

Legislative Bill Drafting Commission
08145-02-3

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

PENALA* *State Comptroller 21 R-1
(Provides for the refund of certain
mandatory surcharges and fees to be
made by the department, agency or
court that collected such surcharge
or fee)

Pen L. refund mand surcharge/fees

AN ACT

to amend the penal law, in relation
to the refund of certain mandatory
surcharges and fees

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s20 Adams	s17 Felder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s46 Tkaczyk
s18 Dilan	s36 Hassell-	s43 Marchione	s56 Robach	s53 Valesky
s31 Espaillat	Thompson	s07 Martins	s19 Sampson	s57 Young
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	s03 Zeldin

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a097 Jaffee	a057 Mosley	a029 Scarborough
a092 Abinanti	a081 Dinowitz	a135 Johns	a039 Moya	a016 Schimel
a084 Arroyo	a147 DiPietro	a113 Jordan	a133 Nojay	a140 Schimminger
a035 Aubry	a115 Duprey	a094 Katz	a037 Nolan	a087 Sepulveda
a120 Barclay	a004 Englebright	a074 Kavanagh	a130 Oaks	a065 Silver
a106 Barrett	a054 Espinal	a142 Kearns	a069 O'Donnell	a027 Simanowitz
a060 Barron	a109 Fahy	a076 Kellner	a051 Ortiz	a036 Simotas
a082 Benedetto	a071 Farrell	a040 Kim	a091 Otis	a104 Skartados
a117 Blankenbush	a126 Finch	a131 Kolb	a132 Palmesano	a099 Skoufis
a062 Borelli	a008 Fitzpatrick	a105 Lalor	a088 Paulin	a022 Solages
a055 Boyland	a124 Friend	a013 Lavine	a141 Peoples-	a114 Stec
a026 Braunstein	a143 Gabryszak	a050 Lentol	Stokes	a110 Steck
a044 Brennan	a095 Galef	a125 Lifton	a058 Perry	a079 Stevenson
a119 Brindisi	a137 Gantt	a102 Lopez, P.	a089 Pretlow	a127 Stirpe
a138 Bronson	a007 Garbarino	a053 Lopez, V.	a073 Quart	a011 Sweeney
a046 Brook-Krasny	a077 Gibson	a123 Lupardo	a019 Ra	a112 Tedisco
a093 Buchwald	a148 Giglio	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a118 Butler	a080 Gjonaj	a121 Magee	a012 Raia	a001 Thiele
a103 Cahill	a066 Glick	a129 Magnarelli	a006 Ramos	a061 Titone
a043 Camara	a023 Goldfeder	a059 Maisel	a134 Reilich	a031 Titus
a086 Castro	a150 Goodell	a064 Malliotakis	a078 Rivera	a146 Walter
a145 Ceretto	a075 Gottfried	a030 Markey	a128 Roberts	a041 Weinstein
a033 Clark	a005 Graf	a090 Mayer	a056 Robinson	a020 Weisenberg
a047 Colton	a100 Gunther	a108 McDonald	a068 Rodriguez	a024 Weprin
a032 Cook	a139 Hawley	a014 McDonough	a072 Rosa	a070 Wright
a144 Corwin	a083 Heastie	a017 McKevitt	a067 Rosenthal	a096 Zebrowski
a085 Crespo	a003 Hennessey	a107 McLaughlin	a025 Rozic	a002
a122 Crouch	a028 Hevesi	a038 Miller	a116 Russell	
a021 Curran	a048 Hikind	a052 Millman	a149 Ryan	
a063 Cusick	a018 Hooper	a015 Montesano	a009 Saladino	
a045 Cymbrowitz	a042 Jacobs	a136 Morelle	a111 Santabarbara	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. Subdivision 4 of section 60.35 of the penal law, as amended
2 by section 1 of part E of chapter 56 of the laws of 2004, is amended to
3 read as follows:

4 4. Any person who has paid a mandatory surcharge, sex offender regis-
5 tration fee, DNA databank fee, a crime victim assistance fee or a
6 supplemental sex offender victim fee under the authority of this section
7 based upon a conviction that is subsequently reversed or who paid a
8 mandatory surcharge, sex offender registration fee, DNA databank fee, a
9 crime victim assistance fee or supplemental sex offender victim fee
10 under the authority of this section which is ultimately determined not
11 to be required by this section shall be entitled to a refund of such
12 mandatory surcharge, sex offender registration fee, DNA databank fee,
13 crime victim assistance fee or supplemental sex offender victim fee upon
14 application, in the case of a town or village court, to the state comp-
15 troller. The state comptroller shall require such proof as is necessary
16 in order to determine whether a refund is required by law. In all other
17 cases, such application shall be made to the department, agency or court
18 that collected such surcharge or fee. Such department, agency or court
19 shall initiate the refund process and the state comptroller shall pay
20 the refund pursuant to subdivision fifteen of section eight of the state
21 finance law.

22 § 2. This act shall take effect immediately.