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BUDGET BULLETIN	NUMBER 347	June 23, 2003
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TO: Holders of the Financial Planning and Control Manual

SUBJECT: Revenue Manual Update - Major Fee, Fine and Surcharge Legislation

**** This supersedes the provisions of Budget Bulletin number 341,
dated June 10, 2002***

Please be advised that as a result of budget legislation recently adopted, chapters 3.070, 3.120 and 3.130 of Part IV of the UCS Financial Planning & Control Manual have been amended and are available on the Division of Financial Management's CourtNet website:

http://webcontent.courtnet.org/w1_www/oca/budget/FPCM_list.htm

These amended chapters relate to the procedures established for the collection, reporting, classification and, as appropriate, the refund of UCS fees, fines and surcharges. Pursuant to the provisions of chapter 62 of the Laws of 2003, the following changes have been enacted by the Legislature:

Civil User Fee Increases

- Most existing filing and other user fees payable in Supreme and County Courts, in Surrogate's Courts, in the New York City Civil Court and in the District Courts of Nassau and Suffolk have been increased effective July 14, 2003. *Please note that the civil fees payable in the City Courts outside New York City were not increased.*
- The existing fee paid to the Clerk of the Court of Appeals and to the Clerk of the Appellate Division for filing a record on appeal has been increased from \$250 to \$315.

- A new \$45 fee has been established for the filing of motions /cross motions which is applicable in Supreme and County Courts, in the Court of Appeals, in the Appellate Divisions and in the New York City Civil Court.
- A new \$35 fee has been established for the filing of stipulations of settlement or voluntary discontinuance payable in the Supreme and County Courts and in the New York City Civil Court. The CPLR was further amended to require the defendant to file such notice with the County Clerk.

Penal Law, VTL and ETL Fees, Fines and Surcharges

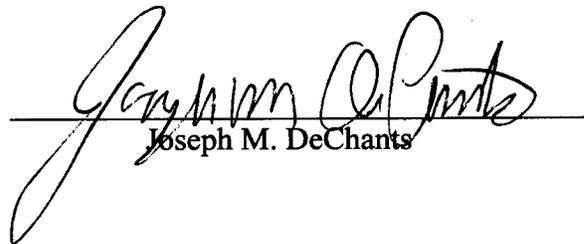
- The Penal Law has been amended to increase the amount of the mandatory surcharge and crime victims assistance fees payable upon conviction of a felony, misdemeanor or violation effective November 11, 2003.
- The Penal Law has been amended to establish a new \$50 sex offender registration fee and DNA databank fee to be collected in addition to any mandatory surcharge and crime victims assistance fee payable. This new fee took effect on May 15, 2003.
- The Vehicle and Traffic Law and the Environmental Conservation Law have both been amended to increase the maximum fines which may be imposed by a court upon conviction of various offenses. These new fines took effect on May 15, 2003.
- Effective November 11, 2003, the Vehicle and Traffic Law has been amended to increase existing mandatory surcharges; increases the crime victims assistance fee payable upon conviction of a felony or misdemeanor; and establishes a new \$5 crime victims assistance fee for equipment and other VTL violations. The cap on the amount of surcharges payable where two or more offenses or infractions have been committed through a single act or omission has also been increased.
- The Vehicle and Traffic Law has been amended to provide for the imposition of an additional new \$25 surcharge upon persons convicted of driving while intoxicated or driving while impaired. This new surcharge is effective November 11, 2003.
- A new section has been added to the Vehicle and Traffic Law to establish a new \$35 termination of suspension fee to be paid to any court or tribunal that initiated a suspension of a driver's license. This fee must be paid before any such suspension may be lifted and the proceeds are to be credited to a newly created Indigent Legal Services Fund to be used to help offset State and local government 18-B assigned counsel costs. This new fee is effective September 12, 2003.

Other UCS Fees

- The fee collected by the Office of Court Administration for a criminal history search or for the search of any other data maintained electronically has been increased from \$16 to \$52, with \$27 of each fee to be allocated to support State and local government assigned counsel efforts, \$9 to a newly created Legal Services Assistance Fund and the balance to the General Fund to be later allocated to the Judiciary Data Processing Offset Fund. This increase is effective July 14, 2003.

- Also effective July 14, 2003, Section 468-a of the Judiciary Law is amended to increase the biennial attorney registration fee from \$300 to \$350, with the \$50 increase to be used to partially offset increased State and local government assigned counsel costs.

Please ensure distribution of this bulletin to all personnel within your respective jurisdictions who may be responsible for the collection, recording or classification of UCS revenues, or the monitoring of internal controls relating thereto. Thank you for your cooperation.



Joseph M. DeChants