

County of Tioga

Local Law No. 1 of the Year 1993.

A Local Law establishing certain fees for Probation Department Services.

Be It Enacted by the Legislature of the County of Tioga as follows:

***SECTION 1: LEGISLATIVE INTENT***

Sections 257-6 of the Executive Law and 252-a of the Family Court Act provide the County of Tioga with the power to impose a probation administrative fee on certain services, including those individuals currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law in relation to alcohol and drug-related motor vehicle matters as well as the power to impose a probation investigation fee for investigations ordered by the Family Court in custody and visitation proceedings. The Legislature finds it to be in the best interests of the County of Tioga to permit the Probation Department to collect such fees.

***SECTION 2: ADMINISTRATIVE FEE***

A. An individual currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law shall pay the Probation Department an administrative fee of Thirty Dollars (\$30.00) per month.

B. The provisions of Subdivision 6 of Section 420.10 of the Criminal Procedure Law shall govern for purposes of collection of the administrative fee.

C. The administrative fee authorized by this Section shall not constitute nor be imposed as a condition of probation.

D. The Probation Department shall waive all or part of the administrative fee where, because of the indigence of the offender, the payment of said administrative fee would work an unreasonably hardship on the person convicted, his or her immediate family, or any other person who is dependent on such person for financial support.

E. In the event of non-payment of any fees which have not been waived, the County may seek to enforce payment in any manner permitted by law for enforcement of a debt.

### ***SECTION 3: INVESTIGATION FEE***

A. When ordered to conduct an investigation pursuant to Section 653 of the Family Court Act involving custody and visitation proceedings, the Probation Department shall receive an investigation fee of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) from the parties in such proceeding for performing such investigation.

B. Such fee shall be based on the parties' ability to pay the fee and the schedule for payment shall be fixed by the Court issuing the Order for Investigation, pursuant to the guidelines issued by the Director of the Division of Probation and Correctional Alternatives.

C. The Court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.

D. The Court, at its discretion, may waive the investigation fee when the parties lack sufficient means to pay the fee.

### ***SECTION 4: FEE USAGE***

Fees collected pursuant to this Title shall be utilized for local probation services.

### ***SECTION 5: ACCOUNTING***

A. The Tioga County Probation Department shall collect and maintain data on a monthly basis regarding the number of fees imposed; the number of fees satisfied; and the total amount of fees collected.

B. The Tioga County Probation Department shall submit all fees collected within the first ten (10) days following the end of each month to the County Treasurer.

### ***SECTION 6: SEVERABILITY***

If any clause, sentence, paragraph, subdivision, section or part of this Title or its application to any person or circumstance shall be adjudged by any Court

of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Title or its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

***SECTION 7: EFFECTIVE DATE***

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1993 of the (County) of Tioga was duly passed by the Tioga County Legislature on January 11, 1993, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County) (City) (Town) (Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on and was deemed duly adopted on , 19 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on , 19 , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the (County)(City)(Town)(Village) of was duly passed by the on , 19 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 19 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 19 , in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on , 19 , become operative.

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\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 19 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

State of New York

County of Tioga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

Title

County of Tioga

City

Town

Village

Date: