

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of Niagara
~~Town~~
~~Village~~

Local Law No. 3 of the year 19 92.

A local law AUTHORIZING CHARGEBACKS FOR NIAGARA COUNTY PROBATION DEPARTMENT
(Insert Title)

Be it enacted by the Niagara County Legislature of the
(Name of Legislative Body)

County
~~City~~ of Niagara
~~Town~~
~~Village~~ as follows:

1. Section 257-c, Probation Administrative Fee - Notwithstanding any other provision of law, every County and the City of New York, may adopt a Local Law requiring individuals 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 to pay to the local Probation Department with the responsibility of supervising the probationer an administrative fee of thirty dollars (\$30) per month. The department shall waive all or part of such fee where, because of the indigence of the offender, the payment of said surcharge 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.

2. The provisions of Subdivision six of Section 420.10 of the Criminal Procedure Law shall govern for purposes of collection of the administrative fee.

3. The probation administrative fee authorized by this section shall not constitute nor be imposed as a condition of probation.

4. In the event of non-payment of any fees which have not been waived by the local Probation Department, the County or the City of New York may seek to enforce payment in any manner permitted by law for enforcement of a debt.

5. Monies collected pursuant to this section shall be utilized for probation services by the local Probation Department. Such monies shall not be considered by the division when determining state aid reimbursement pursuant to Section two hundred forty-six of the Executive Law. Monies collected shall not be used to replace federal funds otherwise utilized for probation services.

6. The Director of the division shall submit a report, with recommendations, to the governor, temporary president of the senate, speaker of the assembly, to the chairpersons of the senate crime and correction committee, and assembly correction committee, senate codes committee and assembly codes committee on or before January 1, 1993 and January 1, 1994 as to the effectiveness of the probation administrative fee in enhancing the delivery of probation services throughout the state. The report shall include, but not be limited to, amounts of fees imposed and collected, rates of payment for different categories of convictions and types of offenders, and remedies utilized and costs incurred for collection in cases of non-payment.

This Local Law shall become effective immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1992 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Niagara was duly passed by the Niagara County Legislature on May 19 1992, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
DESPINA BOBICK

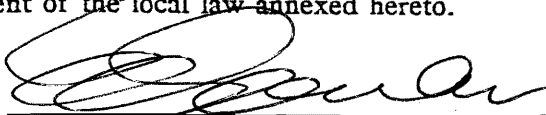
Date: June 12, 1992

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature EDWIN J. SHOEMAKER
NIAGARA COUNTY ATTORNEY

Title _____

County _____
City ~~XXXXX~~ of Niagara
Town ~~XXXXX~~
Village ~~XXXXX~~

Date: June 12, 1992