

State of New York  
Unified Court System  
Financial Planning & Control Manual

|                        |  |                          |
|------------------------|--|--------------------------|
| Date:<br>8/20/09       | Subject: Revenue Collection and Processing<br>Procedures | Part/Chapter<br>IV/3.120 |
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### 3.120 Special Revenue Programs and Other Revenue Topics

#### 3.120.1 Stop DWI

Pursuant to chapters 910, 911 and 913 of the Laws of 1981, violations of section 511 (2) and 1192 of the Vehicle and Traffic Law provide for counties to establish special DWI-related programs (STOP TRAFFIC OPTIONS PROGRAM FOR DRIVING WHILE INTOXICATED - STOP-DWI). Counties with approved programs receive the initial fine as well as any subsequent fine levied. ALL fines received and disbursed pursuant to this program should be administered in accordance with the guidelines already discussed in this manual.

All fines paid and/or bail forfeited on DWI cases should be forwarded to the appropriate County Treasurer with a transmittal letter. Such transmittal letters and forfeiture orders submitted to the County Treasurer should clearly indicate the applicable charge citation. If local government agencies require any specialized reporting regarding DWI fines, such reports should be cleared with the appropriate District Administrative Judge's Office.

Pursuant to chapter 50 of the Laws of 1990, all fines collected pursuant to section 1197 of Article 31 of the Vehicle and Traffic Law should be sent to the appropriate County Stop DWI Coordinator. Local governments will then be responsible for remitting 2 percent of such collections to the State Comptroller's Office. Please note, however, that civil penalties imposed for failure to submit to a chemical test (Vehicle and Traffic Law section 1194(2)(d)(2)) are to be credited to the State's General Fund using revenue object 35340.

In addition, chapter 688, Laws of 1996, amended sections 1197(1)(a) and 1803(9) of the Vehicle and Traffic Law to expand the categories of offenses for the conviction of which any fines and forfeitures imposed are to be credited to local STOP DWI programs authorized by the Commissioner of Motor Vehicles. Effective November 1, 1996, approved county STOP DWI programs are entitled to receive any court-imposed fines and forfeitures collected upon conviction for the following Penal Law offenses:

- vehicular assault in the first degree, section 120.04
- vehicular assault in the second degree, section 120.03
- vehicular manslaughter in the first degree, section 125.13
- vehicular manslaughter in the second degree, section 125.12

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Fines and forfeitures collected for these Penal Law offenses are in addition to those imposed for DWI-related violations as contained in sections 511(2) and 1192 of the Vehicle and Traffic Law, to which STOP DWI programs already are entitled.

In summary, as set forth in subdivision 1 of section 1197 and subdivision 9 of section 1803 of the Vehicle and Traffic Law, **all fines, penalties and forfeitures** imposed upon conviction of any the following offenses are to be distributed to local STOP-DWI programs:

**Aggravated Unlicensed Operation in the 2nd Degree - AUO 511-2a (ii) or (iii)**

- Vehicle and Traffic Law 511-2a (ii) suspension or revocation based on a chemical test refusal
- Any Vehicle and Traffic Law 1192 offense (*Note: STOP-DWI programs are not entitled to and civil fines collected failure to submit to a chemical test*)

**Aggravated Unlicensed Operation in the 1st Degree - AUO 511-3a (I)**

- Vehicle and Traffic Law 511-3a (I) operation of a motor vehicle which under the influence of alcohol or drugs and while drivers license is suspended or revoked for a previous VTL 1192 offense

**Vehicle and Traffic Law 1192 / 1193**

- Vehicle and Traffic Law 1193 for violations of any of the provisions of VTL 1192 , including any fines imposed for the commission of a class D felony (\$2,000 - \$5,000)

**Vehicular Assault and Vehicular Manslaughter**

- Penal Law 120.03 and 120.04 - Vehicular Assault in the second degree and Vehicular Assault in the first degree
- Penal Law 125.12 and 125.13 - Vehicular Manslaughter in the second degree and Vehicular Manslaughter in the first degree

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### 3.120.2 Mandatory Surcharges

Section 60.35 of the Penal Law requires imposition of a Mandatory Surcharge upon offenders convicted of a felony, misdemeanor or violation, as well as for the collection of a separate Crime Victim Assistance Fee. Section 1809 of the Vehicle and Traffic Law likewise requires imposition of a Mandatory Surcharge upon conviction for specified traffic infractions and other offenses, including felony and misdemeanor offenses under section 1192 of the VTL (relating to operation of a motor vehicle while under the influence of alcohol or drugs). Specific surcharge amounts are listed on page 5 of this section. Article 420 of the Criminal Procedure Law sets forth procedures for collection of the Mandatory Surcharge. Until July 1, 1995, Article 420 authorized a court to waive imposition of the Surcharge upon a convicted defendant where it would work unreasonable hardship upon him or her or an immediate family member. Also, a court could order remission of the Surcharge - again, provided it found it would work unreasonable hardship upon the convicted person or an immediate family member.

At its 1995 Session, the Legislature made some important changes in Article 420 and in Penal Law provisions relating to the Surcharge. Specifically, effective July 1, 1995 (and applicable only when the acts upon which a conviction resulted in the imposition of a Mandatory Surcharge occurred on or after such date), Article 420 and section 60.35 of the Penal Law are amended: (1) to eliminate a court's authority to waive imposition of the Mandatory Surcharge and to order remission of a Surcharge already imposed, and (2) to create a special procedure by which courts may defer payment of the Surcharge. Also, Article 420 is amended to require that before imprisoning a defendant for failure to pay a Mandatory Surcharge, the court must afford him or her notice and an opportunity to be heard on the record, and must conclude that payment of the surcharge will not work an unreasonable hardship on the defendant or his/her family.

The statutory provision regulating Surcharge deferral is included in section 420.40 of the Criminal Procedure Law. This section requires State-paid courts (and authorizes town and village courts) to direct a convicted defendant whose sentence does not include a period of incarceration in excess of 60 days to return to court if, after sixty (60) days following the imposition of a Mandatory Surcharge, the Surcharge has yet to be paid. At this point, the defendant is to be provided with an opportunity to establish on the court record his/her inability to pay. If persuaded by defendant's presentation, the court may defer all or part of the surcharge by written order, after having placed on the record its findings and the facts upon which it is based. Such written order shall direct that, in

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the form of a certified copy, it be filed with the County Clerk who shall enter it as a civil judgment, and, further, that any unpaid balance may be collected as a civil judgment.

As with the imposition of any sentence upon a convicted defendant, any court action concerning the Mandatory Surcharge must be clearly documented in the official case record. This includes the amount of the Surcharge, payment terms, collection agency, etc. All procedures established in the Financial Planning and Control Manual concerning revenue collection, recording and transmission are fully applicable to the Mandatory Surcharge collections.

The provisions of section 60.35(5) of the Penal Law require that when a criminal defendant who is sentenced to a term of imprisonment has failed to pay any required Mandatory Surcharge, the Clerk of the sentencing court shall notify the superintendent or the municipal official of the facility where the person is confined. Such superintendent or municipal official then assumes responsibility for collecting the Mandatory Surcharge. A sample notification for use by the Clerk of the Court in these cases appears later in this chapter.

Section 420.10 of the Criminal Procedure Law authorizes a court to designate an agency other than itself, (e.g. probation department, local correction facility, etc.) to which payment of a Mandatory Surcharge is to be remitted and which then assumes responsibility for transmitting such Surcharge to the State. When such designation is made, the court must notify the designated public official or institution in writing and record the designation of the Surcharge collection in the court record. A sample designation form appears later in this chapter.

Coordination between the courts and designated public officials is important in that it is the responsibility of the courts to maintain appropriate records relative to Mandatory Surcharges assessed. A suitable accounts receivable system must be in place to allow for the monitoring of outstanding surcharges for those surcharge collections not assigned to another agency. This system should include the ability to record and monitor the case or docket number, defendant's name, surcharge amount, the date of sentencing or notification, the date payment is due or payment schedule, and the balance outstanding. All payments of Mandatory Surcharge assessments to be collected by a court must be posted to the case records and accounts receivable system. All outstanding account receivable balances should be reviewed at least weekly and the appropriate judges notified where payments due are not timely made. Any receivables found to be in excess of thirty days beyond the court-established payment date, should require a letter to be sent to the

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individual sentenced to pay the Mandatory Surcharge. A sample letter can be found later in this chapter.

As with all court revenues, it is required that within the first ten (10) days of the month following the collection of a Mandatory Surcharge, the court must transmit those collections to the State. All surcharges that are not assigned for collection by another agency must be collected and reported in accordance with the procedures included in this manual (i.e. collections must be recorded in a cash receipts journal, deposited in a bank account approved by Office of the State Comptroller and transmitted to the State no later than the tenth of every month.)

In those instances where the court directs the Mandatory Surcharge to be paid to a non-court agency (e.g., Correctional Facility, County Probation Department), it will be necessary to utilize a unique number sequence, with a prefix (PR), for revenue transmittal.

In those instances where the Mandatory Surcharge is to be paid to a court or County Clerk, revenues from the surcharge should simply be included on the existing monthly report of revenues to the State Comptroller. In all cases, a copy of the AC-909 revenue form should be provided to the Office of the District Administrative Judge.

The proper classification of Mandatory Surcharge revenue is especially critical since pursuant to law, these revenues are specifically earmarked to fund improvements to State and local criminal justice information systems. All Mandatory Surcharges should be reported using the revenue classifications which follow:

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MANDATORY SURCHARGE SCHEDULE - EFFECTIVE JULY 6, 2009  
(chapter 59, Laws of 2009):

|   | <u>Mandatory<br/>Surcharge</u> | <u>Revenue<br/>Object</u> | <u>Crime Victims<br/>Assistance Fee</u> | <u>Revenue<br/>Object</u> | <u>Total</u> |
|---|--------------------------------|---------------------------|---|---------------------------|--------------|
| <b>Penal Law</b>  |                                |                           |   |                           |              |
| Felony  | \$300.00                       | 35346                     | \$25.00                                 | 35354                     | \$325.00     |
| Misdemeanor   | \$175.00                       | 35347                     | \$25.00                                 | 35354                     | \$200.00     |
| Violation   | \$ 95.00                       | 35348                     | \$25.00                                 | 35354                     | \$120.00     |
| <b>Parks, Recreation and Historic<br/>Preservation Law</b>  |                                |                           |   |                           |              |
|   | \$ 15.00                       | 35356                     |   |                           | \$ 15.00     |
| <b>Vehicle and Traffic Law</b>  |                                |                           |   |                           |              |
| Upon conviction of <u>felony</u> pursuant to Vehicle<br>and Traffic Law (VTL) Section 1192  | \$300.00                       | 35351                     | \$25.00                                 | 35354                     | \$325.00     |
| Upon conviction of a <u>misdemeanor</u> pursuant<br>to VTL Section 1192   | \$175.00                       | 35352                     | \$25.00                                 | 35354                     | \$200.00     |
| Upon conviction of an offense under the VTL<br>(including most traffic infractions except<br>parking and equipment violations, but exclud-<br>ing section 1192 felonies and misdemeanors) | \$ 55.00                       | 35349                     | \$ 5.00                                 | 35354                     | \$ 60.00     |
| Upon conviction of a traffic infraction pursu-<br>ant to Art 9 of the VTL (Equipment Viola-<br>tions)   | \$ 25.00                       | 35353                     | \$ 5.00                                 | 35354                     | \$ 30.00     |
| Surcharge - Parking Violation Conviction  | \$ 15.00                       | 35355                     |   |                           | \$ 15.00     |
| Additional Surcharge for Certain VTL Viola-<br>tions -VTL 1809-e (1)  | \$ 20.00                       | 35349                     |   |                           | \$ 20.00     |
| DWI / DWAI Supplemental Surcharge<br>VTL 1809-c (2)   | \$ 25.00                       | 35357                     |   |                           | \$ 25.00     |
| DWI / DWAI Additional Surcharge<br>VTL 1809-e (b)   | \$170.00                       | 35357                     |   |                           | \$170.00     |
| <b>Environmental Conservation Law</b>   |                                |                           |   |                           |              |
| Violations of Sportfishing Regulations (as<br>defined by 6 NYCCR 10.1 - 10.9)   | \$25.00                        | 35359                     |   |                           | \$25.00      |

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|   |                          |       |                             |
|---|--------------------------|-------|-----------------------------|
| Violations of Arts. 17, 19, 27 : the greater of | \$75.00 or<br>6% of fine | 35359 | \$75.00<br>or 6%<br>of fine |
| All other ECL violations / misdemeanors         | \$75.00                  |       | \$75.00                     |

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Surcharges - Restitution or Reparation in Criminal Proceedings

Pursuant to chapter 363 of the Laws of 1991, section 60.27 of the Penal Law was amended to increase, in certain cases, the amount of the designated surcharge that a criminal defendant must pay when a sentence of restitution or reparation is imposed. Generally, designated surcharges imposed in cases involving restitution or reparation as part of the disposition will be collected by a local probation department pursuant to 420.10(8) of the Criminal Procedure Law.

Parking Violations in Cities With Populations Exceeding 100,000 but Less Than 1,000,000

Effective January 1, 2008, a \$15 mandatory surcharge is to be imposed upon conviction for violation of any statute, local law, ordinance or rule involving parking, stopping, or standing which occurs within cities with a population in excess of 100,000 but less than 1,000,000. Surcharges collected pursuant to this section are to be transmitted to the appropriate local government. However, this surcharge should not be imposed when a surcharge is collected pursuant to Penal Law section 60.35 or VTL section 1809.

Parking Violations in Cities With Populations Exceeding 1,000,000

The \$15 mandatory surcharge imposed and collected by a city with a population exceeding 1,000,000 should continue to be reported as state revenue utilizing revenue object 35355.

Additional Mandatory Surcharge - Certain Motor Vehicle Violations

Pursuant to the provisions of chapter 56 of the Laws of 2008 and effective August 1, 2008, the Vehicle and Traffic Law is amended to add a new section 1809-e which imposes a supplemental surcharge of \$20 upon a conviction for certain motor vehicle violations, to be assessed in addition to any other sentence, penalty or other surcharge required of permitted by law.

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Additional Mandatory Surcharges - DWI / DWAI Convictions

Pursuant to the provisions of chapter 62 of the Laws of 2003 and effective November 11, 2003, the Vehicle and Traffic Law is amended to add a new section 1809-c which imposes a additional \$25.00 surcharge upon persons convicted of driving while intoxicated and while driving while impaired.



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Further, pursuant to the provisions of chapter 56 of the Laws of 2008 and effective August 1, 2008, the Vehicle and Traffic Law is amended to add a new section 1809-e which imposes a supplemental surcharge of \$170, to be assessed in addition to any other sentence, penalty or other surcharge required of permitted by law.

Mandatory Surcharge - Handicapped Parking Violations

Effective April 1, 2000, the provisions of chapter 497, Laws of 1999 established a \$30.00 Mandatory Surcharge to be added to any other fine, sentence or penalty permitted or required, upon conviction for a violation of sections 1203-a, 1203-b or 1203-c of the Vehicle and Traffic Law, as well as any other statute, local law, ordinance or rule involving parking, stopping, or standing in a handicapped-designated parking area. This new financial penalty constitutes local government revenue which is intended to encourage the development of local programs to support the enforcement of handicapped parking regulations and provides a revenue stream to support such efforts. Accordingly, each \$30.00 penalty collected is to be distributed as follows:

- \$15.00 to the chief fiscal officer of the county in which such violation occurred; and
- \$15.00 to the chief fiscal officer of the municipality from which the charge originated

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Mandatory Surcharge Designation -  
Correctional Facility  
To be included on the Commitment  
Order where surcharge is imposed)

Pursuant to Section 60.35 of the Penal Law of the State of New York, Judge \_\_\_\_\_ imposed a mandatory surcharge in the amount of \$ \_\_\_\_\_. As Clerk of the Court that rendered the conviction, and, in accordance with Section 60.35(5) I am hereby notifying you that the defendant has failed to pay the mandatory surcharge as of this date.

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Mandatory Surcharge Designation  
Non-Court Agency

State of New York

Court

-----

People of the State of New York

- against -

IND/SCI #

Defendant

-----

To the collection agency

On this date, \_\_\_\_\_ has been convicted and sentenced for the crime(s) of \_

\_\_\_\_\_  
Pursuant to the N.Y.S. Penal Law Section 60.35 the court has imposed the Mandatory Surcharge.

In accordance with said section, you are to collect said surcharge in the amount and under the conditions set forth by law. You are to pay such sum to the State Commissioner of Taxation and Finance in accordance with Penal Law Section 60.35(3).

AMOUNT: \_\_\_\_\_

DATE PAYMENT REQUIRED: \_\_\_\_\_

CONDITION (if payment directed in periodic intervals):

\_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
Court Clerk;  
By order of the Court

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Sample Accounts  
Receivable Letter

State of New York  
Unified Court System  
\_\_\_\_\_ Court  
Notice of Nonpayment of Mandatory Surcharge

To: \_\_\_\_\_  
From: \_\_\_\_\_  
Date: \_\_\_\_\_  
Re: (Case/Index #) \_\_\_\_\_

On \_\_\_\_\_ you were sentenced in the \_\_\_\_\_ court by Judge \_\_\_\_\_  
\_\_\_\_\_ to pay a Mandatory Surcharge in the amount of \$ \_\_\_\_\_ as authorized  
under Penal Law Section 60.35 (1).

Court records indicate that as of this date, you have failed to make the aforementioned  
surcharge payment. As established by the sentencing court, the deadline date for payment was \_\_\_\_  
\_\_\_\_\_.

Accordingly, please remit the \$ \_\_\_\_\_ balance due to: \_\_\_\_\_. Payment  
must be in the form of cash (if payment is made in person), certified bank check or money order.  
Please do not send cash in the mail.

Failure to comply within ten (10) days of this request could result in the issuance of a  
warrant for your arrest or institution of civil proceedings to collect any balance due, or both.

If you have any questions, please contact this office in person or by telephone at \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_

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Clerk of the Court

### 3.120.3 Costs and Sanctions - Civil and Criminal Proceedings

Sections 130-1 and 130-2 of the Rules of the Chief Administrator of the Courts (22NYCR-R) provide that a court, at its discretion, may impose a financial sanction or an award of costs, or both, upon any attorney or party who fails to attend a scheduled court appearance or engages in frivolous conduct as defined by the rules.

In civil proceedings, section 130-1 of the Sanctions Rules provides for an award of costs or the imposition of sanctions, or both, in an amount not to exceed \$10,000 per occurrence of frivolous conduct as defined in this part. Sanctions imposed upon an attorney pursuant to this part are to be transmitted to the Commissioner of Taxation and Finance for deposit in the special revenue fund of the Lawyers' Fund for Client Protection. Sanctions imposed pursuant to this part upon a party who is not an attorney are to be transmitted to the Commissioner of Taxation and Finance as general State revenue. The provisions of this part do not apply to Town and Village Courts; Small Claims Parts of any court; or proceedings in Family Court commenced under Articles 3,7,8, or 10 of the Family Court Act.

Part 130-2 of the Sanctions Rules provides for the imposition of a sanction on an attorney, not to exceed \$2,500 per occurrence, for failure to appear at a scheduled court appearance. Sanctions imposed pursuant to this section are to be transmitted to the Commissioner of Taxation and Finance and deposited with the Lawyers' Fund for Client Protection, established pursuant to section 468-b of the Judiciary Law and section 97-t of the State Finance Law. The provisions of this part do not apply to Town and Village Courts.

#### Collection Procedures

As with all State revenue, sanctions imposed pursuant to these parts are to be reported consistent as indicated on the following pages. A receipt should be issued for all sanctions revenue collected; an entry posted to the appropriate cash receipts journal; and the monies deposited in an approved State bank account.

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### 3.120.3 Costs and Sanctions - Civil and Criminal Proceedings

#### Cash Disbursement and Reporting Procedures

The Judiciary Law requires that all Unified Court System revenues shall be transmitted to the Commissioner of Taxation and Finance by the tenth day of the month following the month in which the revenues were collected. Sanctions monies collected pursuant to these rules should be included with those collections. However, the Sanctions Rules require that sanctions imposed upon an attorney shall be deposited with the Lawyers' Fund for Client Protection. Accordingly, the reporting of sanction revenue collected from attorneys will require that special revenue coding be utilized to ensure that such revenues are properly credited to the Fund. The following revenue coding must be used by all courts for the reporting of sanctions imposed upon attorneys:

| <u>Dept.</u> | <u>Revenue<br/>Cost Center</u> | <u>Var</u> | <u>Yr</u> | <u>Object</u> | <u>Description</u>   |
|--------------|--------------------------------|------------|-----------|---------------|--|
| 05           | 813063                         | 01         | 44        | 35270         | Sanctions monies<br>- Lawyers' Fund For<br>Client Protection |

| <u>Fund</u> | <u>Fund Description</u>             |
|-------------|-------------------------------------|
| 306         | Lawyers' Fund for Client Protection |

Sanctions revenues collected from parties who are not attorneys should be reported as miscellaneous revenue using revenue object 35270 and the court/agencies' own revenue cost center. The example Report of Monies Received (AC 909) which appears later in this chapter demonstrates how fictitious revenue cost center 123456 would report April, 1998 sanctions revenue collected from: 1) a party who is not an attorney; and 2) an attorney.

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3.120.3 Costs and Sanctions - Civil and Criminal Proceedings

NOTE: These reporting procedures apply to revenue reported via the Report of Moneys Received (AC909) or wire transfer revenue classified via Revenue Transfer (AC1370). All existing procedures for the actual transmittal of revenues to the Commissioner of Taxation and Finance remain in effect.

Important: Where a financial sanction is imposed on an attorney necessitating the transmittal of funds to the credit of the Lawyers Fund for Client Protection, a copy of the Court's Order should be submitted to (note address change):

Lawyers Fund for Client Protection  
119 Washington Avenue  
Albany, New York 12210

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Special Revenue - Costs and Sanctions

AC909 (Rev. 2/86)      STATE  
OF

NEW YORK

**REPORT OF MONEYS RECEIVED**

|                                      |                       |                       |                              |                          |
|--------------------------------------|-----------------------|-----------------------|------------------------------|--------------------------|
| Originating Agency Code<br><br>05xxx | Batch Number<br><br>0 | Batch Type<br><br>REC | Number of Documents<br><br>1 | Net Amount<br><br>500.00 |
|--------------------------------------|-----------------------|-----------------------|------------------------------|--------------------------|

Document No.

|  |                      |                             |
|--|----------------------|-----------------------------|
| Originating Agency    SAMPLE COURT                       | Agency Code    05xxx | Date<br>04 / 30 / 00        |
| Fund Name            STATE PURPOSES                      | Fund Code    003     | Amount<br>250            00 |
| Fund Name            LAWYERS' FUND FOR CLIENT PROTECTION | Fund Code    306-01  | Amount<br>250            00 |
| TOTAL MONEY REPORTED                                     | Bank Code (OSC Only) | Amount<br>500            00 |

RECEIPTS

| Date         | Dept. | Cost Center | Var. | Yr. | Object                              | Accumulator |            | Amount |    | Description  |
|--------------|-------|-------------|------|-----|-------------------------------------|-------------|------------|--------|----|--|
|              |       |             |      |     |                                     | Dept.       | State-wide |        |    |  |
| 04 / 30 / 00 | 05    | 123456      |      | 00  | 35270                               |             |            | 250    | 00 | Sanctions Revenue -<br>Non-attorney<br>Sanctions Revenue -<br>Lawyers' Fund for Client Protec-<br>tion |
| 04/ 30 / 00  | 05    | 813063      | 01   | 44  | 35270                               |             |            | 250    | 00 |  |
|              |       |             |      |     |                                     |             |            |        |    |  |
|              |       |             |      |     |                                     |             |            |        |    |  |
|              |       |             |      |     |                                     |             |            |        |    |  |
|              |       |             |      |     | Total Receipts Reported Other Pages |             |            |        |    | <b>MUST AGREE WITH</b><br><b>TOTAL MONEY</b><br><b>REPORTED ABOVE</b>                                  |
|              |       |             |      |     | Total Receipts This Report          |             | 500        |        | 00 |  |

I certify that the foregoing is a true statement of all monies received by the aforesaid agency for deposit in the designated fund of the State Treasury during the period covered by the this report.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

ORIGINAL OSC

☐ Check if continuation form is attached



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#### 3.120.4 Environmental Conservation Law Fines and Penalties

Effective April 1, 1993, all fines collected by the court pursuant to the various sections of the Environmental Conservation Law (ECL) should be reported as follows:

- Fines collected pursuant to article 11 of the ECL must be deposited with the Conservation Fund (see State Finance Law sec. 83(a)(1)), using revenue object **35341**.
- Fines collected pursuant to article 13 of the ECL must be deposited with the Marine Resources Account (see State Finance Law Sec. 83(a)(2)), using revenue object **35361**.
- Fines collected pursuant to Article 23, title 27 (Mined Land Reclamation) of the ECL are to be credited to the State's General Fund, using revenue object **35363**.
- Fines collected pursuant to section 71-1929(2) of article 71 of the ECL (pertaining to violation of titles 1 through 11) and title 19 of article 17 of the ECL (involving the killing of fish or shellfish), must be deposited with the Conservation Fund, using revenue object **35341**.
- Fines collected pursuant to section 71-2725(2) of article 71 of the ECL (pertaining to unlawful dissemination or disposal of hazardous wastes), must be deposited with the Hazardous Waste Remedial Fund, using revenue object **35362**.
- Fines collected pursuant to Article 23, title 19 of the ECL must be deposited with the General Fund (see Chapter 259, Laws of 1993), using revenue object **35364**.
- Fines collected pursuant to articles 17, 19, 27, 33, 71 and 72 of the ECL, except those imposed pursuant to section 71-1929(2) and 71-2725(2) must be deposited with the General Fund, using revenue object **35363**.

Effective April 6, 2009, ECL Section 71-0213 was amended to require a Mandatory Surcharge for all ECL violations and misdemeanors, based upon the following schedule :

- Violations of Sportfishing Regulations (as defined in 6 NYCRR 10.1-10.9) - \$25.00

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- Violations of Article 17 (Water Pollution Control), Article 19 (Air Pollution Control), and Article 27 (Refuse and Solid Waste Collection, Treatment and Disposal) - \$75.00 or 6% of fine, whichever is greater
- All Other ECL violations or misdemeanors - \$75.00

For all ECL mandatory surcharges, utilize revenue object **35359**.

Eligible Environmental Conservation Law revenues should be reported as General Fund (003) state revenue using each court's respective revenue cost center, in combination with the appropriate revenue object as detailed above.

These reporting procedures apply to revenue reported via Report of Moneys Received (AC-909) or wire transfers classified via Revenue Transfer (AC-1370). All existing procedures for the actual transmittal of revenues to the Commissioner of Taxation and Finance, as contained in Part IV/Chapter 3.080 of this manual, also apply.

The revenue objects established herein are critical to the proper crediting of all Environmental Conservation Law revenues.

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3.120.5 Distribution of Index Number Revenue - Records Management Improvement Fund  
Cultural Education Account

Amount to be collected

Effective July 14, 2003, for each index number he or she assigns in a civil action in Supreme or County Court, a County Clerk shall collect a combined fee of \$210.00. This fee consists of a \$190.00 index number fee, plus a \$5.00 additional fee and a \$15.00 additional fee.

History of Index Number Fee and Introduction of Additional Fees

Pursuant to chapter 825 of the Laws of 1987, the Legislature amended CPLR 8018 to fix the base index number fee for civil actions in Supreme and County Courts at \$100.00.

Pursuant to chapter 78 of the Laws of 1989, CPLR 8018 was amended to require payment to County Clerks of an additional \$5.00 fee upon their assignment of an index number to a civil action in Supreme or County Court. The purpose of chapter 78 was to create a dedicated revenue stream for the Local Government Records Management Improvement Fund, which is to provide support for local government records management projects. Thus, the total fees to be collected for the assignment of an index number became \$105.00.

Pursuant to chapter 190 of the Laws of 1990, the Legislature raised the base index number fee to \$165.00. The additional \$5.00 fee established in 1989 was continued, with the result that the total fees to be collected for the assignment of an index number increased to \$170.00.

Pursuant to chapter 83 of the Laws of 2002, the Legislature again amended CPLR 8018 to add yet another additional fee - this one in the amount of \$15.00 - to be collected by County Clerks upon their assignment of an index number in a civil action in Supreme or County Court. The purpose of chapter 83 was to create and fund a Cultural Education Account. The effect of chapter 83 was to increase the total fees to be collected for the assignment of an index number to \$185.00.

Pursuant to chapter 62 of the Laws of 2003, the Legislature has once more amended CPLR 8018 - this time to increase the base index number fee from \$165.00 to \$190.00. The chapter 190 and chapter 83 fees are undisturbed, with the result that effective July 14, 2003, the total fees to be collected for the assignment of an index number shall increase to \$210.00 (\$190.00 + \$5.00 + \$15.00).

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Distribution of Index Number Fee Revenue

The CPLR and the Judiciary Law contain express instructions for the distribution of index number fee revenue. The following shows that distribution of each combined \$210.00 fee collected upon issuance of an index number:

County Clerks Outside New York City:

|                 |  |
|-----------------|--|
| \$165.00        | To State Purposes Fund (State Revenue)                       |
| \$ 4.75         | To NYS Dept of Education-Records Management Improvement Fund |
| \$ 14.25        | To the NYS Dept of Education-Cultural Education Account      |
| <u>\$ 26.00</u> | To be retained by the County                                 |
| \$210.00        |  |

New York City County Clerks:

|                 |   |
|-----------------|---|
| \$165.00        | To State Purposes Fund (State Revenue)                          |
| \$ 4.75         | To NYS Dept. of Education - Records Management Improvement Fund |
| \$ 14.25        | To NYS Dept. of Education - Cultural Education Account          |
| <u>\$ 26.00</u> | To the City of New York   |
| \$210.00        |   |

Records Management and Cultural Education revenues collected pursuant to these provisions are to be reported in accordance with procedures established by the New York State Education Department (SED). Under current SED procedures, all County Clerks have been instructed to submit all Records Management Improvement Fund and all Cultural Education Account revenue directly to the Education Department via a separate check and Report of Money's Received (AC-909).

Accordingly, no Records Management Improvement Fund or Cultural Education Account revenue should be included on the Reports of Money's Received (AC-909's) that are used to transmit Unified Court System revenue to the Commissioner of Taxation and Finance. County Clerks who transmit via direct wire transfer and classify their Unified Court System revenue via Revenue Transfer (AC-22) should exclude Records Management Improvement Fund revenue. All revenue documents submitted to district administration offices should reflect the following amounts as State Purposes (General Fund) - Index Number revenue:

|   |          |                                |
|---|----------|--------------------------------|
| County Clerks Statewide (Effective July 14, 2003) | \$165.00 | General Fund<br>State Purposes |
|---|----------|--------------------------------|

Note: Instructions for the refund of Index Number revenue can be found in Section 3.070.

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### 3.120.6 Rehabilitative Alcohol and Substance Treatment Fund

Chapter 338 of the Laws of 1989 amended subdivisions (1) and (3), and added a new subdivision (5) to section 80 of the Penal Law. These revisions provide that all money's in excess of five thousand dollars (\$5,000.00), collected as a fine upon conviction of any felony defined in articles 220 and 221 of the Penal Law, are the property of the State and are to be credited to the Rehabilitative Alcohol and Substance Treatment Fund.

Accordingly, all fine money's in excess of \$5,000.00 collected upon conviction of any of the affected felonies should be reported as state revenue using the following revenue coding:

| <u>Dept.</u> | <u>Revenue<br/>Cost Center</u>                               | <u>Var.</u> | <u>Year</u> | <u>Object</u> |
|--------------|--|-------------|-------------|---------------|
| 05           | 810594   | 01          | 44          | 35344         |
| <u>Fund</u>  | <u>Fund Description</u>                                      |             |             |               |
| 059-01       | Rehabilitative Alcohol and<br>Substance Abuse Treatment Fund |             |             |               |

These procedures apply to revenue reported via Report of Money's Received (AC 909), or wire transfer revenue classified via Revenue Transfer (AC 22).

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### 3.120.7 Criminal History and Other Electronic Records Searches

Chapter 55 of the Laws of 1992 created the Judiciary Data Processing Offset Fund. This special revenue fund was created to offset a portion of the General Fund expenses associated with the Unified Court System's data processing operations. The revenue which is credited to this fund is generated from increased fees on criminal history and other records searches. Administrative Order AO/104/92 (effective 5/1/92) increased the fee to be charged for each criminal history search pertaining to a single individual in a single county to \$16.

Pursuant to the provisions of chapter 56 of the Laws of 2008, the fee for each criminal history search and other searches for data maintained electronically is \$55.00, an increase of \$3, effective April 23, 2008.

Of each \$55 search fee, \$27.00 is to be credited to the Indigent Legal Services Fund established pursuant to section 98-b of the State Finance Law; \$9.00 is to be credited to the Legal Services Assistance Fund established pursuant to section 98-c of the State Finance Law; \$16 is to be credited to the Judiciary Data Processing Offset Fund established pursuant to section 94-b of the State Finance Law and \$3 is to be credited to the state's General Fund. The statutory distribution of fees received for Criminal History Searches and for other electronic searches of civil data is illustrated in the following table:

| <u>Funds Credited</u>                    | <u>Amount</u> | <u>Dept</u> | <u>Cost Ctr</u> | <u>Var</u> | <u>Yr</u> | <u>Object</u> |
|--|---------------|-------------|-----------------|------------|-----------|---------------|
| Indigent Legal Services Fund             | \$27.00       | 02          | 813908          | 01         | 44        | 35272         |
| Legal Services Assistance Fund           | \$ 9.00       | 05          | 813398          | IM         | 44        | 35272         |
| Judiciary Data Processing<br>Offset Fund | \$16.00       | 05          | 813699          | 01         | 92        | 35272         |
| General Fund                             | \$ 3.00       | 05          | 900080          |            | FY        | 35272         |
| Criminal History Search - Total Fee      | \$55.00       |             |                 |            |           |               |

**Unless otherwise stated herein, all Criminal History Search fees and other fees collected for the electronic search of records via mainframe or microcomputer are to be credited as noted above, regardless of the court or agency which conducts the search.**

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The following summarize the opinion of Counsel with respect to the collection of fees for records searches conducted by personnel of the courts and agencies of the Unified Court System.

1. The \$55 statewide Criminal History Search fee and any fees for civil data fee are to be collected only for records searches which are conducted electronically (via mainframe or microcomputer). Any fees that the court may charge for manual searches must be based on separate statutory authority. For example, a Superior Court may charge \$5 for "certifying to a search of any court records for a consecutive two-year period or fraction thereof, for each name so searched." Counsel's Office interprets this provision as authorizing a clerk to charge a fee when requested to search court records to determine if an individual was a party to a court proceeding, but not when a clerk is asked merely to retrieve a file or a document within a file.
2. The New York City Civil Court is authorized to charge the same fee (i.e. \$5.00 for any two year period) that the Supreme Court in New York City may charge under CPLR 8020(g) for certifying to a search.
3. Section 1911 of both the Uniform City Court Act and the Uniform District Court Act prohibit the imposition of fees in civil matters not specifically authorized in those sections. In that there is no statute that authorizes a city or district court to charge a fee for certifying to a search of records, these courts may charge no fee in connection with a manual search of civil records. However, the prohibition of section 1911 applies only to civil matters. Section 255 of the Judiciary Law authorizes a fee for manual searches of criminal records at the same amount charged by county clerks, that is, \$5.00 for each name for a consecutive two year period or fraction thereof (see CPLR section 8020(g)).
4. The New York City Criminal Court and Criminal Term of the Supreme Court have no statutory authority to charge an additional fee for the incidental search and retrieval of records necessary for the certification or exemplification of those records.
5. County Clerks outside New York City, upon collecting fees in connection with the manual searches of paper court records, should remit the revenues to the county treasurer pursuant to section 201 of the County Law.

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6. If a Surrogate's Court manually searches for and certifies to a search of a record, the fee should be as specified in SPCA 2402(14) and should be remitted to the State's general fund.
7. The \$5 fee charged in a city court for a certificate of disposition should be remitted to the State's general fund.
8. Consistent with the provisions of CPLR section 8019(f)(1), courts of civil jurisdiction providing copies of ordinary court records shall charge \$.65 per page, with a minimum fee of \$1.30. When civil case information (e.g. civil judgements entered in a particular court) is compiled electronically, the sum of \$1.00 should be collected for each page of printout provided. All sums collected for electronic searches should be credited to revenue cost center 813699, regardless of the court or agency performing the search.
9. CPLR section 8017(a) provides generally that court clerks may not charge fees for services rendered for State and county agencies and officials. This exemption would include State or county authorities. However, except for services rendered by county clerks in New York City on behalf of New York City agencies (see CPLR 8019(d)), no statute exempts local governmental units other than counties from paying these fees. Accordingly, courts should charge city governments and related agencies (including housing and other authorities) other than the City of New York for the performance of a criminal history search. Because no statute prescribes the fee that a city court must charge for a criminal history search, the provisions of Judiciary Law Section 255 shall apply, that is, \$5.00 for each name for a consecutive two year period or part thereof.
10. As specified in CPLR 8016(4), Surrogate's Courts providing uncertified copies of court records shall charge a fee of \$.25 per page (\$.10 per folio).
11. Federal statute 5. U.S.C. 9101(b)(1) provides that when specified federal agencies, including the Department of the Defense, request a criminal history search for the purpose of determining an individual's eligibility for "access to classified information" or "assignment to or retention in sensitive national security duties," they shall be charged the same fee as that charged to State or local agencies for the same information. Counsel has opined that while not all searches requested by military recruiters will relate to security-sensitive positions, the federal statute should be read as applying to all investigations conducted by military recruiters. Since CPLR



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8017(a) precludes a clerk from charging a State agency for a criminal history search, no fee should be charged to a military recruiter.

12. The Family Court should not be charging a fee for a criminal history search ordered pursuant to Uniform Rule 205.58.

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### 3.120.8 Disposition of Penal Law Fines

Absent any express provision of law for payment to the State, fines levied pursuant to the Penal Law are payable to the locality corresponding to the court which imposes the fine. While the Penal Law makes no specific provision for the distribution of such monies, fines generally are to be distributed to the appropriate locality.

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### 3.120.9 Fees for Subpoenas of Criminal Records

Where a clerk is required to attend an action pursuant to a subpoena duces tecum, the subpoena should be accompanied by a \$20 fee, plus transportation expenses of (1) 12 cents per mile or (2) actual transportation costs if the subpoena is both served within and the place of attendance is within New York City.

It should be noted that neither county clerks nor court clerks are entitled to retain subpoena fees for their personal use. These fees should be remitted as follows: (1) when paid to a county or court clerk in the City of New York, to the State; (2) when paid to a county clerk, Supreme Court clerk of the county Court clerk outside the City of New York, to the county; and (3) when paid to a City Court clerk of a court outside the City of New York, to the State.

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### 3.120.10 Criminal Court Certificates of Disposition

Pursuant to the County Law, section 201, fees for certificates of disposition issued by County Clerks outside the City of New York are payable to the county. Certificates issued by Town or Village Clerks or Town and Village Courts are payable to the town or village in accordance with section 27(1) of the Town Law, or section 4-410(1) of the Village Law. As regards exemptions from the fee, State, County and local agencies and officials should not be charged pursuant to CPLR section 8017.

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### 3.120.11 Interest Revenue - County Clerks Outside the City of New York

Chapter 265 of the Laws of 1986 amended section 11 of the General Municipal Law to allow county Clerks outside the City of New York to invest funds collected on behalf of the state in certain approved deposits or investments. This amendment provides that any interest accrued on such State funds is to be divided equally between the State and the appropriate locality, after any applicable bank service charges have been deducted.

District/administrative Offices responsible for the monitoring and reporting of court revenues should review monthly bank reconciliations to ensure that in those instances where county Clerks have chosen to deposit State court revenues into interest bearing accounts or otherwise invest such funds, that the State is properly credited for its share of such interest earnings.

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### 3.120.12 Fee Waivers to Government/Government-Related Agencies

Section 8017 of the Civil Practice Law and Rules exempts State government and its related agencies from the payment of civil court fees. Further, in certain limited circumstances, County governments may be exempt as well.

Pursuant to CPLR 8017(a) fees may be waived for State and county governmental agencies. CPLR 8019(d) allows similar waivers for New York City government agencies.

In addition, Public Housing Law section 52(1) provides that municipal housing authorities shall be exempt from the payment of any fees payable to any subdivision of the State. The State Comptroller has interpreted this provision as exempting a municipal housing authority from the payment of filing and other fees.

Further, in the City of New York, section 1912(b) of the New York City Civil Court Act exempts the State and New York City government from the payment of civil fees in actions brought before the New York City Civil Court.

Pursuant to the provisions of Chapter 314 of the Laws of 2000, section 8018(b) of the CPLR has been amended, effective July 1, 2001, to exempt municipalities and certain other local government entities from having to pay for an index number when commencing a civil action in Supreme or County Court. This exemption applies to cities, towns, villages, fire districts, district corporation, school districts and boards of cooperative educational services.

There is, however, no general statutory authority which allows a City Court in a City outside of New York City to waive civil fees for the benefit of a City government litigant before the court. Before waiving civil fees to government litigants, court personnel should first determine that there is statutory authorization to do so. Such statutory citation should be recorded in the case record when civil fees are waived.

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3.120.13 Filing Fees in Tax Certiorari Proceedings - Article 7 Real Property Tax Law

Upon the filing of tax assessment review proceedings joining multiple parcels pursuant to Article 7 of the Real Property Tax Law, court clerks are directed to charge a single index number and RJI fee for each Article 7 petition as filed, provided the properties joined in the petition relate to a single tax year and involve the same assessment roll and assessing unit.

However, judges, in their judicial capacities, retain their right to sever a petition into separate causes of action, under the applicable requirements governing the severance of unrelated causes of action, where the court finds that properties have been joined improperly in a single Article 7 petition. In such event, additional index number and RJI fees may be charged as appropriate.

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#### 3.120.14 Inmate Filing Fees

Chapter 412 of the Laws of 1999 authorized inmates sentenced to federal, state or local prison to apply for permission to pay a reduced filing fee to initiate a civil law suit in New York State Courts. Essentially, this measure stipulates that some type of filing fee will be required from inmates initiating civil lawsuits. The amount of the filing fee is to be determined by a Judge.

Inmates wishing to initiate a civil action who believe that they are unable to pay the filing fee are required to submit an affidavit to the filing court requesting a reduced fee (see Appendix A-1). The case will then be given an index number and the application will be submitted to a judge for determination of the fee. The court must then obtain from the appropriate prison official, a certified copy of the inmate's trust fund account for the six-month period preceding the application.

Upon determining an inmate's motion for permission to proceed as a poor person, the court will issue an order (Appendix A-2). If the court determines that the inmate has insufficient means to pay the full statutory filing fee, the inmate may be permitted to pay a reduced fee of not less than \$15 nor more than \$50. If the court determines that the inmate has sufficient funds, he/she may be required to make an initial payment with the balance being assessed as an outstanding obligation against the inmate's account. **The court must not report this outstanding obligation to the appropriate correctional official until the initial payment (if and when an initial payment is ordered by the court) is received by the court.** Once received, the court should report the balance due to the appropriate correctional official. If no initial payment has been required, the order should be sent to the appropriate correctional official for collection from the inmate's trust fund account.

If a court denies an inmate's request for permission to proceed as a poor person, the inmate may not file a request for judicial intervention in the action until the proper index number or first paper fee is paid to the court. In the event no such payment is made within 120 days of the date of the order, the action will be dismissed by the court.

In the event that the court reports the filing fee to the correctional official and the fee is subsequently paid to the court by the inmate or a third party, the court should issue an order directing the correctional official to restore all such funds to the inmate's trust account (Appendix A-3). If, upon review, the correctional official notes a previously disbursed encumbrance identified by the same index number, a refund will be due the inmate. The facility business staff will forward a Revenue Refund Request form to the inmate, along with a copy of the court order. The inmate will be instructed to complete sections 2, 4 and 6 of the form, attach a copy of the court order and forward both to the appropriate court for processing. The courts are to process the



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Revenue Refund Request as per established refund procedures (see Part IV Chapter 3.070 of the Financial Planning and Control Manual).

Collection, Classification and Transmittal of Inmate Filing Fee Revenue - NYS Department of Correctional Services

1. Department of Correctional Services (DOCS) administrative staff will be notified via an order from the court as to the amount of any fee obligation to be collected from an inmate's available funds. Where a court grants an inmate's motion to proceed as a poor person and orders an initial payment, **only after receipt of said initial payment shall the court notify the correctional facility as to the balance of any outstanding fee obligation.**
2. DOCS administrative staff will deposit funds collected from inmate funds into a special account established for Chapter 412 filing fee revenues. Only after the full amount imposed by the Court has been collected by DOCS will funds be taken from an inmate's encumbered funds and deposited into the account established for this purpose. This will minimize UCS administrative overhead by eliminating partial payments. The only exception to this rule will be if the inmate is released from State prison prior to the collection of the full court-imposed amount.
3. On a monthly basis, DOCS will electronically transmit to the UCS Division of Technology a detailed listing (file extract) of the inmates/cases for which funds were collected during the month. This extract will provide the specific inmate and case information necessary for individual courts to properly reflect amounts collected by DOCS in the appropriate court accounting and case records. The fields provided for each record will include inmate name; court description; ORI (court identifier code); NYSID (inmate number); court docket number; amount collected; and date collected, among other data.
4. A report will be generated from the DOCS data by the UCS Division of Technology and forwarded on to the Division of Financial Management for use in the preparation of the necessary revenue accounting documents.
5. This electronic extract will also be used to automatically generate a monthly electronic accounting transaction which will move the funds out of the special DOCS account and transmit that sum to the New York State Treasury. Through a cross reference to the ORI code provided by DOCS, the revenue cost centers of the appropriate UCS courts will simultaneously be credited for the amounts collected. For purposes of revenue classification, all amounts emanating from Supreme & County Court proceedings will be treated as index number fee revenue, all transactions emanating from the Court of Claims or

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City/District courts will be treated as first paper revenue. This accounting transaction (Revenue Transfer) will be processed through the Office of the State Comptroller by the UCS Division of Financial Management. UCS mainframe accounting applications are updated to reflect these transactions the following day.

6. Following acceptance of this revenue transfer transaction, funds held in the DOCS revenue account will be transferred as appropriate to the State's General Fund and to the Records Management Improvement Account administered by the State Education Department. Each Supreme & County index fee collected will be distributed in the following priority: \$5.25 to the appropriate County Clerk; \$4.75 to the Records Management Improvement Account maintained by the State Education Department; any remaining balance to the State's General Fund. (Note: In the event that County Clerk's staff receive an initial payment ordered by the Court, the full amount of the initial payment amount should be credited to the State's General Fund.) **At no time shall the County Clerk/local government retain any portion of the court-specified initial payment, unless the initial payment is equal to the total amount of the court-specified reduced filing fee.**
7. The case and revenue data is forwarded to the respective District Administrative Judges' Offices by the Division of Financial Management.
8. From there, reports should be transmitted to individual courts / court agencies via the most efficient means available in that jurisdiction (e.g. e-mail).
9. On a periodic basis (monthly or quarterly), a refund voucher will be processed by the Division of Financial Management to reimburse local governments for the county share of each Supreme & County index number purchased via inmate funds.
10. Refund transactions are reviewed by the Office of the State Comptroller.
11. Once approved by the State Comptroller's Office, refund checks chargeable to the State's General Fund are issued to local officials.

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**(APPENDIX A-1)**

COURT

STATE OF NEW YORK

\_\_\_\_\_ COUNTY

----- x

Plaintiff,

Affidavit in Support of Application  
Pursuant to CPLR 1101  
(Poor Person Status for an Inmate)

INDEX/FILE#  
DIN#  
NYSID#

Defendant.

----- x

State of New York                    )  
  )ss:  
County of \_\_\_\_\_ )

\_\_\_\_\_ being duly sworn, says:

1. I am the Plaintiff/Petitioner in the above-captioned action/proceeding; I am an inmate under sentence for conviction of a crime incarcerated in (include name and mailing address) \_\_\_\_\_, a federal/state/local correctional facility; and I submit this affidavit in support of my application for poor person status in such action/proceeding.

2. During the past six months:

☐ I was not incarcerated at any other federal/state/local correctional facility.

☐ I was incarcerated in the following federal/state/local correctional facilities) (include name(s) and mailing address(es)) in addition to the facility in which I am now incarcerated:

\_\_\_\_\_  
\_\_\_\_\_

3. I currently receive income from the following sources, exclusive of correctional facility wages:

\_\_\_\_\_  
\_\_\_\_\_

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4. I own the following property (list all real and personal property, including bank accounts and securities in which you have a beneficial interest, other than miscellaneous personal property of nominal value):

| Property: | Value: |
|-----------|--------|
| _____     | _____  |
| _____     | _____  |
| _____     | _____  |

5. I am responsible for payment of the following debts:

| Debt: | Amount: |
|-------|---------|
| _____ | _____   |
| _____ | _____   |
| _____ | _____   |

6. I have no savings, property, assets or income other than as set forth herein.

7. I am unable to pay the costs, fees and expenses necessary to prosecute the above-captioned action/proceeding.

8. There is no other person who has a beneficial interest in the recovery I am seeking in the above-captioned action/proceeding who is able to pay the fees, costs and expenses necessary to its prosecution.

9. The nature of the above-captioned action/proceeding and the facts therein are described in my pleadings and in other papers filed with the court.

10. I have made no prior request for this relief in the above-captioned action/proceeding.

\_\_\_\_\_  
(signature)

Sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

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AUTHORIZATION

I, \_\_\_\_\_, inmate number \_\_\_\_\_ request and authorize the agency holding me in custody to send to the Clerk of the Court certified copies of the correctional facility trust fund account statement (or the institutional equivalent) for the past six months.

In the event my application for poor person status in the above-captioned action/proceeding is granted by the Court, I further request and authorize the agency in which I am incarcerated to deduct the amount of any outstanding obligation reported to such agency by the Court pursuant to CPLR 1101(f)(2) from my correctional facility trust fund account (or institutional equivalent) and to disburse such money as instructed by the Court.

This authorization is furnished in connection with the above-captioned action/proceeding, and shall be valid as to any agency into whose custody I may hereafter be transferred.

I UNDERSTAND THAT THE FULL AMOUNT OF THE OUTSTANDING OBLIGATION REFERRED TO HEREIN WILL BE PAID BY AUTOMATIC DEDUCTION FROM MY CORRECTIONAL FACILITY TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED.

\_\_\_\_\_  
(signature)

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(APPENDIX A-2)

\_\_\_\_\_ COURT  
STATE OF NEW YORK  
\_\_\_\_\_ COUNTY

----- x

Plaintiff,

ORDER Determining Application for  
Poor Person Status for an Inmate  
(CPLR 1101)

INDEX/FILE #  
DIN#  
NYSID#  
ORI#

Defendant.

----- x

Nature of action/proceeding: \_\_\_\_\_,  
being a federal/state/local inmate under sentence for conviction of a crime and having made application  
pursuant to CPLR 1101 poor person status in the above-captioned action/proceeding,

It is hereby ORDERED that this application is:

- ☐ DENIED, and, as required by section 1101 of the CPLR, all applicable filing fees in the action/proceeding must be paid within 120 days of the date of this order, or else the action/proceeding shall be deemed dismissed without further order of the Court.
- ☐ GRANTED, and the applicant/inmate is directed to pay a reduced filing fee of \$\_\_\_\_\_ dollars and he or she shall be liable for no other fees in the action/proceeding before this Court unless a recovery by judgment or by settlement is had in his or her favor in which event the Court may direct him or her to pay out of the recovery all or part of such fees as are hereby forgiven.

It is further ORDERED:

- ☐ That, the Court having found that the applicant/inmate can reasonably afford same, the applicant/inmate IS REQUIRED to make an initial payment of ☐\$\_\_\_\_\_ of the reduced

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filing fee required hereunder; and that, once such initial payment is fully received by the court, the amount of the difference between such initial payment and the reduced filing fee required hereunder, or \$\_\_\_\_\_, shall be assessed as an outstanding obligation of the applicant/inmate and reported to the superintendent or other public official in charge of the facility where the applicant/inmate is confined, who shall collect such amount from the applicant/inmate in the same manner as mandatory surcharges are collected pursuant to section 60.35(5) of the Penal Law.

- ☐ That, the Court having found that exceptional circumstances render the applicant/inmate unable to pay any filing fee at this time, the applicant/inmate IS NOT REQUIRED to make any initial payment to the Court of a portion of the reduced filing fee required hereunder; and that the full amount of the filing fee required hereunder, or \$\_\_\_\_\_, shall be reported to the superintendent or other public official in charge of the facility where the applicant/inmate is confined, who shall collect such amount from the applicant/inmate in the same manner as mandatory surcharges are collected pursuant to section 60.35(5) of the Penal Law.

☐

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

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(APPENDIX A-3)

\_\_\_\_\_  
COURT  
STATE OF NEW YORK  
\_\_\_\_\_  
COUNTY

----- x

In the Matter of the Correctional  
Facility Trust Fund Account of

ORDER to Rescind Order of  
Collection of a Civil Filing Fee  
from an Inmate's Trust Account

-----  
INDEX/FILE#  
ORI#  
----- x

This Court,

Having issued an order dated \_\_\_\_/\_\_\_\_/\_\_\_\_: (1) granting \_\_\_\_\_, an inmate at \_\_\_\_\_ (name of Correctional Facility), poor person status in \_\_\_\_\_ (name of case); (2) requiring such inmate to pay a filing fee in such case in the amount of \$\_\_\_\_\_; and (3) directing the Superintendent or other public official in charge of the aforesaid Correctional Facility to collect some or all of such filing fee from the inmate's Correctional Facility Trust Fund Account or institutional equivalent, and

Now having received notice that the Clerk of this Court has received payment of the filing fee in full directly from the inmate or a person or persons acting on his/her behalf,

It is hereby ORDERED that so much of the aforesaid order directing the Superintendent or other public official in charge of the aforesaid Correctional Facility to collect some or all of such filing fee from the inmate's Correctional Facility Trust Fund Account or institutional equivalent is rescinded, and that any funds heretofore withheld from such Account pursuant to the aforesaid order shall be restored to such Account.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge



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### 3.120.15 Attorney Registration Fees

Pursuant to the provisions of section 468-a(4) of the Judiciary Law, every attorney who is admitted and licensed to practice law in New York State , whether or not he or she is engaged in the practice of law in New York State or elsewhere are required to pay a biennial registration fee to the Chief Administrator of the Courts. Pursuant to the provisions of S.1406-B / A.2106-B, the registration fee was increased from \$300.00 to \$350.00 effective July 14, 2003, with each fee collected to be distributed as follows:

| <u>Credited To</u>                  | <u>Amount</u>   | <u>Dept.</u> | <u>Cost Center</u> | <u>Var</u> | <u>YR</u> | <u>Object</u> |
|-------------------------------------|-----------------|--------------|--------------------|------------|-----------|---------------|
| Attorney Licensing Fund             | \$240.00        | 05           | 900064             | C4         | 44        | 35270         |
| Lawyers' Fund for Client Protection | \$ 60.00        | 05           | 813063             | 01         | 44        | 35270         |
| Indigent Legal Services Fund        | <u>\$ 50.00</u> | 02           | 813908             | 01         | 44        | 35270         |
| Total Fee                           | \$350.00        |              |                    |            |           |               |