

2009 MANDATORY SURCHARGE SCHEDULE – CITY, TOWN & VILLAGE COURTS

PENAL LAW SURCHARGES

Grade/Type of Offense	Mandatory Surcharge (M/S)	Crime Victim Assistance Fee (C.V.A.)	Town & Village Fee [PL §60.35 (9)]	TOTAL
Misdemeanor [PL §60.35(1)(a)(ii)]	\$175	\$25	\$5	\$205
Violation [PL §60.35(1)(a)(iii)]	\$95	\$25	\$5	\$125

*** **Multiple Non-VTL Offenses:** When a defendant is convicted of **2 or more NON-VTL/ECL** offenses arising out of the same criminal act, courts shall only impose the M/S and C.V.A. on the offense that carries that the highest criminal classification. [PL §60.35(2)]. ***

ENCON SURCHARGES

Effective Date: For offenses committed on or after April 1, 2009, that ultimately result in a conviction on or after April 7, 2009.

Grade/Type of Offense	M/S	C.V.A.	Town & Village Fee	TOTAL
Sport Fishing Violations as defined in 6 NYCRR 10 [ECL §71-0213(1)(A)]	\$25	N/A	N/A	\$ 25
All other offenses, excluding offenses defined under Articles 17, 19 and 27 of ECL [ECL §71-0213(1)(B)]	\$75	N/A	N/A	\$75
Violations defined under Articles 17, 19 or 27 of ECL [ECL §71-0213(1)(B)]	\$75 OR 6% of fine, whichever is greater	N/A	N/A	\$75 OR 6% of Fine *** whichever is greater ***

*** **Multiple ECL Offenses:** If a defendant is charged with multiple ECL offenses arising out of the same act, courts are to impose a surcharge for each Offense the defendant is ultimately convicted of, as there is no statutory maximum/cap on the imposition of ECL mandatory surcharges. ***

ALL OTHER LAWS EXCEPT PENAL LAW, VTL & ECL

Grade/Type of Offense	M/S	C.V.A.	Town & Village Fee [PL §60.35 (9)]	TOTAL
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		N/A	\$15

*** **Multiple PRHPL Offenses:** When a defendant is convicted of **2 or more PRHPL** offenses arising out of the same act, the court shall impose **only one** mandatory surcharge. [PRHPL §27.12(2)]. ***

MANDATORY SURCHARGE SCHEDULE – CONTINUED

Effective Date: For offenses committed on or After July 1, 2008

(The “Cap” on VTL Mandatory Surcharges/CVA increases from \$100 to \$180 for offenses committed on or after July 6, 2009)

VEHICLE & TRAFFIC LAW SURCHARGES

Grade/Type of Offense	M/S	C.V.A.	Town & Village Fee [VTL §1809(9)]	Additional Surcharge [VTL §1809-e(1)(a), (b)] <i>(Offenses committed on or after 8/1/08)</i>	Alcohol Fee <i>(If Applicable)</i> [VTL §1809-c]	Misc. Surcharge	TOTAL
§1192 Misdemeanors [VTL §1809(1)(b)(ii)]	\$175	\$25	\$5	\$170	\$25		\$400
*** Cap on VTL Surcharges Applies to the M/S & C.V.A. Only ***							
§1192 (1) Infraction [VTL §1809(1)(c)]	\$55	\$5	\$5	\$170	\$25		\$260
All traffic infractions except standing, parking, pedestrians and bicyclists – <i>Including A.U.O. & Reckless Driving</i> – [VTL §1809(1)(c)]	\$55	\$5	\$5	\$20	N/A		\$85
Infractions pursuant to Article 9 of the VTL (Equipment Violations) [VTL §1809(1)(a)]	\$25	\$5	\$5	\$20	N/A		\$55
Handicapped parking spaces violations under VTL &/or local ordinances [VTL §1809-b]					N/A	\$30	\$30
Speeding in a Work Zone or Restricted Highway in violation of VTL §§ 1180(d)(2), 1180-f [VTL §1809-d(1)]	\$55	\$5	\$5	\$20	N/A	+\$50 in addition to normal charges/fees	\$135

***** Cap On Multiple VTL Offenses: -Excluding VTL §1192 misdemeanors-**

- I.) **“\$100 Cap”:** Effective until 7/6/09, when a defendant is convicted of 2 or more VTL offenses arising out of the same act, courts shall impose a mandatory surcharge and crime victim assistance fee for each such conviction; however, in no event shall the total amount imposed exceed \$100. [VTL §1809(2)].
- II.) **“\$180 Cap”:** Effective 7/6/09, when a defendant is convicted of 2 or more VTL offenses arising out of the same act, courts shall impose a mandatory surcharge and crime victim assistance fee for each such conviction; however, in no event shall the total amount imposed exceed \$180. [VTL§1809(2)].

EX: Charge	M/S	C.V.A.	T/V Fee	Add'l	Misc.	TOTAL
§511(1)(a)	\$55	\$5	\$5	\$20	N/A	\$85
§1192(1)	\$55	\$5	\$5	\$170	\$25	\$260
§1180(b)	\$55	\$5	\$5	\$20	N/A	\$85
§1120(a)	\$0	\$0	\$0	\$20	N/A	\$20 = \$450

COMBINATIONS AND VARIATIONS

OFFENSE

Multiple offenses, including a VTL offense(s) and at least one non-ECL offense(s).

Multiple offenses (non-VTL and non-ECL) 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.

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 mail notice.

Termination of Suspension Fee: Effective July 6, 2009, 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 \$70. 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 the person's answers, appearances or payments made in cases pending before an individual court exceed \$400.

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).

SURCHARGE

Where a M/S and C.V.A are imposed pursuant to PL §60.35(2), the court shall not impose a M.S. or C.V.A. on any VTL offense(s).

Courts shall impose the M/S and C.V.A for the offense with the highest criminal classification, 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

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 §§ 385(20-a),
401(19-a)
additional surcharge of \$30