Preservation Law (PRHPL) surcharges are used to support the operation, maintenance and capital improvements of the State’s park system.
  - **Snowmobile Trail Development and Maintenance Fund (\$35,000):** Funded in part by the State’s 50 percent share of the fines collected for violations of the snowmobile registration provisions, this fund supports the development and maintenance of snowmobile trails. The town or village in which the violation occurred receives the other 50 percent of the fines.
  - **Uninsured Employers’ Fund (\$3,000):** Fines, fees and penalties for violations of the Workers’ Compensation Law are used for payment of awards against uninsured employers.

The fact that certain revenues are earmarked to fund these programs does not mean the revenues are used only for those purposes. Under certain circumstances, the State may elect to “sweep” revenue from these funds into the General Fund. For example, the State swept \$12.2 million from the Indigent Legal Services Fund (ILSF) to help fill its 2009-10 budget gap.<sup>15</sup>

## Redistributive Effects of Plea Bargaining

Many VTL violations require the imposition of State surcharges and fees in addition to the fine and sentence imposed. These surcharges can be larger than the fine, which is often based on a statutory range. For example, a conviction of a seat belt violation may result in a \$50 fine but the required fees and surcharges add an additional \$85, for a total of \$135.

Since the State surcharges and associated fees are mandatory, justices have very little discretion to reduce the total penalty imposed on individuals convicted of the original charge. However, justices do have the discretion to accept a plea to a lesser charge, thereby amending the original charge, based on the merits of the case. This is fairly common practice. For example, in 2009, 52 percent of all speeding tickets were pled down, although the percentage was much higher in some municipalities. Of the speeding violations that were pled down, 80 percent were amended to either parking-related offenses or failure to obey a traffic signal.



Parking-related offenses (usually a single offense of parking on pavement) accounted for nearly half of all amended speeding tickets in 2009. Fines imposed due to parking convictions are distributed to the town or village and, generally, no State surcharges or fees are imposed. Fines for failure to obey a traffic control device, which accounted for another 32 percent of amended speeding tickets, are also retained locally, although the State does require that surcharges and fees be imposed on this offense. In both cases, the total cost of the ticket to the driver is generally lower than a speeding conviction, and carries either no points (parking) or fewer points than a speeding conviction.

Parking and traffic signal pleas may have resulted in between \$30 and \$40 million in lost fine and surcharge revenue to the State, about \$11 million of which was from surcharges (parking pleas only), and the remainder from fines. Towns and villages collected about \$23 million in additional fines from these pleas.

## Justice Court Costs

In addition to the detailed revenue information that justice courts are required to report, all towns and villages are also required to submit an annual financial report to OSC on the revenues and expenditures of the entire municipality. Since towns and villages fund these courts as part of their municipal government, this annual report can provide some insight into both revenues and expenditures associated with justice courts.

However, it is often difficult to ascertain the total costs of operating town and village justice courts from municipal annual financial reports. Some of this difficulty is due to the flexibility given to municipalities in reporting certain financial information to OSC. For example, municipalities are given the option of reporting the cost of employee benefits as one lump sum or allocating the costs to each function. Therefore, although town and village justice courts reported expenditures of \$86.1 million in 2008, it is likely that total expenditures are higher. The table below reflects the justice court expenditures and revenues generated by towns and villages as reported to OSC for fiscal years ending in 2008.

As a result, while it appears that town and village justice courts raised sufficient revenue to offset their operating expenses, the reported expenditure totals are likely understated by some amount of fringe benefit costs. This may be particularly evident when looking at individual courts. For example, the Village of Medina reported total municipal court expenditures of \$61,235 to OSC for the fiscal year that ended in 2008 but reported no distributed employee benefit expenditures, consistent with the reporting flexibility granted in reporting these expenses. Based on these costs and reported revenues generated by the court of \$61,134, it appears that court revenues equaled operating expenses. However, according to information posted on the Village website, the true cost of operating the court, including employee benefits, totaled \$93,960 for the fiscal year ending in 2008.<sup>16</sup>

Of course, the purpose of courts is not to be a break-even or revenue-generating operation of the town or village, but to administer justice. However, villages and small towns considering court consolidation issues might wish to carefully evaluate their court revenue and expenditure data, particularly for employee benefit costs.

<b>Municipal Court Revenues and Expenditures, New York State Towns and Villages</b>			
<b>Category</b>	<b>Towns</b>	<b>Villages</b>	<b>Total</b>
<b>Municipal Court Expenditures</b>			
<b>Personal Services</b>	\$51,312,045	\$16,714,141	<b>\$68,026,186</b>
<b>Equipment and Capital Outlay</b>	1,097,676	220,789	<b>1,318,465</b>
<b>Contractual Expenditures</b>	10,395,237	4,732,641	<b>15,127,878</b>
<b>Employee Benefits</b>	1,516,823	124,519	<b>1,641,342</b>
<b>Total Expenditures</b>	<b>\$64,321,781</b>	<b>\$21,792,090</b>	<b>\$86,113,871</b>
<b>Revenues: Fines/Forfeited Bail</b>	\$77,078,633	\$43,621,204	<b>\$120,699,837</b>

Source: OSC, Fiscal Years Ending 2008

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## Recent Audit Findings

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OSC and OCA both conduct periodic audits of justice courts, but with different focuses. While OCA's Office of Internal Audit addresses operational issues that affect the administration of justice in its audits, the Comptroller's audits focus entirely on fiscal matters. OSC and OCA often coordinate audit efforts to respond appropriately to various issues, both fiscal and procedural, encountered by the justice courts.

OSC's fiscal audits ensure that the courts properly account for all court moneys, establish an effective system of internal controls to protect public resources from misuse, loss or fraud, process and record court financial transactions in a timely manner, file accurate financial reports in a timely manner, and observe pertinent laws, rules and regulations. Below are summaries from OSC's audit reports issued during 2009. The complete reports are available on OSC's website at [www.osc.state.ny.us](http://www.osc.state.ny.us).

- **Town of Genesee**— The town's single justice did not properly account for, deposit, and report all money received. OSC auditors found that as of October 31, 2008, the court had a cash shortage of \$11,147. The justice was arraigned on February 10, 2009, on one count of grand larceny in the third degree, one count of falsifying business records, and one count of official misconduct. She subsequently pled guilty to felony third degree grand larceny and was sentenced to jail and ordered to pay restitution.
- **Town of North Hudson**— OSC auditors found that the town's system of internal controls over the court's financial operations was inadequate. Court personnel did not accurately record or report financial transactions or deposit court receipts in a timely manner. The justices did not properly review monthly account reconciliations, of which many were missing or inaccurate. As a result, the former court clerk was able to misrepresent monthly cash balances, which concealed a cash shortage of \$2,225 in one justice's account. The auditors also found that court employees stored hard-copy case records containing personally identifiable information on open shelves and in unlocked files within the courtroom and in a basement storage room, neither of which was properly secured.
- **Village of Haverstraw**— The justices did not provide sufficient oversight of the court clerks to ensure that the clerks completed monthly bank reconciliations and accountability comparisons for \$613,000 in fines collected during the audit period. The justices also did not provide the clerks with appropriate training for these duties. Further, the justices did not maintain a supplemental record of bail moneys and were unable to produce a list of defendant accounts associated with \$53,525 in bail money being held by the court in its bank accounts.

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- **Town of Lumberland**– The justices did not provide adequate oversight over the court clerk. For example, the court clerk’s cash receipt and disbursement duties were not segregated, and although the justices occasionally signed checks and monthly reports to serve as a compensating control, the monthly reports did not include bail activity. The court clerk had unlimited access to the justices’ check signature stamps and applied their signatures to checks and monthly reports on a regular basis. In addition, neither the justices nor the court clerk performed bank reconciliations or an accountability analysis. As a result, the justices had a total of \$3,150 on deposit in excess of known liabilities.
  - **Village of Tuckahoe**– The court clerk’s financial duties were properly segregated; cash transactions were properly initiated, recorded and documented; and adjudicated cases were reported to the JCF each month in a timely manner. In addition, the village board engaged the services of a certified public accountant, who annually audits the court records. However, OSC auditors found that the court clerk did not deposit court moneys to the bank in a timely manner. Although the court clerk prepared deposit slips daily as she received moneys and stored them in a safe, she did not deposit the moneys immediately or within 72 hours, as required by law. Instead, she made deposits once a week.

## Recent Legislative Changes

Recent legislative changes require local justice courts to impose new and increased fees and mandatory surcharges on certain violations. The frequency, timing and complexity of these legislative changes have made it challenging for justice courts to understand and to determine appropriate fine, fee and surcharge amounts, as well as to explain the various charges to defendants.

In the past five years, the State enacted several new surcharges as well as multiple fee and cap increases. The exact nature of these changes varied, depending on the specific subsection of law affected, (for example, one new surcharge requires different amounts to be imposed for DWI and other VTL offenses) or the level of the offense (such as different amounts for felonies, misdemeanors, or infractions).<sup>18</sup> The changes also became effective at different times, with increases or new surcharges going into effect November 11, 2005, July 1, 2008, August 1, 2008, April 7, 2009, and July 6, 2009. In addition, in 2004, the legislature attempted to redistribute fine revenue based on the original charge, regardless of the final conviction. This was rescinded retroactively a few months later, but introduced a period of extreme confusion at both the local and JCF level. The complete schedule of fees and surcharges through 2009 for specific offenses is listed in Appendix B.

**The 2010-11 Enacted State Budget includes language that enables town and village justice courts to share court facilities through inter-municipal agreements more easily.<sup>17</sup>**

Given the rising level of fiscal stress at the State and local level, further changes to fine and fee and/or distribution amounts are likely, making a complex system for administering justice even more difficult to execute fairly and accurately.

Number of Changes to Specific Surcharges, Fees and Caps, 2005-2010		
Effective Date	Area of Law Affected	Number/Type of Changes
November 1, 2005	Vehicle and Traffic Law	1 new surcharge
July 1, 2008	Penal Law / Vehicle and Traffic Law	Various surcharge and fee increases
August 1, 2008	Vehicle and Traffic Law	Various surcharge and fee increases
April 1, 2009	Environmental Conservation Law	Various surcharge and fee increases
July 6, 2009	Vehicle and Traffic Law	Various cap and fee increases

Source: OSC

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## Notes

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- <sup>1</sup> This figure represents the town and village court count as of December 2009. Since then, there have been seven village court dissolutions.
- <sup>2</sup> As of December 31, 2009.
- <sup>3</sup> See, e.g., Town Law Section 20(1)(d), (e), (g) and (h); Village Law Section 3-303.
- <sup>4</sup> Unified Court System, *Action Plan for the Justice Courts* (November 2006).
- <sup>5</sup> Sections 370(2) and 371(2) of the General Municipal Law.
- <sup>6</sup> Article 2-A of the Vehicle and Traffic Law.
- <sup>7</sup> Uniform Justice Court Act Section 2021[1].
- <sup>8</sup> Towns and villages, with some exceptions, receive the fines collected for violations of town and village ordinances, the Penal Law, the Alcoholic Beverage Control Law, the Parks, Recreation and Historic Preservation Law, the Navigation Law and the Public Health Law. They also receive the fines collected for violations of certain provisions of the Vehicle and Traffic Law, the Agriculture and Markets Law and regulations of the Executive Department relating to State parks and parkways.
- <sup>9</sup> Several statutes, including the Vehicle and Traffic Law, the Penal Law and the Environmental Conservation Law, require that certain fines, penalties, fees and surcharges be distributed to the State.
- <sup>10</sup> VTL Section 1803(1)(b)
- <sup>11</sup> VTL Section 1803(9)
- <sup>12</sup> All villages, suburban towns and towns with a population of over 50,000 are authorized to establish speed limits on certain highways (see VTL Sections 1643 and 1662-a).
- <sup>13</sup> Bail fees (poundage)- under certain conditions, town and village justice courts are required to charge a fee of up to 3% from the amount of cash bail on deposit with the court. Two percent of the bail money collected is distributed to the town or village, and the remaining one percent is distributed to the county if they have an approved alternatives to incarceration program.
- <sup>14</sup> The JCF distributes town and village court receipts to the State and counties, and to towns and villages whose justices still file by paper, six weeks after the calendar quarter. Finds from the quarter ended December 31st of each year are distributed in mid-February, which is the last distribution during the State's fiscal year.
- <sup>15</sup> ILSF is also funded by other sources. The total revenue in that fund in calendar 2009 before it was swept was \$107 million, of which \$82.3 million would have been available for distribution to counties. The \$12.2 million sweep left \$70 million for distribution to counties.
- <sup>16</sup> [www.villagemedina.org/content/Courts/View/1:field=documents;/content/Documents/File/406.pdf](http://www.villagemedina.org/content/Courts/View/1:field=documents;/content/Documents/File/406.pdf)
- <sup>17</sup> Chapter 56 of the Laws of 2010.
- <sup>18</sup> In theory, felony penalties should not apply to town and village justice courts, which do not have the jurisdiction to convict on felonies.

## Justice Court Fund Distribution of Receipts by State Fiscal Year, 2005 to 2010

Five Year  
Ann Avg %  
Change

### TOWN AND VILLAGE COURT RECEIPTS PAID TO:

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Five Year Ann Avg % Change
<b>State</b>							
<b>General Fund:</b>							
GF - Miscellaneous (fines, fees and DWI special surcharges)	26,959,799	30,737,134	30,843,288	30,998,140	31,040,292	26,640,650	-0.2%
GF - Environmental Conservation - fines	610,433	460,628	469,566	380,257	389,443	326,928	-11.7%
GF - Environmental Conservation - surcharges (1)	-	-	-	-	-	81,880	
GF - VTL Section 1809 Surcharges (2)	31,432,513	36,832,243	33,116,640	33,026,734	34,850,367	32,310,182	0.6%
GF - VTL Section 1809-e Surcharges (3)	-	-	-	-	2,067,868	16,664,849	
GF - VTL Termination of Suspension Fees (4)	-	-	-	-	-	751,116	
<b>Special Revenue Fund/Accounts:</b>							
Criminal Justice Improvement Account - Penal Surcharges	3,343,389	4,118,104	3,958,446	3,914,441	4,003,687	4,244,709	4.9%
Criminal Justice Improvement Account - Victims Assistance Fee	3,876,070	5,720,620	5,712,195	5,873,397	5,990,337	5,876,537	8.7%
Criminal Justice Improvement Account - Sex Offender Victim Fee		8,839	17,758	9,868	13,728	17,260	
Patron Services (PRHPL Surcharges) Account	42,597	48,300	42,720	42,111	37,818	42,155	-0.2%
Boating Noise/Boating Safety Account	64,393	78,905	68,347	66,797	76,394	60,284	-1.3%
Snowmobile Trail Development & Maintenance Account	20,690	24,201	16,231	34,741	40,689	34,582	10.8%
Commercial Vehicle Safety Account	2,422,309	2,679,580	2,741,152	2,601,996	2,645,963	2,223,823	-1.7%
Conservation Fund/Marine Resource Account	376,341	490,297	535,222	507,522	537,498	581,342	9.1%
Highway Const/Maintenance Safety Account - VTL work zone violation surcharges	-	100	114,895	210,755	231,142	203,452	
Uninsured Employer's Fund	-100	505	2,080	5,990	1,600	2,770	-294.3%
Indigent Legal Services Fund: (5)							
VTL Termination of Suspension Fees	1,325,530	2,671,714	3,694,116	4,389,107	4,950,883	5,076,807	30.8%
Annual Transfer of VTL Surcharges	8,024,766	10,823,071	13,260,946	14,609,174	14,817,905	20,551,739	20.7%
<b>State Funds Subtotal</b>	<b>\$78,498,730</b>	<b>\$94,694,242</b>	<b>\$94,593,603</b>	<b>\$96,671,029</b>	<b>\$101,695,612</b>	<b>\$115,691,063</b>	<b>8.1%</b>
<b>Counties</b>							
DWI and Aggravated Unlicensed Operation (AUO)	10,513,122	11,912,826	\$11,221,404	11,183,167	11,539,302	10,772,849	0.5%
Other (6)	225,876	256,794	222,102	219,717	223,916	217,134	-0.8%
Less: Felony Fee Payments	-251,200	-296,810	-277,170	-287,500	-296,750	-282,980	2.4%
<b>Counties Subtotal</b>	<b>\$10,487,797</b>	<b>\$11,872,810</b>	<b>\$11,166,336</b>	<b>\$11,115,384</b>	<b>\$11,466,468</b>	<b>\$10,707,003</b>	<b>0.4%</b>
<b>Towns and Villages</b>							
Distributed by Justice Court Fund (non-electronic filing courts)	10,220,653	9,683,790	9,469,190	8,762,126	5,965,843	1,475,117	-32.1%
Retained by Municipalities (electronic filing courts)	76,805,597	96,535,018	96,653,822	100,861,798	111,005,479	118,412,085	9.0%
<b>Town and Village Subtotal</b>	<b>\$87,026,250</b>	<b>\$106,218,808</b>	<b>\$106,123,013</b>	<b>\$109,623,924</b>	<b>\$116,971,323</b>	<b>\$119,887,201</b>	<b>6.6%</b>
<b>Total Town and Village Justice Court Receipts</b>	<b>\$176,012,777</b>	<b>\$212,785,861</b>	<b>\$211,882,953</b>	<b>\$217,410,338</b>	<b>\$230,133,402</b>	<b>\$246,285,267</b>	<b>6.9%</b>

## Justice Court Fund Distribution of Receipts by State Fiscal Year, 2005 to 2010

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Five Year Ann Avg % Change
<b>DMV Traffic Violations Bureau Receipts</b>							
State (General and various special revenue funds)	88,311,386	96,205,279	90,173,226	113,761,040	117,655,375	136,836,460	9.2%
Local (7)	33,991,050	28,925,891	25,892,317	33,552,771	20,024,189	26,074,544	-5.2%
<b>Total DMV Traffic Violations Bureau Receipts</b>	<b>\$122,302,436</b>	<b>\$125,131,170</b>	<b>\$116,065,543</b>	<b>\$147,313,811</b>	<b>\$137,679,564</b>	<b>\$162,911,004</b>	<b>5.9%</b>
<b>City Parking Surcharges Receipts Paid To:</b>							
State (General Fund)	62,449,042	49,433,799	48,984,623	62,424,277	50,639,218	58,723,720	-1.2%
Cities (8)	53,220,622	54,346,313	53,450,379	57,736,442	53,804,354	55,547,031	0.9%
<b>Total City Parking Receipts</b>	<b>\$115,669,664</b>	<b>\$103,780,112</b>	<b>\$102,435,001</b>	<b>\$120,160,718</b>	<b>\$104,443,572</b>	<b>\$114,270,751</b>	<b>-0.2%</b>
<b>Nassau County Traffic &amp; Parking Violations Agency Receipts</b>							
State (General and various special revenue funds)	8,589,556	7,597,266	7,088,486	7,315,891	9,547,284	9,378,356	1.8%
Nassau County (9)	8,599,994	13,413,090	13,393,560	12,285,844	13,522,868	13,309,995	9.1%
<b>Total Nassau County Traffic &amp; Parking Violations Agency Receipts</b>	<b>\$17,189,550</b>	<b>\$21,010,356</b>	<b>\$20,482,046</b>	<b>\$19,601,735</b>	<b>\$23,070,152</b>	<b>\$22,688,351</b>	<b>5.7%</b>
<b>Bingo/Games Of Chance License Fees (State General Fund)</b>	<b>737,695</b>	<b>688,515</b>	<b>509,783</b>	<b>464,465</b>	<b>426,663</b>	<b>411,638</b>	<b>-11.0%</b>
<b>Total Receipts Distributed By The Justice Court Fund</b>	<b>\$431,912,122</b>	<b>\$463,396,014</b>	<b>\$451,375,326</b>	<b>\$504,951,067</b>	<b>\$495,753,353</b>	<b>\$546,567,011</b>	<b>4.8%</b>

- (1) Chapter 59, Laws of 2009, required the imposition of a mandatory surcharge on violations of the Environmental Conservation Law. The new surcharge became effective April 7, 2009 for offenses that were committed on or after April 1, 2009.
- (2) Total is net of the annual transfer to the Indigent Legal Services Fund, 2004-\$8 million, 2005-\$10.8 million, 2006-\$13.2 million, 2007-\$14.6 million, 2008-\$14.8 million, 2009-\$20.6 million.
- (3) Included in the SFY 2008 - 2009 budget, the Legislature enacted a new provision, VTL §1809-e, which requires an additional surcharge to be added to certain vehicle and traffic violations occurring on or after August 1, 2008.
- (4) Chapter 59 of the Laws of 2009 increased the termination of suspension fee contained in VTL Section 503 (2)(j-1)(i) from \$35 to \$70 for suspensions occurring on or after July 6, 2009. The statute provides that 50% be paid into the General Fund to support State operations and 50% be paid into the Indigent Legal Services Fund.
- (5) The Indigent Legal Services Fund was established in 2003 to support indigent legal defense services. A significant portion of the revenue collected is paid annually to the counties to offset the increased costs of the higher rates for assigned counsel, as well as support indigent legal defense service generally.
- (6) The "Other" category includes the county share of bail poundage and handicapped parking surcharges. Also included are fines from certain violations of the Agriculture and Markets Law and County Building Codes.
- (7) DMV Traffic Violations Bureau localities include: Buffalo, Western Suffolk County, New York City, and Rochester.
- (8) Cities include: Albany, Buffalo, New York City, Rochester, Syracuse, and Yonkers. As of January 1, 2008, the Legislature has allowed Albany, Buffalo, Rochester, Syracuse and Yonkers to retain all parking surcharges collected, including the State's share.
- (9) Beginning in October 2009, Nassau County began reporting revenue received from convictions related to the newly enacted Photo Monitoring legislation.

## Appendix B: History of State-Mandated Surcharges

<b>Environmental Conservation Law (ECL)</b>				
<b>Offense</b>		<b>Arrest Date (on or after)</b>	<b>Mandatory Surcharge</b>	<b>Total Surcharge</b>
<b>Description</b>	<b>Section</b>			
Sport Fishing Violations as defined in 6 NYCRR 10	ECL Section 71-0213(1)(A)	4/1/2009	\$25	\$25
All other offenses, excluding offenses defined under Articles 17, 19 and 27 of the ECL	ECL Section 71-0213(1)(B)	4/1/2009	\$75	\$75
Violations defined under Articles 17, 19, or 27 of the ECL	ECL Section 71-0213(1)(B)	4/1/2009	> of \$75 or 6% of fine	> of \$75 or 6% of fine

<b>Parks and Recreation</b>					
<b>Offense</b>	<b>Arrest Date (on or after)</b>	<b>Mandatory Surcharge</b>	<b>Crime Victim Assistance Fee</b>	<b>PI Section 60.35(9)</b>	<b>Total Surcharge &amp; Fees</b>
Parks, Rec. & Hist. Preservation Law: All violations and traffic infractions, except for parking or standing [PRHPL Section 27.12]	4/1/1992	\$15			

## Appendix B: History of State-Mandated Surcharges

Penal law (PL) Section 60.35					
Offense	Arrest Date (on or after)	Mandatory Surcharge	Crime Victim Assistance Fee	Town and Village Fee PI Section 60.35(9)	Total Surcharge & Fees
Felony [PL Section 60.35(1)(a)]	5/12/1982	\$75			Felonies should not be tried in local justice courts. Sometimes they are; this usually results in a misdemeanor ruling.
	5/17/1985	\$100			
	4/19/1989	\$100	\$2		
	5/25/1990	\$150	\$2		
	6/12/1991	\$150	\$5		
	4/1/2000	\$200	\$10	N/A*	
	11/11/2003	\$250	\$20	N/A*	
	7/1/2008	\$300	\$25	N/A*	
Misdemeanor [PL Section 60.35 (1)(b)]	5/12/1982	\$40			\$40
	5/17/1985	\$60			\$60
	4/19/1989	\$60	\$2		\$62
	5/25/1990	\$85	\$2		\$87
	6/12/1991	\$85	\$5		\$90
	1/1/1998	\$85	\$5	\$5	\$95
	4/1/2000	\$110	\$10	\$5	\$125
	11/11/2003	\$140	\$20	\$5	\$165
	7/1/2008	\$175	\$25	\$5	\$205
Violation [PL Section 60.35 (1)(c)]	5/12/1982	\$15			\$15
	5/17/1985	\$25			\$25
	4/19/1989	\$25	\$2		\$27
	5/25/1990	\$40	\$2		\$42
	6/12/1991	\$40	\$5		\$45
	1/1/1998	\$40	\$5	\$5	\$50
	4/1/2000	\$50	\$10	\$5	\$65
	11/11/2003	\$75	\$20	\$5	\$100
	7/1/2008	\$95	\$25	\$5	\$125

\* The \$5 Town and Village Fee only applies when the proceeding occurs in a town or village court. Since town and village courts do not have jurisdiction over felonies, the \$5 Town and Village Fee is not applicable.

Vehicle and Traffic Law (VTL)										
Offense	Arrest Date (on or after)	Vehicle and Traffic Law Section 1809			Handicap Parking Surcharge VTL Section 1809-b	1192 Additional Surcharge VTL Section 1809-c	Work Zone Speed Surcharge VTL Section 1809-d	Additional Surcharge VTL Section 1809-e	Other Fees/ Surcharges VTL Sections 385 (20-a), 401(19-a) and 503(2)(j-1)(i)	Total Surcharges & Fees
		Mandatory Surcharge	Crime Victim Assistance Fee	Town and Village Fee [VTL Section 1809(9)]						
Conviction of an 1192 Felony [VTL Section 1809(1)(b)(i)]	4/1/1983	\$10							Felonies should not be tried in local justice courts. (See above.) * The \$5 Town and Village Fee only applies when the proceeding occurs in a town or village court.	
	4/19/1989	\$17								
	5/25/1990	\$25								
	6/12/1991	\$150								
	4/10/1992	\$150	\$5							
	4/1/2000	\$200	\$10	N/A*						
	11/11/2003	\$250	\$20	N/A*		\$25				
	7/1/2008	\$300	\$25	N/A*		\$25				
8/1/2008	\$300	\$25	N/A*		\$25		\$170			
Conviction of an 1192 Misdemeanor [VTL Section 1809(1)(b)(ii)]	4/1/1983	\$10							\$10	
	4/19/1989	\$17							\$17	
	5/25/1990	\$25							\$25	
	6/12/1991	\$85							\$85	
	4/10/1992	\$85	\$5						\$90	
	1/1/1998	\$85	\$5	\$5					\$95	
	4/1/2000	\$110	\$10	\$5					\$125	
	11/11/2003	\$140	\$20	\$5		\$25			\$190	
	7/1/2008	\$175	\$25	\$5		\$25			\$230	
8/1/2008	\$175	\$25	\$5		\$25		\$170	\$400		
Conviction of an 1192 Violation [VTL Section 1809(1)(c)]	4/1/1983	\$10							\$10	
	4/19/1989	\$17							\$17	
	5/25/1990	\$25							\$25	
	1/1/1998	\$25		\$5					\$30	
	4/1/2000	\$30		\$5					\$35	
	11/11/2003	\$45	\$5	\$5		\$25			\$80	
	7/1/2008	\$55	\$5	\$5		\$25			\$90	
	8/1/2008	\$55	\$5	\$5		\$25		\$170	\$260	
Certain VTL offenses excluding, among others, crimes under 1192, infractions involving standing, stopping or parking, and violations by pedestrians and bicyclists (includes many common VTL offenses, such as speeding)	4/1/1983	\$10							\$10	
	4/19/1989	\$17							\$17	
	5/25/1990	\$25							\$25	
	1/1/1998	\$25		\$5					\$30	
	4/1/2000	\$30		\$5					\$35	
	11/11/2003	\$45	\$5	\$5					\$55	
	7/1/2008	\$55	\$5	\$5					\$65	
	8/1/2008	\$55	\$5	\$5				\$20	\$85	

Appendix B: History of State-Mandated Surcharges

Vehicle and Traffic Law (VTL)										
Offense	Arrest Date (on or after)	Vehicle and Traffic Law Section 1809			Handicap Parking Surcharge VTL Section 1809-b	1192 Additional Surcharge VTL Section 1809-c	Work Zone Speed Surcharge VTL Section 1809-d	Additional Surcharge VTL Section 1809-e	Other Fees/ Surcharges VTL Sections 385 (20-a), 401(19-a) and 503(2)(j-1)(i)	Total Surcharges & Fees
		Mandatory Surcharge	Crime Victim Assistance Fee	Town and Village Fee [VTL Section 1809(9)]						
When the registrant of the vehicle, rather than the operator, is convicted of VTL Section 385(8), (9) or (10), or section 401, and the non-registrant operator was served and the registrant did not respond to the original summons [VTL Section 1809(1)(c); 385(20-a); 401(19-a)]	4/1/1983	\$10							\$10	
	4/19/1989	\$17							\$17	
	5/25/1990	\$25							\$25	
	8/19/1990	\$25						\$30	\$55	
	1/1/1998	\$25		\$5				\$30	\$60	
	11/11/2003	\$45	\$5	\$5				\$30	\$85	
	7/1/2008	\$55	\$5	\$5				\$30	\$95	
	8/1/2008	\$55	\$5	\$5				\$20	\$30	\$115
Conviction of VTL Section 1180(d)(2) or 1180(f), for excessive speed in a work or construction zone [VTL Section 1809-d].	4/1/1983	\$10							\$10	
	4/19/1989	\$17							\$17	
	5/25/1990	\$25							\$25	
	1/1/1998	\$25		\$5					\$30	
	11/11/2003	\$45	\$5	\$5					\$55	
	11/1/2005	\$45	\$5	\$5			\$50		\$105	
	7/1/2008	\$55	\$5	\$5			\$50		\$115	
	8/1/2008	\$55	\$5	\$5			\$50	\$20	\$135	
Conviction of a traffic infraction pursuant to Article 9 [VTL Sections 375 - 383 (equipment violations)] [VTL Section 1809(1)(a)]	6/12/1991	\$15							\$15	
	1/1/1998	\$15		\$5					\$20	
	4/1/2000	\$20		\$5					\$25	
	11/11/2003	\$25	\$5	\$5					\$35	
	8/1/2008	\$25	\$5	\$5				\$20	\$55	
Two or more VTL crimes or infractions arising out of same incident [VTL Section 1809(2)]	4/1/1983	Impose only 1 mandatory surcharge			** The cap applies to the total amount of mandatory surcharges and crime victim assistance fees that can be imposed pursuant to VTL Section 1809(1)(a) or (c) for convictions that arise out of the same incident. It does <u>not</u> apply to the Town and Village Fee, mandatory surcharges and crime victim assistance fees imposed pursuant to VTL Section 1809(1)(b) (i.e., felony and misdemeanor 1192 convictions), the 1809-c additional surcharge, the 1809-d surcharge, or the 1809-e additional surcharge.					
	6/12/1991	\$50 Cap**								
	11/11/2003	\$100 Cap**								
	7/6/2009	\$180 Cap**								
Handicapped parking spaces violations under VTL and/or local ordinances [VTL Section 1809-b]	4/1/2000				\$30				\$30	
Termination of Suspension Fees [VTL Section 503(2)(j-1)(i)]. Fee based on date of suspension.	9/12/2003				*** The cap applies to the aggregate amount of termination of suspension fees that may be imposed by a court (VTL section 503[2][j-1][i]).				\$35 (\$200 Cap***)	\$35
	7/6/2009								\$70 (\$400 Cap***)	\$70

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