



THOMAS P. DiNAPOLI
COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

STEVEN J. HANCOX
DEPUTY COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

TO: Town and Village Justices and Court Clerks

FROM: Tammi Coburn-Sossei
Manager, Justice Court Fund

SUBJECT: Reporting to the Justice Court Fund (JCF)

ISSUED: June 1, 2009

Recently enacted legislation resulted in a number of changes in fees and surcharges. Below are instructions and information relating to these changes.

Mandatory Surcharge and Crime Victim Assistance Fee Extension, effective until 9/1/11

Chapter 56, Laws of 2009, has extended the current mandatory surcharges and crime victim assistance fees required to be levied for certain violations of the Vehicle and Traffic Law (VTL) in accordance with VTL Section 1809 (1). It also extended VTL Section 1809 (2), which contains a statutory cap on the amount of mandatory surcharges and crime victim assistance fees that can be imposed on certain VTL convictions that arise out of the same incident. These provisions, which were scheduled to sunset 9/1/09, have been extended until 9/1/11.

Increase in VTL Mandatory Surcharge and Crime Victim Assistance Fee Cap, Established by VTL Section 1809 (2), effective 7/6/09

Chapter 59, Laws of 2009, increased the statutory cap on the amount of mandatory surcharges and crime victim assistance fees that can be imposed on certain VTL convictions that arise out of the same incident (see VTL Section 1809 [2]). The cap has been raised from \$100 to \$180. The new cap is effective for offenses occurring on or after 7/6/09.

Termination of Suspension Fee Increased, effective 7/6/09

Chapter 59, Laws of 2009, has increased the termination of suspension fee contained in VTL Section 503 (2) (j-1) (i) from \$35 to \$70 for failure to answer an appearance ticket or a summons or failure to pay a fine, penalty or mandatory surcharge. In addition, the cap on the aggregate amount of termination of suspension fees that may be imposed by a court (see VTL Section 503 [2] [j-1] [i]) has been raised from \$200 to \$400. The increased termination of suspension fee and cap are effective for suspensions issued on or after 7/6/09.

Please continue to report termination of suspension fees in the “civil fees” column on a separate line referencing VTL Section 503. You may report these cases individually or in lump sum. If you are using a commercial vendor reporting package, contact your software vendor for instruction on how to properly record this fee.

NEW SURCHARGE –
Mandatory Surcharge on Violations of Environmental Conservation Law, effective 4/7/09
for offenses committed on or after 4/1/09

Chapter 59, Laws of 2009, requires the imposition of a mandatory surcharge on violations of the Environmental Conservation Law (ECL) (see ECL Section 71-0213). Courts are required to impose the mandatory surcharge as follows:

- For violations of sportfishing regulations set forth in 6 NYCRR 10, a surcharge of \$25
- For violations of Article 17 (Water Pollution Control), Article 19 (Air Pollution Control) or Article 27 (Collection, Treatment and Disposal of Refuse and Other Solid Waste), a surcharge equal to the greater of \$75 or six percent (6%) of any penalty or fine imposed
- For all other violations of the ECL, a surcharge of \$75.

The new surcharge is effective 4/7/09 for offenses that are committed on or after 4/1/09. In other words, the new surcharge is required to be imposed where the offense was committed on or after 4/1/09 and the proceeding that results in the conviction occurs on or after 4/7/09.

Report the new ECL surcharge in the “mandatory surcharge column” on the monthly justice report. The court fee for many civil cases enumerated in the Environmental Conservation Law remains at \$2.50 and must be reported and remitted to the JCF. Please remember that these fees should be reported in the “civil fees” column. They should not be reported in the “mandatory surcharge” column.

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