

CRIMINL JUSTICE MEETING
3/25/10
PROBATION DEPARTMENT AGENDA

OLD BUSINESS: NONE

NEW BUSINESS:

1. REQUEST: Resolution Request to transfer \$47,874 from Budget Code 3140.110 Probation to 3144.110 Probation –Day Reporting

RATIONAL: Probation Officer Kathleen Johnston was moved from the Probation Department Budget to the Probation-Day Reporting Budget in December 2009. This transfer occurred after the Budget was in place and consequently the transfer of funds did not occur.

2. REQUEST: Resolution Request to apply for a Legislative Award in the amount of \$5,000 with the NYS Division of Criminal Justice Services (DCJS) and subsequently enter into a contract with DCJS for this amount. All submission and contracts will be done electronically.

RATIONAL: Legislative Award was made available to this Department via Senator Little's office. NO matching funds are required.

3. REQUEST: To allow Probation Officer Amy Secor and John Clynes to attend the 23rd Annual Juvenile Delinquency Association Training Institute Conference at the Sagamore Resort in Bolton Landing on April 13, 2010.

RATIONAL: This conference provides relevant training to Juvenile Probation Officers. The cost is \$110 per officer and we have the money budgeted in our conference/training code.

4. REQUEST: To allow Director of Probation Robert Iusi to attend the Summer NYS Council of Probation Administrators Conference (COPA) at the Georgian Resort in Lake George from 6/28 to 6/30/10.

RATIONAL: This is relevant training for the Director. The only cost is a \$50 registration fee.

5. INFORMATIONAL:

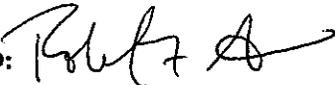
The Office of Court Administration will be submitting a bill to take over the oversight and funding of Juvenile Probation Services. The basis of this takeover is to increase funding of local probation department so that they can adequately provide services to the Court.

RESOLUTION REQUEST FORM NO. 10

Request for Transfer of Funds

TO: JOAN SADY, CLERK, WARREN COUNTY BOARD OF SUPERVISORS

FROM: Probation Department

SIGNED:  **DATE:** March 22, 2010

<u>CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.3140.110	Salaries- Regular	A.3144.110	Salaries-Regular	\$47,874

Please state reason for transfers requested: Probation Officer Kathleen Johnston's position was transferred from the Probation Budget to the Probation Day Reporting Budget.

***Please note: All amounts must be in whole dollars – no cents.**

CONTINGENT FUND TRANSFER REQUESTS

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.1990 469	Contingent Account- Other Payments/Contributions			

Please state reason for transfer request:

Please file original request with Clerk of the Board and retain copy for your records.

RESOLUTION REQUEST FORM NO. 5

Request to Apply for a Grant Application and Grant Agreement

DEPARTMENT NAME: Probation

DATE: March 25, 2010

- (a) Purpose of Grant: To support the Probation Department's involvement with Warren County's Felony Treatment Court.
- (b) Name of Grantor: NYS Division of Criminal Justice Services (DCJS)
- (c) Address of Contractor: 4 Tower Place, Albany, NY 12203-3702
- (d) Grantor's Contact Person and Telephone Number: (518)485-9905
- (e) Has or Will the Grant Application or Grant Agreement be provided, if so, Please Attach? In process of completing
- (f) Effective Date of Grant: 4/1/10
- (g) Termination Date of Grant: 12/31/11
- (h) Total Dollar Amount Involved (not to exceed): \$5,000
- (i) Deadline to Submit Grant Application and/or Grant Agreement: 4/15/10
- (j) Is a Budget amendment required? Yes If yes, also complete and submit Form No. 7.
- (k) Are the funds to go into a Capital Project or Capital Reserve Project? No If yes, also complete and submit Form No. 8 or Form No. 9, as applicable.
- (i) Is a Local Share Required? No. If Yes, Where are the Funds? List Budget Code, Object Code, Full Title* and Amount **OR** Capital Project **OR** Capital Reserve Project Number and Title and Amount:

Sample: A.1010 470 Legislative Board – Contract \$xx.xx

Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx

*as listed in budget and LOGOS

GRANT AWARD INFORMATION

March 1, 2010

Project ID: LG10-1026-D00

DCJS Number: LG09099478

Award Recipient: Warren, County of

Mailing Address: Warren County Probation Department
1340 State Route 9
Lake George, NY 12845

Contact Person: Robert Iusi

Award Amount: \$5,000

Award Purpose: Funds will be used to maintain the Day Reporting Center and Drug Court Program.

DCJS Contact: Larry Signer, Program Specialist
Division of Criminal Justice Services
Office of Program Development and Funding
4 Tower Place
Albany, NY 12203-3702
(518) 485-9905
(518) 485-2728 Fax

Application Return Date: Within 45 Days of Receipt of this Award Notice

Technical Assistance to Complete
Applications Available Upon Request
at (518) 457-9896

SCHEDULE "A"
AUTHORIZATION TO ATTEND MEETING OR CONVENTION

Check one:

- In-State (needs Supervisory Committee authorization)
- Out-Of State (needs Board resolution)

The Criminal Justice hereby authorizes John Clynes and Amy Secor

(Supervisory Committee)

(Employee Name)

to attend 23rd Juvenile Delinquency Association Annual Training Institute Conference

(Name of meeting or organization)

at the Sagamore Resort, Bolton Landing, NY

(Address)

on 4/13/10 Mode of transportation to be used County Vehicle

(Dates)

(County Vehicle or Mass Transportation)

If the mode of transportation is not a county vehicle or mass transportation, please explain:

Proper documentation must be attached when submitting for approval.

(Please check documents attached)

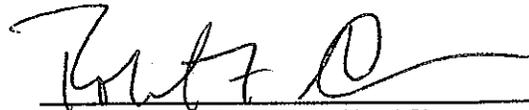
- Notice of meeting or convention including cost.

For Overnight Travel

- Room rate \$ _____ GSA* Rate \$ _____
- Meal costs - GSA*per diem rate \$ _____

*www.gsa.gov

Date: 3/25/10



Department Head Signature

Date: 3-25-10



Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

Please check to request a fleet vehicle.

- REQUEST FOR USE OF FLEET VEHICLE**

Filing Instructions:



The 23rd Annual JDA Training Institute 2010 REGISTRATION INFORMATION



April 11-14, 2010

“DEFEAT YOUTH VIOLENCE: BUILD RESILIENCY”

Presented by

The Juvenile Detention Association of New York State Inc.

Conference Overview:

The mission of the JDA Training Institute is to provide a forum for innovative educational and networking opportunities for professional and programmatic enhancement within Juvenile Justice and its partners. We are excited to provide you with information surrounding the emergent needs of youth seen in the Juvenile Justice System today. Please join us for this dynamic conference!

Sunday, April 11, 2010

Registration: 3:00 - 6:00 p.m.

Opening Dinner Reception: 7:00 p.m.

Monday, April 12, 2010

Welcome: Donelle Hauser, JDA President

Morning features award presentations:

Anthony J. Cucurullo Award

Frank Foley Memorial Scholarship

Secure and Non-Secure Detention Workers of the Year

Keynote Speaker:

Judge Michael Corriero, Executive Director BB/BS (NYC)

Lunch Speaker:

Booker T. Mattison, Author & Filmmaker

Afternoon Presentations:

Dr. Suzanne Button

The ACE Study: Trauma & Youth Resiliency
and

Youth Speak Out (Youth In Progress/OCFS)

Tuesday, April 13, 2010

Workshop Sessions:

AM/PM *Cyberbullying & Sexting

AM/PM *Self-Care For Care Givers

NYS Advancing Youth Development Partnership

AM *Youth Engagement: What Can It Look Like?

PM *Youth Engagement: Identifying Challenges and Strengthening
the Youth Adult Partnership

Wednesday, April 14, 2010

“Trust After Trauma”

Adventure Based Counseling: Experiential Learning

Conference Registration

(see inside for specific information)

Includes admission to all:

*Workshop Sessions

*Exhibits

*Conference Materials

No pre-registration for individual workshops required,
but workshop seating may be limited.

**REGISTERING FOR THE CONFERENCE DOES
NOT REGISTER YOU FOR THE HOTEL!**

The Hotel and Room Rates per person per night includes meals (and based on type of room)

The Sagamore

518-644-9400

or

1-800-358-3585



	Single	Double/per person
Lodge Room	\$245.00	\$189.25pp
Lodge Suite	\$265.00	\$199.25pp
Hotel Room	\$255.00	\$194.25pp
Hotel Suite	\$275.00	\$204.25pp

**REGISTERING FOR THE HOTEL DOES NOT
REGISTER YOU FOR THE CONFERENCE!**

See inside information
for Registration On-Line

For additional information contact:

John P. Treahy
Glove House, Inc.
220 Franklin Street
Elmira, NY 14904
(607) 734-5238 ext. 44
Fax (607) 733-1964
email: jtreahy@glovehouse.org

Claudia Engelhardt
Samaritan Shelters, Inc.
593 River Road
Glenmont, NY 12077
(518) 462-4285
Fax (518) 462-0479
email: samshltr@nycap.rr.com

Robyn L. Krueger
Community Missions, Inc.
1570 Buffalo Avenue
Niagara Falls, NY 14303
(716) 285-3403, ext. 2238
Fax (716) 285-0616
email: rkrueger@communitymissions.org

JDA TRAINING INSTITUTE SCHEDULE

MONDAY, APRIL 12, 2010-MAIN HOTEL



Donelle Hauser, LMSW, JDA President, is responsible for the leadership of a state wide association to ensure best practices among detention, orchestrate political involvement to advocate for an under recognized population. Serves as a liaison to the NYS Office of Children and Family Services to propose and modify regulations affecting youth in detention. She is currently a Residential Supervisor/Director of the therapeutic residences of Berkshire Farm Center and Services for Youth

8:00 - 9:00 a.m. Registration/Exhibit Viewing

9:00 - 10:30 a.m. Welcome

Donelle Hauser, JDA President
Award Presentations

10:45 - Noon **Keynote Speaker: Judge Michael Corriero**
Executive Director, BB/BS of New York City

12:15 p.m. Lunch

1:30 - 3:00 p.m. **Dr. Suzanne Button**
The ACE Study: Trauma & Youth Resiliency

3:15 - 3:30 p.m. Break

3:30 - 4:30 p.m. Youth Speak Out

7:00 p.m. Dinner



Judge Michael A. Corriero
Keynote Speaker

Charting a New Course-
A blueprint for Transforming Juvenile Justice in NYS

For centuries, philosophers have struggled to define justice, constantly seeking to improve the way humanity applies the concept. What is justice for children who violate the law? How should a just society judge young offenders? When is it proper to punish a child as a criminal? What form should the punishment take? And what justifies the practice? This presentation will speak to these issues in the context of our current national policy of trying children accused of crimes in adult courts.

Dr. Suzanne Button
The ACE Study: Trauma & Youth Resiliency

Because traumatic histories are found in juvenile justice placed youth as much as eight times more than they are found in community samples of similar-age peers, restorative interventions are a critical component of any successful rehabilitation effort. However, the difficult behaviors of our youth can impair our ability to focus on restoration and repair. This presentation will review the research on the long-term impact of traumatic experiences in childhood on health, well-being, and behavior, and will present some evidence-based strategies and promising approaches for reaching out to, and really reaching, youth in the juvenile justice system.

Youth In Progress/Youth Speak Out
NYS Office of Children & Family Services
New York State Foster Care
Youth Leadership Advisory Team

“The mission of Youth In Progress is to enhance and advance the lives of today’s and tomorrow’s youth by enhancing their sense of self and responsibility. To do this, we pledge to educate everyone involved in the various systems Youth In Progress members represent to the realities of this experience.”

During the panel, youth will share their stories of resiliency and discuss various experiences which impacted their lives. You will not want to miss out on this powerful presentation!

NOT A JDA MEMBER?
Why not join today!
Membership Application on back of
Training Brochure
or visit us at www.jdanys.org

TUESDAY, APRIL 13, 2010

MAIN HOTEL

Workshops will be presented in both the morning and afternoon sessions unless noted.

8:00 - 9:00 a.m. Registration/Exhibit Viewing
9:00 - 11:30 a.m. Training Sessions A
11:30 - Noon Exhibit Viewing
Noon - 1:15 p.m. Lunch
1:15 - 1:30 p.m. Exhibit Viewing
1:30 - 4:00 p.m. Training Sessions B

Tuesday Dinner arrangements
are participant's choice, if staying in the hotel.
Single Day Registrants
may stay for dinner: \$70.00

Cyberbullying and Sexting
James Thompson
Sessions A & B

Cyberbullying is the intentional and repeated act of causing harm to others through the use of computers, cell phones, and other electronic devices. Sexting is the act of sending sexually explicit messages or photos electronically, primarily between mobile phones. Both have harmful and permanent consequences. James P. Thompson is a Law Enforcement computer forensic analyst. He will discuss, from a Police paradigm, how traditional bullying behavior has been magnified by technology and what the consequences can be. He will also discuss the phenomena of sexting and its social and legal implications.

Self-Care for Care Givers
Joseph Benamati
Sessions A & B

Self-care for human service workers is as important as knowing which intervention to use when confronted with difficult client behaviors. Self-care is an intervention tool. There are ways for workers and their supervisors to avoid this trap and continue to provide excellent service to clients while maintaining a healthy attitude for the worker. Workshop participants will

- Learn about causes of compassion fatigue/vicarious trauma and burn-out
- Learn about and discuss ACES and its relationship to the helping professions
- Discuss and complete 2 self-care assessment tools
- Learn three ways to avoid compassion fatigue

Youth Engagement: What Can it Look Like?
Jutta Dotterweich, FLDC, Cornell University Partnership
Session A Only

It is critical to involve young people in decisions that affect them, but just as important it is to engage them in decisions that influence programs and organizations (policies and practices). Only then can we effectively and comprehensively address young people's needs and nurture their potential. This workshop will explore ways to involve young people in meaningful ways and provide tools and examples of successful youth adult partnerships.

Youth Engagement: Identifying Challenges & Strengthening the Youth Adult
Heather Wynkoop Beach, NYAYDP, Cornell University Partnership
Session B Only

Working with youth in almost any setting can be both rewarding and challenging. This workshop will look specifically at the stereotypes that adults sometimes have about youth and that youth have about adults, how it impacts the work environment and avenues and skills to increase understanding, cooperation and positive outcomes.

8:30 - 9:00 a.m. Training Session C
9:00 - 11:30 a.m. Experiential Learning Trauma/Resiliency based
Noon Adjournment
(Lunch is available for day registrants)

Session C
"Trust After Trauma"
Adventure Based Counseling: Experiential Learning
Gerry Hinman and Jeremy Austin

One of the first steps for individuals that have experienced trauma is to begin the process of connecting with others in a safe and supporting environment. Participants in this "hands on" workshop will learn effective strategies for establishing trust within the group setting through the careful sequencing of games, activities and initiatives. Gerry Hinman and Jeremy Austin are both Project Adventure trained facilitators with 25 years of leading Adventure Base Counseling groups. The youth that they have worked with all have experienced some form of trauma in their lives. The presenters currently work at Berkshire Farm Center and Services for Youth.

SCHEDULE "A"
AUTHORIZATION TO ATTEND MEETING OR CONVENTION

Check one:

- In-State (needs Supervisory Committee authorization)
- Out-Of State (needs Board resolution)

The Criminal Justice hereby authorizes Robert F. Iusi, Jr

(Supervisory Committee) (Employee Name)

to attend NYS Council of Probation Administrators (COPA) Summer Conference and Training Seminar

(Name of meeting or organization)

at The Georgian Resort and Conference Center, 384 Canada Street, Lake George, NY

(Address)

on 6/28 to 6/30/10 Mode of transportation to be used County Vehicle

(Dates) (County Vehicle or Mass Transportation)

If the mode of transportation is **not** a county vehicle or mass transportation, please explain:

Proper documentation must be attached when submitting for approval.
(Please check documents attached)

- Notice of meeting or convention including cost.

For Overnight Travel

- Room rate \$ N/A GSA* Rate \$ _____
- Meal costs - GSA*per diem rate \$ _____

*www.gsa.gov

Date: 3/23/10



Department Head Signature

Date: 3-25-10



Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

Please check to request a fleet vehicle.

REQUEST FOR USE OF FLEET VEHICLE

Filing Instructions:

N.Y.S. Council Of Probation Administrators
Robert Iusi, President

To: All COPA Members

From: Randy Schell, Committee on Conferences

At the Winter meeting of COPA it was decided to hold the COPA Summer Conference and Training Institute at the Georgian Resort & Conference Center in Lake George, NY from June 28-June 30, 2010.

It was further decided that COPA would pay the cost for one person from each Probation Department to attend the Conference at the doubles rate of \$170.25. The package includes 2 nights lodging (double occupancy), 2 breakfasts, 2 lunches, and morning and afternoon breaks. The Department must have paid its 2010 dues of \$500 in order to qualify for the package.

The rationale behind these decisions is to increase attendance at the Conference, therefore affording the membership an opportunity for enhanced education and networking.

Attached is a registration form and other Conference information. Please carefully consider this opportunity to meet with your fellow Directors and Commissioners to exchange ideas and keep abreast of developments in the Probation profession.

March 25, 2010

To: Criminal Justice Committee, Warren County

From: Connie Harris Farrington

Senate Bill S5334 is titled "An act to amend the executive law and the penal law, in relation to payment of a fee by persons sentenced to probation". (It appears to have existed as a bill for several years; it currently has no sponsor in the Assembly.)

Stated Purpose: "This bill provides that, subject to a court order, non-indigent criminals sentenced to probation shall reimburse a County or city the actual cost of their supervision during their probationary period".

On April 27, 2009 it was last referred to the Crime Victims, Crime and Correction Committee of the NYS Senate. That committee is composed of the following people:

Ruth Hassell-Thompson, Chairman

Darrel J. Aubertine

Thomas K. Duane

Brian X. Foley

Martin J. Golden

Carl Kruger

Betty Little

George D. Maziarz

Velmanette Montgomery

Michael F. Nozzolio

John L. Sampson

Jose M. Serrano

Dale M. Volker

George Winner.

Currently the committee meets alternate weeks, on Mondays at 12:30, in Albany. They met this week on March 22, according to the Senate website.

I emailed Senator Morahan March 18, Sponsor of the bill. (no response)

I emailed Senator Ruth Hassell-Thomson, Chairman of Comm. March 21. (no response)

I have emailed Senator Betty Little

I have discussed this issue on the phone with Legislative Chairman for Betty Little, in Glens Falls. I asked her to consider having the bill put on the current agenda of the state committee.

I have discussed this issue on the phone with Legislative Chairman for Teresa Sayward, in Albany. I asked her to consider sponsoring a companion bill for the Assembly.

I expect to hear from both offices again soon.

When I talk to Teresa Sayward's office again, I'll ask if it would help to have an Assembly bill co-sponsored by Tony Jordan, a neighboring assembly person. I'd be happy to try to enlist his aid.

When Teresa Sayward's Legislative Chairman called back at 5:30 last night, she told me Teresa is on the state's Crime Committee which is the committee that would supposedly be handling this in the Assembly, but the order in which bills are prioritized is up to the Ranker on the committee. She will be discussing this issue with the Ranker and will get back to me soon. She will find out why there appears to be no companion bill in the Assembly at this time.

My Proposal:

Currently the bill proposes that the fee-charging begin on the November first following the passage of the bill. I suggest it be amended to say that it would go into effect immediately when passed, and apply to all current and future individuals on probation, at the discretion of each county Probation Department. Since the state currently allows administrative fees for DWI criminals (and ONLY DWI criminals), we already have mechanisms in place for calculating and collecting the fees.

I would ask Mr. Iusi to review the bill and see if any amendments should be recommended. I would like to see a proposal provided to our county Legislative Committee, of which Mr. Bentley is the chairman. Hopefully a resolution in support of the bill could be ready for the April Board of Supervisors meeting. It could include the financial rationale (increasing costs, decreasing state funding) with specific figures (estimated number of probation visits a year, estimated cost per visit, estimated revenue generated, etc.). I know Mr. Iusi has nice charts to show the decline in state reimbursement of Probation costs, from 46.5% of our county costs to 16% of our county costs. The Supervisors would then be asked to forward that resolution to all the appropriate persons.

Perhaps this would provide a nice sample package for Mr. Iusi to provide to all the people in the NYS Council of Probation Administrators, of which he is President this year. If each county director would provide a similar request to his or her county Board of Supervisors, the whole state could be working toward the same goal.

If I understood correctly from Mr. Iusi, 40% of the counties in NY currently charge such fees in violation of state law. I would think that 40% would be eager to legitimate the process they are currently using illegally.

I know Mr. Iusi is concerned about the ever-decreasing state reimbursement of probation services. I think it is important to be fighting for a re-allocation of state funds from the heavily funded prisons to the barely funded probation system. But I think that's a separate fight, and shouldn't be combined in one package with this issue. This proposal has only to do with **charging fees** for services rendered to those on probation who can afford to pay the fees.

According to last year's Budget Performance Report for the Probation Dept., there is approximately $\frac{3}{4}$ of a million dollars difference between the revenue and the expenditures in this department. If the Benefits packages for all the salaried people were added in, the cost to the county would be far greater. We can't afford to sit back and watch this expense grow.

I don't know which of the 2 Legislative Chairman told me this, but one of them said there are 7000 open bills out there in NY state. Apparently one of the ways to get a bill to the top is if there is a ground-swell of support for it. I'm hoping Mr. Iusi is in a position to make that groundswell of support happen.

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S5334

S5334: Allows imposition of a fee upon persons sentenced to probation who are capable of paying

Formats: [XML](#), [CSV](#), [JSON](#) / [ShareThis](#) / [Leave Your Comment](#) / [Find in Floor Transcripts](#)

Sponsor: [MORAHAN](#)

Committee: [CRIME VICTIMS, CRIME AND CORRECTION](#)

Law Section: [Executive Law](#)

S5334 Summary

Allows imposition of a fee upon persons sentenced to probation who are of sufficient means or able to earn such means; provides that such reimbursement shall be payable monthly and shall not exceed an amount actually expended for such probation services; provides for an adjustable scale of reimbursement.

S5334 Actions

Apr 27, 2009 REFERRED TO CRIME VICTIMS, CRIME AND CORRECTION

S5334 Memo

BILL NUMBER: S5334

TITLE OF BILL :

An act to amend the executive law and the penal law, in relation to payment of a fee by persons sentenced to probation

PURPOSE :

This bill provides that, subject to a court order, non-indigent criminals sentenced to probation shall reimburse a County or city the actual cost of their supervision during their probationary period.

SUMMARY OF PROVISIONS :

This bill amends the Executive Law by adding Section 246-a authorizing the sentencing court to make financial reimbursements by the probationer a condition of such probation. Those failing to make such reimbursement or payment of fees could have their probation revoked and face being returned to jail. Relevant facts as to the probationer's financial position or legal commitments, age and health would be considered by the court in assessing the monetary reimbursement fee.

JUSTIFICATION :

It is estimated that enactment of this bill would reduce the tax burden of innocent, law abiding citizens by millions of dollars. For

example, it is estimated that Nassau county alone could reduce the burden to its citizens by \$3 to \$4 million annually. This bill would place the cost of probationary service where it belongs upon criminals who by their illegal acts are constantly piling extraordinary costs upon the shoulders of the innocent taxpayer. The Nassau County Probation Department supervised some 14,000 individuals last year. Typically, a probation sentence covers one to five years and includes meetings with probation officers and visits to home and/or places of work of the probationer. The department also provides many free services to criminals on probation, including drug and alcohol rehabilitation, vocational guidance and job placement. Those who violate the law should be made to shoulder the cost of their probationary service. In addition, the amount of money saved by taxpayers could be used to expand probationary services and develop a viable rehabilitation program in an attempt to prevent recidivism.

LEGISLATIVE HISTORY

2008-07: S.5066 Referred to Crime Victims, Crime and Correction
2005-06: S.4354 Referred to Crime Victims, Crime and Correction
2003-04: Referred to Crime Victims Crime and Corrections
2002: S.1110 Passed Senate

FISCAL IMPLICATIONS :

Any anticipated costs incurred by this program is expected to be offset by the revenue generated by reimbursement collections.

EFFECTIVE DATE :

This act shall take effect on the first of November next succeeding the date on which it shall have become law.

S5334 Text

STATE OF NEW YORK

5334

2009-2010 Regular Sessions

IN SENATE

April 27, 2009

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law and the penal law, in relation to payment of a fee by persons sentenced to probation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The executive law is amended by adding a new section 246-a
- 2 to read as follows:
- 3 S 246-A. REIMBURSEMENT FOR PROBATION SERVICES. 1. A COUNTY PROBATION
- 4 SERVICES OR THE PROBATION SERVICES OF NEW YORK CITY, AT LOCAL OPTION,
- 5 MAY MAKE A PERSON WHO RECEIVES A SENTENCE OF PROBATION PURSUANT TO ARTI-
- 6 CLE SIXTY-FIVE OF THE PENAL LAW CHARGEABLE WITH REIMBURSEMENT TO SUCH
- 7 COUNTY PROBATION SERVICES OR TO SUCH PROBATION SERVICES OF NEW YORK CITY
- 8 HAVING SUPERVISION OVER SUCH PERSON; PROVIDED HE OR SHE IS OF SUFFICIENT
- 9 MEANS OR ABLE TO EARN SUCH MEANS. REIMBURSEMENT PAYMENTS OF SUCH
- 10 REIMBURSEMENT PURSUANT TO THIS SECTION SHALL BE PAYABLE MONTHLY AND

11 SHALL NOT EXCEED THAT AMOUNT ACTUALLY EXPENDED FOR PROVISION OF SUCH
 12 PROBATION SERVICES BY A COUNTY OR CITY DURING THE PERIOD THE PROBATIONER
 13 IS ON PROBATION. THE SENTENCING COURT MAY MAKE REIMBURSEMENT PURSUANT
 14 TO AN ADJUSTABLE SCALE A CONDITION OF PROBATION IN SUCH COUNTY OR CITY
 15 AFTER CONSIDERATION OF ALL RELEVANT FACTORS, INCLUDING THE
 16 PROBATIONER'S:
 17 (A) FINANCIAL RESOURCES, ASSETS AND EXPENSES,
 18 (B) HEALTH,
 19 (C) AGE,
 20 (D) CURRENT CHILD SUPPORT AND MAINTENANCE COURT ORDERS,
 21 (E) OUTSTANDING COURT ORDERED FINES OR RESTITUTION OR CURRENT INCOME
 22 EXECUTIONS OR INCOME DEDUCTION ORDERS, AND
 23 (F) ANY OTHER FACTOR WHICH THE COURT SHALL EXPRESSLY FIND TO BE JUST
 24 AND PROPER.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
 [] is old law to be omitted.

LBD11531-01-9

S. 5334

2

1 2. THE SENTENCING COURT SHALL ORDER PAYMENT OF REIMBURSEMENT BY THE
 2 PROBATIONER, PURSUANT TO SUBDIVISION ONE OF THIS SECTION, TO THE LOCAL
 3 PROBATION SERVICES HAVING SUPERVISION OVER SUCH PERSON.
 4 S 2. Subdivision 3 of section 65.10 of the penal law is amended by
 5 adding a new paragraph (d) to read as follows:
 6 (D) PAY A FEE FOR PROBATION SERVICES PURSUANT TO SECTION TWO HUNDRED
 7 FORTY-SIX-A OF THE EXECUTIVE LAW.
 8 S 3. This act shall take effect on the first of November next succeed-
 9 ing the date on which it shall have become a law.

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  [Twitter](#) [OpenID](#)

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