

# MANDATORY SURCHARGE SCHEDULE -- TOWN AND VILLAGE COURTS

Effective date: For offenses committed on or after July 1, 2008

(\$170 ADDITIONAL SURCHARGE FOR VTL §1192 OFFENSES AND \$20 ADDITIONAL SURCHARGE TO TAKE EFFECT AS OF AUGUST 1, 2008)

	MANDATORY SURCHARGE	CRIME VICTIMS ASSISTANCE FEE (CVA)	TOWN AND VILLAGE FEE	ADDITIONAL SURCHARGE (Effective 8/1/08)	TOTAL
<b>PENAL LAW 60.35</b>			PL 60.35(9)		
Felony [PL 60.35(1)(a)(i)]	\$300	\$25	N/A		\$325
Misdemeanor [PL 60.35 (1)(a)(ii)]	\$175	\$25	\$5		\$205
Violation [PL 60.35 (1)(a)(iii)]	\$95	\$25	\$5		\$125
<b>VEHICLE AND TRAFFIC LAW</b>			VTL 1809(9)	VTL 1809-e(1)(a), (b)	
* Conviction of an 1192 Felony [VTL §§ 1809(1)(b)(i), VTL 1809-e(1)(b) & 1809-c]	\$325 (\$300+\$25)	\$25	N/A	\$170	\$520 *7/1/08 to 7/31/08 Total is \$350*
*Conviction of an 1192 misdemeanor [VTL §§ 1809(1)(b)(ii) & VTL 1809-e(1)(b) & 1809-c]	\$200 (\$175+\$25)	\$25	\$5	\$170	\$400 *7/1/08 to 7/31/08 Total is \$230*
*Conviction of an 1192 violation [VTL §§1809(1)(c) & VTL 1809-e(1)(b) & 1809-c]	\$80 (\$55+\$25)	\$5	\$5	\$170	\$260 *7/1/08 to 7/31/08 Total is \$90*
All infractions except standing, parking, pedestrians and bicyclists [VTL 1809(1)(c)]	\$55	\$5	\$5	\$20	\$85 *7/1/08 to 7/31/08 Total is \$65*
When the registrant of the vehicle, rather than the operator, is convicted of VTL 385(8)(9) or (10), or section 401, and the non-registrant operator was served and the registrant did not respond to the original summons and court mails notice [VTL 385(20-a); 401(19-a)]	Additional \$30				
Conviction of a traffic infraction pursuant to Article 9 of the VTL (equipment violations) [VTL 1809(1)(a)]	\$25	\$5	\$5	\$20	\$55 *7/1/08 to 7/31/08 Total is \$35*
*Two or more VTL infractions arising out of same incident [VTL 1809(2)] (this cap does <u>not</u> apply to DWI misdemeanors)  *The examples in the "total" column includes the \$20 additional surcharge that does not go into effect until 8/1/08*	Total of Surcharge & Crime Victim Assistance fee is capped at \$100		\$5 for each infraction for which a surcharge/CVA fee is actually imposed	\$20 for each offense resulting in a conviction	2 non-equip. surcharges: \$100+\$10+\$40=\$150  2 equip. and one non-equip. surcharges: \$100+\$15+\$60=\$175  4 equip. surcharges: \$100+\$20+\$80=\$200
Handicapped parking spaces violations under VTL and/or local ordinances [VTL 1809-b]	\$30				\$30
<b>ALL OTHER LAWS EXCEPT PENAL LAW and VTL</b>			PL 60.35(9)		
Misdemeanor [PL 60.35(1)(a)(ii)]	\$175	\$25	\$5		\$205
Violation [PL 60.35(7)]	None				None
Parks, Rec. & Hist. Preservation Law: all violations and traffic infractions, except for parking or standing [PRHPL 27.12]	\$15				\$15

## COMBINATIONS AND VARIATIONS

### OFFENSE

V & T offense or offenses and surchargeable non-V & T offense or offenses classification

Multiple offenses (non-V & T) with mutual elements or arising out of the same criminal transaction

Reparation or restitution made pursuant to PL 60.27

Mandatory surcharge for parking, stopping or standing in cities having a population of 100,000 or more

Additional Surcharge for VTL §1192 convictions

Mandatory Surcharge for speeding in construction work and/or maintenance areas

### SURCHARGE

Amount specified for highest non-V & T surchargeable offense.

Amount specified for highest classification surchargeable offense, and no other.

5% of entire restitution or reparation amount to an official or organization designated to receive payments.

There shall be levied, in addition to any other sentence, a mandatory surcharge of \$15.

There shall be levied, in addition to any sentence or other surcharge, an additional surcharge of \$25.

There shall be levied, in addition to any sentence or other surcharge, an additional surcharge of \$50.

### AUTHORITY

VTL 1809(7)

PL 60.35(2)

PL 60.27(8)  
CPL 420.10(1),  
(7) & (8)

VTL §1809-a

VTL §1809-c

VTL §1809-d

**\*\*Termination of Suspension Fee** - When a defendant's license has been suspended for failure to appear or failure to pay a fine, penalty or mandatory surcharge, the suspension shall remain in effect until the defendant pays to the court a termination of suspension fee of \$35. In no event may the aggregate of the fees imposed by an individual court for the termination of all suspensions that may be terminated as a result of a person's answers, appearances or payments made in cases pending before an individual court exceed two hundred dollars.

**Sex Offender Registration Fee** - A person convicted of a sex offense as defined by subdivision 2 of section 168-a of the correction law or a sexually violent offense as defined by subdivision 3 of section 168-a of the correction law shall, in addition to a mandatory surcharge and crime victim assistance fee, pay a sex offender registration fee of \$50.

**\*\*Youthful Offenders** - While a Youthful Offender, as defined by Article 720 of the Criminal Procedure Law, is still subject to the mandatory surcharge(s) issued pursuant to PL §60.35(10), subdivision 3 of section 60.02 of the Penal Law mandates that courts **SHALL NOT** impose the sex offender registration fee, the DNA databank fee or the supplemental sex offender victim fee as would otherwise be imposed pursuant to Penal Law §60.35(a)(iv),(v) and (b).

**Notes:**

\*The additional \$25 imposed on all DWI or DWAI convictions is still applicable. [VTL §1809-c]

-The cap on VTL surcharges and Crime Victims' Assistance Fees remains at \$100. [VTL §1809(2)]