

Intro. Res. No. 2035-2011

Laid on Table 11/22/2011

Introduced by Presiding Officer Lindsay, Deputy Presiding Officer Vilorio-Fisher and Legislators Cooper, Gregory, Kennedy, Montano, Nowick, Schneiderman

**RESOLUTION NO. 1161 -2011, ADOPTING LOCAL LAW
NO. 8 -2012, A LOCAL LAW TO INCREASE CERTAIN
ADMINISTRATIVE FEES FOR PROBATION DEPARTMENT**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 22, 2011, a proposed local law entitled, "**A LOCAL LAW TO INCREASE CERTAIN ADMINISTRATIVE FEES FOR PROBATION DEPARTMENT**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 8 -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO INCREASE CERTAIN ADMINISTRATIVE FEES
FOR PROBATION DEPARTMENT**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the 2012 Operating Budget includes revenues from increased fees in the Probation Department to offset the Department's administrative expenses.

Therefore, the purpose of this law is to increase certain administrative fees in the Probation Department.

Section 2. Amendments.

Section 677-1 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 677, PROBATION DEPARTMENT FEES.

§ 677-1. Fee schedule.

The following fee schedule is established for investigations, supervision services, drug testing, electronic monitoring and community service placement services by the Probation Department:

- D. An individual awaiting sentencing or who shall be sentenced to a period of probation or who is currently serving a period of probation shall pay the Department of Probation the following:
 - (1) An administrative fee of \$30 per month for any such individual convicted of any crime under Article 31 of the New York Vehicle and Traffic Law

and an administrative fee of [~~\$50~~] \$60 per month for all other such individuals for probation services from the time the probation period is commenced until said period is terminated;

- (2) A fee of [~~\$200~~] \$375 shall be collected for presentence investigations, where applicable;
- (3) A fee of [~~\$10~~] \$12.50 per test shall be collected for all court-ordered drug testing, where applicable; [and]
- (4) A daily fee per probationer of \$5 shall be collected for the costs associated with the costs of electronic monitoring, GPS and SCRAM, where applicable[.]; and
- (5) A fee of \$187.50 shall be collected for community service placement.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: December 20, 2011

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED DECEMBER 30, 2011

After a public hearing duly held on December 27, 2011

Filed with the Secretary of State on February 17, 2012

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 20, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res.

2035

Res. No. 1161

December 20, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

| LD | Legislator | Yes | No | Abs | NP | R |
|----|-------------------------------|-----|----|-----|----|---|
| 1 | Edward P. ROMAINE | | | | | |
| 2 | Jay H. SCHNEIDERMAN | | | | | |
| 3 | Kate M. BROWNING | | | | | |
| 4 | Thomas MURATORE | | | | | |
| 6 | Sarah S. ANKER | | | | | |
| 7 | Jack EDDINGTON | | | | | |
| 9 | Ricardo MONTANO | | | | | |
| 10 | Thomas CILMI | | | | | |
| 11 | Thomas F. BARRAGA | | | | | |
| 12 | John M. KENNEDY, JR. | | | | | |
| 13 | Lynne C. NOWICK | | | | | |
| 14 | Wayne R. HORSLEY | | | | | |
| 15 | DuWayne GREGORY | | | | | |
| 16 | Steven H. STERN | | | | | |
| 17 | Lou D'AMARO | | | | | |
| 18 | Jon COOPER | | | | / | |
| 5 | Vivian VILORIA-FISHER, D.P.O. | | | | / | |
| 8 | William J. LINDSAY, P.O. | | | | | |
| | Totals | 16 | | | 2 | |

| MOTION |
|---|
| <input checked="" type="checkbox"/> Approve |
| ___ Table: _____ |
| ___ Send To Committee |
| ___ Table Subject To Call |
| ___ Lay On The Table |
| ___ Discharge |
| ___ Take Out of Order |
| ___ Reconsider |
| ___ Waive Rule _____ |
| ___ Override Veto |
| ___ Close |
| ___ Recess |
| APPROVED <input checked="" type="checkbox"/> FAILED _____ |
| No Motion _____ No Second _____ |

| RESOLUTION DECLARED |
|---|
| <input checked="" type="checkbox"/> ADOPTED |
| ___ NOT ADOPTED |

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote