



Town and Village Courts

Working To

JUSTICE COURT FUND

**Handbook for  
Town and Village Justices  
and Court Clerks**

Village Courts

Working Together

Working Together with Town and Village Courts

Town and Village Courts

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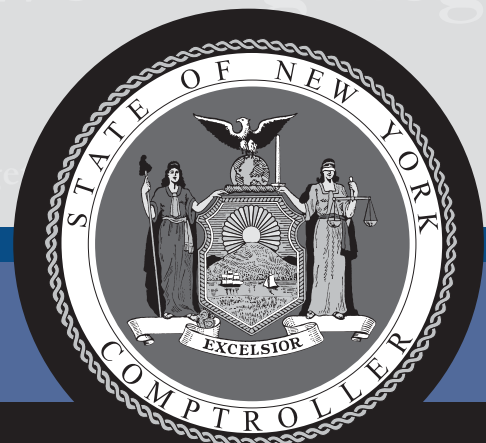
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January 2019

Dear Justices and Court Clerks:

We are pleased to provide you with the revised edition of our *Handbook for Town and Village Justices and Court Clerks*. The Office of the State Comptroller (OSC) has compiled this handbook as a comprehensive accounting and reporting guide for justice court personnel and others interested in accounting and financial reporting by justice courts in New York State. The handbook provides an overview of accounting and financial reporting principles to be used by justice courts to account for and report their financial activities.

In addition to taking a few minutes to familiarize yourself with the wealth of information provided in this handbook, We invite you to visit our webpage for Town and Village Justices at the location listed below. The website was developed to provide you easier access to important information and resources. This handbook and the webpage are two of many ways my Office supports the important work that you do. We continue to partner with the Office of Court Administration in developing new and enriched training programs. Such training is provided through a number of low cost methods which include seminars, workshops, teleconferences and online training. The New York State Magistrates Association and the NYS Association of Magistrates Court Clerks, Inc., continue to offer helpful guidance to us in improving our informational tools and outreach services.

We continue to work together to become more effective and efficient through the increased use of new technologies to conduct business. Since 1997, OSC has been encouraging local justice courts to file their monthly reports electronically with OSC's Justice Court Fund (JCF). As a result, many more towns and villages are reaping the benefits gained by filing monthly reports electronically. Currently, 1,116 town and village courts file their reports electronically, representing over 98 percent of the moneys reported to the JCF monthly. A particular benefit of electronic filing for local governments is the ability to keep the local share of the funds their court collects instead of waiting for the quarterly distribution of the funds from OSC.

Please feel free to contact the Justice Court Fund by phone or email with your questions or suggestions on how we may better serve you, or if you would like more information on the benefits of electronic filing.

Office of the State Comptroller  
Division of Local Government  
and School Accountability

OSC webpage for town and village justices:  
[www.osc.state.ny.us/localgov/finreporting/jcef/index.htm](http://www.osc.state.ny.us/localgov/finreporting/jcef/index.htm)

Email for Justice Court Fund: [courtfund@osc.state.ny.us](mailto:courtfund@osc.state.ny.us)

Phone: (518) 473-6438



# Introduction

The **Justice Court Fund** (Fund) is a special fund established by the State Comptroller pursuant to §99-a of the State Finance Law. Its purpose is to provide centralized accounting for the fines, penalties, forfeitures, and fees collected by the town and village justice courts throughout New York State. The Fund is administered by the Division of Local Government and School Accountability, Justice Court Fund (JCF), within the Office of the State Comptroller (OSC). JCF receives and examines reports to determine the distribution of funds collected and fees earned to the State, counties, towns, and villages.

The **Handbook for Town and Village Justices and Court Clerks** provides you with guidelines and other information to help you report to us. In this handbook, the terms we, our, and us refer to the Office of the State Comptroller, JCF. The terms you and your refer to town and village justices and court clerks.

## **New in this edition:**

- Expanded section on When to Report (pg 11) and How to Report (pg 13)
- Procedures for requesting current or past invoices/distribution statements (pg 24)
- General guidelines for electronic data protection (pg 24)
- Information and illustrative examples for reporting Bail Poundage (pg 27), requesting reimbursement for photo copies (pg 30), reporting violations of Hand-Held Mobile Telephone (Cell Phones) and Other Portable Devices (pg 35) and reporting Photo Monitoring violations, (pg 37)
- Information and illustrative examples for reporting by Non-Electronic Filing courts (paper) (pgs 54-61)
- Expanded distribution codes listing and explanations to include State share of court receipts and an example of a IBP distribution summary (pages 62-67)
- Updated information and procedures for requesting/initiating refunds, including a sample refund request letter (pg73)
- Information on the acceptance of credit cards (pg 87)
- Legislative updates through 2009 – Appendix 1
- Updated Frequently Asked Questions – Appendix 6
- Updated General Recordkeeping Requirements for Town and Village Justice Courts – Appendix 8

We encourage you to review this handbook thoroughly. New justices and court clerks should pay particular attention to the following sections:

- Reporting Monthly to the State Comptroller
- Electronic Filing and Invoice Billing Procedures
- Your Fiscal Responsibilities

Our Office provides general training and technical assistance for justices and court clerks. We welcome your suggestions on how we might better meet your reporting-related needs through this publication and our other activities.

Below is a summary of each chapter, including highlights of the changes found in this handbook.

## Summary and Highlights

**Reporting Monthly to the State Comptroller** – This section provides you with the “who, what, when, where, and how” of reporting. It includes essential information for new justices and court clerks, and information on special circumstances.

**Electronic Filing and Invoice Billing Procedures** – This section provides you with detailed information on how to file your report with us electronically and on procedures for invoice billing. If your court is not yet participating, our staff is available to assist you to get started. This updated section includes instructions for filing your report through the Internet.

**How to Record Court Actions and Dispositions: Selected Examples** – This section addresses the most frequently asked questions and common reporting errors we have noted over the years. We clarify and illustrate several reporting issues and provide information on changes in reporting procedures resulting from new legislation. In this revision, we have added instructions for reporting violations of photo monitoring, text messaging and the new mandatory Environmental Conservation surcharges.

**Paper Filing Procedures** – This section provides guidelines for filing the non-electronic AC-1030, as well as examples of selected reporting.

**Distribution of Funds** – This section explains the distribution coding process. Emphasis is placed on the distribution of funds and fees earned by local governments.

**Processing Refunds and Adjustments** – This section provides the procedures for obtaining a refund and clarifies when to apply for a refund in writing or when to simply offset subsequent reports. Included in this section is a sample letter that may be used by courts when requesting refunds to the court or initiating a refund on behalf of a defendant.

**Your Fiscal Responsibilities** – This section provides important information for all justices and court clerks — new and veterans alike. Developed by OSC auditors from the Division of Local Government and School Accountability, it provides you with information and examples related to financial accountability and record keeping, including credit card transactions. This section also provides

guidance to assist court personnel when performing the monthly review of records. We will continue to highlight this information in future training classes for justices and court clerks.

**Appendix 1 – Selected Pertinent Statutes** – With the assistance of OSC’s Division of Legal Services, we have updated, through the Laws of 2009, this compendium of laws, rules and regulations from various statutes that affect your reporting requirements to us.

**Appendix 2 – State Parks/Parkway Listing and Locations** – This appendix lists State parks and parkways in New York State. It can be used as a reference to ensure the proper reporting of violations that occur in State parks and on State parkways.

**Appendix 3 – Invoice Billing Procedure Certification Form** – This appendix consists of a sample of the certification form for electronic filers.

**Appendix 4 – Accounting For Town and Village Justice Payments** – This appendix excerpts a memo from OSC’s Division of Local Government and School Accountability that explains to chief fiscal officers (CFOs) how to account for court receipts when using the Invoice Billing Process.

**Appendix 5 – Surcharges and Other Fines in New York State** – This appendix provides the Office of Court Administration’s (OCA’s) 2009 Mandatory Surcharge Schedule – City, Town & Village Courts.

**Appendix 6 – Frequently Asked Questions** – This appendix addresses other issues that come to our attention on a regular basis.

**Appendix 7 – Monthly Report Checklist** – This appendix offers a checklist to assist you in the completion of the monthly report.

**Appendix 8 - General Recordkeeping Requirements for Town and Village Justice Courts** – This appendix provides general list of records and documents to be maintained by the court.

**Appendix 9 – Monthly Checklist for Review of Justice Court Records** – This appendix contains a checklist for a monthly accountability review to ensure that Justice Court fiscal records are accurate and up-to-date.

**Appendix 10 – Annual Checklist for Review of Justice Court Records** – This appendix includes the annual audit checklist provided by our office to municipal boards as a guide when performing the annual audit of Justice Court records.

**Appendix 11 – Justice Court Fund Distribution of Court Receipts Statement** –This statement provides an overview of how the funds generated by Justice Courts are distributed by the JCF.

**Appendix 12 – Unified Court System’s Record Retention Schedule** – This appendix provides the schedule for retention and destruction of Justice Court fiscal records.

**Appendix 13 – References** – This appendix provides important references, such as phone numbers, email addresses, and websites available to you for questions and assistance.

# Reporting Monthly to the State Comptroller

## Taking Office

When a justice leaves office and a new justice has taken office, the town or village clerk (or clerk/treasurer) should notify the JCF in writing on town/village letterhead. The notification must include the name of the incoming justice, the date of appointment or election of the incoming justice, the expiration of the incoming justice's term of office and his/her preferred contact information. The notification should also include the last date of office of the outgoing justice.

## Justice Identification Number

Once the town or village clerk (or clerk/treasurer) notifies us that a new justice has taken office, we assign that justice a unique identification number. This number is based on the Comptroller's Division of Local Government and School Accountability municipal codes plus a unique four-character ID for each justice in a particular county.

For example, justice identification number 01 31870 799S would refer to:

01 County of Albany  
31870 Town of Colonie  
799S Justice Smith (S represents the first letter of the justice's last name)

The justice ID is a unique number and should be used at all times on your monthly report and on any other correspondence you may have with us.

A new justice is required to send a report beginning with the month of the appointment or swearing in, regardless of whether he or she has heard any cases (see Town Law §27; Village Law §4-410). For example, a justice who takes office on May 5, but hears no cases until July because he or she is in training and is not yet certified, is still required to submit May and June "no activity" reports. Any money collected on open cases that were transferred from a predecessor judge must be reported using your justice information.

## Reporting Monthly to the State Comptroller

Every town and village justice, including associate village justices and temporary town/village justices, is required by law to report to us monthly the court activities of the preceding month (see Town Law §27; Village Law §4-410; Uniform Justice Court Act §2021). This report may be filed electronically.

## **When to Report**

Reports are due to us between the 1st and the 10th of the month, for every month that you hold office. Reports that are received after the 10th of the month are considered late even if they are mailed on or before the 10th of the month. Reports that are received prior to the 1st are premature and may be incomplete if additional cases were heard during that month and were not included in the report. Although we have no authority to waive the reporting requirements as set forth in law, we would appreciate being notified if a report will be late.

Regardless of the reason for late reporting, notices are issued during the second week of each month to advise justices whose report (based on our records) is more than 30 days late that their report is past due. If this matter is not resolved by the third week of the next month, a second notice is sent to the justice with copies to the Supervising Judge of the Judicial District, the Office of Court Administration and the State Comptroller's regional office. If this matter is still not resolved by the following month, a third notice is sent to the Chief Fiscal Officer (CFO) of the municipality, with copies to the Commission on Judicial Conduct, the Supervising Judge of the Judicial District, the Office of Court Administration and the State Comptroller's regional office, to advise him/her that no further compensation is to be made to such justice until further notification from our office (Town Law §27, Village Law §4-410). The notice to resume a justice's compensation is issued only when all reporting (including any past-due reports not listed on the third letter) is up to date.

In the event that a justice is no longer in office, the notice of past-due reports is sent to the CFO of the municipality to advise them of the unfiled reports, and to request that they inspect the former justice's docket and complete and file the past due reports. The CFO might ask the current justice or other court personnel to assist him/her in inspecting the dockets and completing the past due report(s).

A report should be filed for each month during which you hold office whether or not any cases were heard. Even if you hold office for only part of a month, a report is due for the entire month. When there is no activity for a particular month, simply indicate "No Activity" on the report or report form.

## **What to Report**

Generally, only closed cases should be reported to us, except when fines are paid in installments (See page 36 for instructions on reporting installment and final payments).

### **Criminal**

Report criminal cases where either a judgment has been entered or the case has been otherwise disposed. In the event of forfeited bail, although the case remains open, the forfeited bail should be reported. A case which is Adjourned in Contemplation of Dismissal (ACOD) pursuant to CPL §170.55 should be reported after it has been dismissed (see page 32 for reporting ACOD cases).

### **Civil**

Civil actions requiring the payment of certain fees to the town or village court (e.g., filing fees required to be paid at the commencement of a small claims action) should be reported when the fees have been

collected, even though a judgment or final order has not been entered. For civil cases involving a violation of state law or regulation, or a properly enacted local law, ordinance or resolution, report these cases when a judgment has been entered or the case has been otherwise disposed (e.g., transferred). Only actions taken by a town or village justice should be reported. Actions taken by another court, such as a county court, on defendants that were arraigned in your town or village court should not be reported; however, the arraignment in your court should be reported.

## Reporting Requirements

We encourage you to take advantage of the benefits of electronic filing and the Invoice Billing Program (IBP). The primary benefits that both the court and your municipality will receive when choosing to file electronically are:

- Improved cash flow for your town or village by allowing your court to send the court receipts directly to your CFO each month
- Receipt of a monthly distribution summary of the justice's cases and fines that you can review for accuracy (see example on page 67)
- Increased reporting accuracy because the potential for human error has been eliminated in the preparation of the monthly report
- More efficient access to reports since they can be easily retrieved on your computer, and
- Timelier filing of your report since the electronic report will be received immediately, and is not dependent on the mail delivery schedule.

## Electronic Filers

Most electronic filers are also using the IBP program (see Electronic Filing section). Under this program, electronic filers are required to do the following by the 10th of the month:

- Reconcile the monthly report to the justice's bank account as discussed in the Fiscal Responsibilities section of this handbook
- Electronically file the report (see page 20)
- Fax a copy of the judge's certification (see Appendix 3)
- Prepare a check to the CFO. As with the paper reports, this check should be drawn on the justice's individual court bank account for the amount of the fines, penalties, fees, forfeitures and surcharges received by such justice for all the cases reported as closed, and
- Deliver or mail the check to the CFO.

Under the IBP process you do not send us a check. Any money related to adjustments should be turned over to the CFO and the adjustments should be reported to us.

If you are filing electronically, but are not using the IBP program, you must send a check to the State Comptroller's Office by the 10th of the month with a copy of the signed certification.

## Non-Electronic Filers

If you are unable to file electronically and need to file a paper report, you must do the following by the 10th of the month:

- Prepare the monthly Justice Report (AC-1030) and certify the report by signing the final page of the paper report (see page 56)
- Reconcile the monthly report to the justice's bank account as discussed in the Fiscal Responsibilities section of this handbook
- Prepare a check to the State Comptroller. This check should be drawn on the justice's individual court bank account for the amount of the fines, penalties, fees, forfeitures and surcharges received by such justice for all of the cases reported as closed, and
- Mail the certified monthly report with the attached check to the JCF (see page 16).

## How to Report

We strongly encourage you to take advantage of the many benefits of filing your reports electronically. Electronic filing instructions are included in this chapter. If you are unable to file electronically, the procedures for paper report filing are described below.

For non-electronic filers, we supply justices with the required reporting forms — the AC-1030— and pre-addressed envelopes. Justices who file by paper must use the forms supplied by our office. We will not accept photocopies of the form or printouts from court software packages. Any reports filed that do not use the AC-1030 form will be returned for resubmission, and the filing will be considered delinquent until proper forms are submitted. Additional forms may be obtained by calling, writing, or faxing us (see Reference Numbers in Appendix 13 of this handbook).

Illustrations of how to report are presented on pages 57-61. The sample report shows you the format for completing your monthly report.

When filing your paper report:

- Use black or blue ink only
- Print within the boxes in uppercase letters
- The entire Totals section at the bottom of the report must be completed for every page
  - For multiple pages, carry over the totals from the prior page
- Number each page
- The justice must sign the last page, and
- Mail the completed report and remittance to the address shown at the bottom of the AC-1030 form.



**Complete each section of the heading.**

The heading section of the first page must be filled out completely. On subsequent pages only the Justice ID, Page XX of XX, and the Report Period (MMYY) must be filled out in the heading section.

**Complete each of the columns in the body of the report. Please enter as follows:**

- Name of the defendant, enter Youthful Offender or Sealed if appropriate
- Docket number of the case
- Date of arrest
- Statute, section and subdivision that the defendant is accused of violating. Please use the abbreviations provided on pages 18-19
- Brief description of the offense
- Check the felony box, if applicable
- Traffic Safety, Law Enforcement and Disposition number (TSLED)
- Date of judgment (disposition) or the date when cases were otherwise closed
- Ordinance and disposition sentence codes, if applicable (see the back of the report for a key to the codes). Enter AMD if the disposition was amended to a lesser charge and provide the amended statute and section and brief description of the offense on the line below the original charge.
- Fines, penalties, fees, forfeitures and surcharges that relate to each disposition (leave blank if no money is reported for the case)
- Civil fees that relate to each disposition, and
- Mandatory surcharges that relate to each disposition.



Monthly Justice Report to the New York State Comptroller

Please PRINT in Black or Blue ink. Print within boxes as shown in RED (one UPPERCASE character per box). Please see the reverse side of this form for further instructions and detailed legends. Please do NOT staple reports.

JUSTICE ID# Town Justice  Village Justice   
 JUSTICE NAME  
 NAME OF TOWN OR VILLAGE  
 MAILING ADDRESS  
 PH - - - - - FAX - - - - - ZIP - +4

Page  of   
 Report Period   
 Report Amount: \$   
 No Activity to Report

Defendant Name / Title of Action					Folio	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description	Offense Description						
TSLED Number	Disposition Date	Statute - Section	Offense Description	Offense Description						
LAST NAME FIRST NAME	MMDDYY	-ORIGINAL					Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="text"/>		
	MMDDYY	-AMENDED					\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	
LAST NAME FIRST NAME	MMDDYY	-ORIGINAL					Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="text"/>		
	MMDDYY	-AMENDED					\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	
LAST NAME FIRST NAME	MMDDYY	-ORIGINAL					Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="text"/>		
	MMDDYY	-AMENDED					\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	
LAST NAME FIRST NAME	MMDDYY	-ORIGINAL					Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="text"/>		
	MMDDYY	-AMENDED					\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	
LAST NAME FIRST NAME	MMDDYY	-ORIGINAL					Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="text"/>		
	MMDDYY	-AMENDED					\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	

I certify that the above is a true and complete record of my court activity for the month of: \_\_\_\_\_  
 Month Year  
 Justice Signature (must be signed by Justice) Date

Mail Report and Check to:  
 Office of the State Comptroller  
 Justice Court Fund  
 PO Box 22110  
 Albany, NY 12201-2110

Total of this page \$   
 Total brought forward \$   
 Total carried forward \$

PLEASE MAKE CHECKS PAYABLE TO: "THE NEW YORK STATE COMPTROLLER"

FRONT

Instructions, Examples, and Legends for Monthly Justice Report to the New York State Comptroller

Please PRINT in ONLY Black or Blue ink. Print within boxes as shown in example below (one UPPERCASE character or digit per box).

0 1 3 1 2 3 4 0 0 1 D Town Justice  Village Justice   
 JOHN DOE  
 HOMEDALE  
 12 TOLL ST HOMEDALE NY  
 5 1 8 - 2 1 2 - 4 5 6 7 5 1 8 - 2 1 2 - 9 9 9 0 1 2 3 4 6 - 6 7 8 9

- AMD = amended
- FIN = fine
- FSC = fine / surcharge
- DIS = dismissed
- OSJ = originally sentenced to jail
- ADJ = adjustment up to \$250
- BWO = bail forfeiture without poundage
- BWP = bail forfeiture with poundage
- FEE = fee
- RES = restitution
- PGI = plead guilty - indigent
- FTC = felony transferred to county
- CLF = committed in lieu of fine
- CCS = copies
- ARR = arraignment for other courts
- COV = covered by other charges
- OTH = other types: including civil compromises, jail, probation, and grand jury

- T = town
- V = village
- C = county
- P = parkway
- Z = VTL402 / 306: Parked
- Left Blank = not a local ordinance

Place an X in box to indicate if a felony:  
 Left blank = any other type

Defendant Name / Title of Action					Folio	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description	Offense Description						
TSLED Number	Disposition Date	Statute - Section	Offense Description	Offense Description						
SMITH BETTY							Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="text"/>		
070300732	081508	VTL-1180F	SP / WORKZ			AMD	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	
TP0000720	090708	VTL-1180B	SP / OVR55			FSC	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	

All information fields within this range should be entered for the Original Charge fields.  
 If the Original Charge is NOT amended the Amended Charge fields should be left blank.  
 If the Original Charge is amended (as shown) all information should ALSO be entered for the Amended Charge fields.

- Place an X in box to indicate if payment is:
- P = partial
  - F = full or final (if partial made previously)
- 1 = Bail Fee
  - 2 = Sex Offender Registration Fee
  - 3 = DNA Data Bank Registration Fee
  - 4 = Termination of Suspension Fee
  - 5 = Supplemental Sex Offender Victim Fee
  - Left blank = All Other Fees

BACK

## **Remember**

It is very important that you indicate the correct statute and section of law for each case reported. All funds remitted to us are distributed based upon the statute of conviction. An incorrect citation of those statutes on your reports may result in a loss of revenue to your municipality. Refer to the table of abbreviations on pages 18- 19 for assistance in completing your monthly reports.

## **Complete the calculations**

The entire Totals section at the bottom of the report must be completed for every page; for multiple pages, carry over the totals from the prior page.

The justice should write a check, drawn on their individual court bank account, made payable to the **New York State Comptroller** for the total amount being reported.

## **Certification**

The monthly report must be certified by the appropriate justice by either faxing the signed certification form to our office at (518) 486-9899 or, for non-electronic filers, by signing the final page of the paper report. The JCF will not accept reports certified by someone other than the justice. For example, it is not appropriate for the court clerk to sign the justice's name and initial this action. An original signature of a justice provides assurance that the justice has reviewed the report and certifies that the information being reported is complete and accurate. Since it is the justice's personal responsibility to safeguard the court's assets, the use of signature stamps on the reports or on checks drawn against a justice's bank account is highly discouraged. Authorizing the court clerk to sign the justice reports and/or checks increases the risk of reporting errors or moneys being misappropriated. If someone is completing the report of a deceased or incapacitated justice, then notification from the town or village chief fiscal officer explaining the circumstances should accompany the report.

## **Where to Send the Report**

**Send monthly paper reports and checks**, including reports of no activity to:

**Office of the State Comptroller  
Justice Court Fund  
P.O. Box 22110 Albany, NY 12201-2110**

If you send reports and checks for more than one justice together, please indicate this with a cover letter. Please do not staple multiple reports together.

Please address all other correspondence, including replies to audit inquiries, copies of documents and refund requests to:

**Office of the State Comptroller  
Justice Court Fund  
110 State Street  
Albany, NY 12236**

## Leaving Office

The municipal clerk should notify us when a justice leaves office at the end of his/her term. The justice is required to:

- File all records of the court with the clerk of the municipality (see Uniform Justice Court Act §2019-a)
- Transfer pending cases and all moneys received on these cases to a remaining or succeeding justice, and
- File the final report with the State Comptroller, including any unidentified money (see page 52).

## Special Circumstances

If a justice **resigns** before the completion of his/her term, the justice should follow the same procedures as if he or she had left office at the end of his/her term (see above).

In the event of the **death** of a justice, the CFO, with the assistance of other municipal officials, should:

- Inspect the justice's dockets
- Contact the Office of Court Administration to obtain assistance with transferring pending cases and all moneys received on these cases to a remaining or succeeding justice, and
- File the final report with the State Comptroller, including any unidentified money (see page 52).

It may be difficult to transfer funds upon the death or incapacity of a justice. When opening a bank account, justices should use the taxpayer identification number of the town or village (see page 86). In such a case, the court funds are on deposit in an official bank account of the town or village. Consistent with his/her statutory responsibility to have custody of all moneys belonging to the municipality (Village Law, §4-408[a]; Town Law, §29[1]), a village treasurer or a town supervisor may sign checks against a deceased or incapacitated justice's court bank account . Therefore, **a village treasurer or a town supervisor may sign a check forwarding all moneys received by the justice during a calendar month to the State Comptroller within the first ten days of the following month.**

In the event a justice is **incapacitated** or for other reasons unable to perform his/her duties, court personnel should contact the JCF for advice about how to submit reports.

## Questions?

To assist you in the completion of the monthly report, we have included in the appendices of this Handbook a monthly report checklist and also a list of frequently asked questions. If you have any further questions regarding the preparation or submission of the monthly report, contact the JCF:

Phone – (518) 473-6438  
FAX – (518) 486-9899

# Table of Abbreviations

## Consolidated Laws and Miscellaneous Items

Agriculture and Market Laws	AM
Alcohol Beverage Control Law	ABC
Banking Law	BL
Civil Rights Law	CR
Conditional Discharge	CD
Correction Law	COR
County Law	CTY
Criminal Procedure Law	CPL
Defendant	DFT
Domestic Relations Law	DOM
Education Law	ED
Election Law	EL
Environmental Conservation Law	ECL
Executive Law	EX
General Business Law	GB
Highway Law	HYL
Insurance Law	IN
Labor Law	LAB
Landlord	LAN
Military Law	MIL
Navigation Law	NAV
New York Codes, Rules and Regulations (indicate volume #)	NYR
Park Rules and Regulations (local parks)	PRR
Parks, Recreation and Historic Preservation Law (State Parks)	PRL
Penal Law	PL
People of the State of New York	PEO
Personal Property Law	PPL
Petitioner	PET
Plaintiff	PLF
Public Health Law	PHL
Railroad Law	RR
Real Property Law	RP
Respondent	RES
Social Services Law	SS

<b>Table of Abbreviations (continued)</b>	
Tax Law	TAX
Tenant	TEN
Thruway Rules and Regulations	TRR
Town Law	TN
Town Ordinance	TO
Transportation Law	TL
Unconditional Discharge	UD
Uniform Fire Code	UFC
Vehicle and Traffic Law	VTL
Village Law	VIL
Village Ordinance	VO
Workers' Compensation Law	WC

# Electronic Filing and Invoice Billing Procedures

An increasing number of town and village justices are filing their monthly reports electronically, which allows them to participate in the Invoice Billing Program. As of January 2010, over 1,100 courts are filing electronically, resulting in over 90 percent of the local share of court revenue being received by the towns and villages directly from their justices rather than waiting for the JCF's quarterly distributions. In addition to other benefits, this program gives localities access to their revenues sooner and improves their cash flow.

The State Finance Law provides for the use of the following procedures for processing receipts collected by town and village courts. Under these procedures, if certain criteria are met, courts may transmit monthly receipts to the CFO of the town or village without first sending them to the State Comptroller.

To be eligible for participation in the Invoice Billing Program (IBP), **all** justices of the court must file their monthly reports electronically and on time. Upon processing of all the electronic files of the justices within a town or village, an invoice and billing statement are sent to the CFO detailing how funds are to be distributed. Payment of funds due us for subsequent distribution to the State and county is due upon receipt, and the CFO must remit payment in a timely manner.

## Electronic Filing

**There are only two technological requirements for electronic filing:**

- An automated processing system to prepare the report and create the electronic file, and
- A method to transmit the electronic file to us.

If you should have any questions or would like more information on how to file your report electronically, please feel free to contact us by email at [courtfund@osc.state.ny.us](mailto:courtfund@osc.state.ny.us) or by phone at (518) 473-6438.

Note: You may still file your report electronically even if the other judge(s) do not wish to do so. However, your court may not participate in the IBP unless **all** judges of the court file their reports electronically.

## Preparing Your Report: Automated Processing Systems

In order for us to accept an electronically prepared report, it must conform to specific standards that will enable us to process it. You may use one of the commercially available automated accounting and processing systems for town and village courts or develop one to suit your specific needs. If you choose to develop your program internally, you must conform to the file layout and naming convention we will provide.

If you choose to purchase a software package, you may select from among the vendors certified by the Office of Court Administration. These vendors offer specific programs that can create the necessary file to send to us and meet your record keeping and reporting requirements. The following vendors are approved:

- Impact (631) 249-1244
- SEI-Service Education Incorporated (585) 264-9240

If you purchase a software package, your software vendor can assist you in its proper use for preparing accurate reports. We have tried to make the transition from paper to electronic reporting as easy as possible. In certain circumstances, we have developed special codes or “indicator fields” to ensure the proper distribution of fines, fees, and surcharges (i.e., town/village local speeding ordinances; state speeding violations in parks and on parkways; VTL §§ 306 and 402 violations when a vehicle is parked; and certain fees, such as Bail Poundage, DNA Databank, Sex Offender and Termination of License Suspension fees). Working with your software vendor, you will need to determine how to correctly enter these transactions to ensure that the appropriate indicator will be added to the electronic file.

For example, when reporting violations of Vehicle and Traffic Law §1180(d) (speed in zone) that occurred within a village which has enacted a local speed ordinance in accordance with the provisions of the Vehicle and Traffic Law (see, Vehicle and Traffic Law §1643; see also, Vehicle and Traffic Law §1662-a regarding town speed ordinances), there should be a “V” in the indicator field. In addition to providing the appropriate indicator, in the description field, courts should also enter PKWY, T/O, V/O or PARK, as appropriate.

To ensure that all funds are distributed properly, you should use the standard abbreviations shown in the Table of Abbreviations section, and the applicable indicator.

Adjustments due to returned checks, reporting errors, etc., can be made on your electronic report up to \$250.00. See the section of this Handbook on Refunds and Adjustments for guidance on what types of adjustments are appropriate. If you need assistance, your court software vendor can tell you how to record these entries in your report.

## **Sending Your Report: Electronic Communication**

Prior to sending your report, you will first need to save it to a file in our prescribed format. Again, the approved vendors have this process built into their programs and the instructions may vary slightly depending on your vendor. Some vendors, such as SEI, save the electronic file to the hard drive (C:\ or to a floppy disk A:\ drive). Other vendors, such as Impact, use the hard drive (C:\). Contact your vendor to determine the appropriate location and method for saving your file.

It is extremely important to save each month’s report on its own disk as well as to periodically back up your data to minimize the potential loss due to unforeseen computer failures. Once you have created and saved this electronic file, the preferred method of sending it to us is through our secure Internet site.

Note: One other method is available if you do not have access to a computer with Internet access. On a case-by-case basis, we will approve electronic transfer via email.

## Using the Internet

To use this method for sending electronic files to our secure server, you will first need to contact us at (518) 473-6438 to obtain a User ID and password, if you have not already done so. Once you have obtained a User ID and password, follow the steps below to electronically file your report using the Internet:

1. Launch your browser to connect to the Internet.
2. Once you are connected to the Internet, type <http://nysosc11.osc.state.ny.us/product/jcefsdex.nsf/> in the address bar. Prior to logging in, you may add this site to your favorites or bookmark it by holding the <Ctrl> button and typing the letter “D” for future use. If you have the SEI software program, there is a link to this site from the “Help” option on your main menu.
3. Enter your User ID and password and click “login.” Then follow the instructions on the main page.
4. Click on the “Browse” button and locate the drive and folder where your files are saved.
5. Highlight the file for the current month and click the “Open” button.
6. A verification message will be displayed (You have selected judge 123 report for month of March 20XX); click “OK” to confirm that the correct report has been selected (File name will jump back into the browse box, where you started from).
7. Approximately three to four inches down on the left side, click “Attach”; the file will appear on the bottom of the page.

Repeat steps 4-7 to attach additional files to be submitted.

When all files have been attached, click “Submit” to send the reports. A screen will appear acknowledging receipt of the files.

Click “X” in the upper right hand corner of the window to close the session.

## Using Email

Since some email packages are not compatible with the OSC’s email system, please contact the JCF at (518) 473-6438 to obtain prior approval for email submission. We will verify that your attachments can be accepted. Once your email submission has been approved:

1. Launch your email program.
2. Address the email message to [courtfund@osc.state.ny.us](mailto:courtfund@osc.state.ny.us).
3. Insert the judges’ name and the report month(s) in the Subject line of the email (e.g., Judge John Doe March 20XX report).



4. Select the “Attach” feature of your email program and locate the drive and folder where your files are saved.
5. Highlight the appropriate file and click “Open” or “OK” to attach. Repeat if more than one file is to be submitted.
6. Click “Send”.

You will receive an automatic reply acknowledging receipt of your email. This does not mean that the report(s) was received or accurate, it just means that something from your email came to the courtfund mail box.

## **The Invoice Billing Procedure**

Once your court is approved for filing reports electronically, we will send you and the CFO of your town or village the necessary instructions for participation in the Invoice Billing Program.

Here is a summary of the process:

- Each justice of the court must send his/her monthly report to us electronically.
- After the report is filed, each justice must send us a report certification either by faxing it to (518) 486-9899 or by sending it through the U.S. mail.
- Each justice must give the CFO of the town or village a check (drawn on the justice’s individual court bank account) for the amount of the fines, fees, forfeitures and surcharges reported by such justice on the monthly report.
- The JCF will audit and code each monthly report electronically to determine the State, county, and local share of fines collected and fees earned. Once the audit of all justices within a municipality is complete, we send an invoice and billing statement to the CFO for the amount due the State, county and any refunds paid by us. If village matters are reported on a town report and funds are due to the village, we will provide the village with a separate statement and instruct the town CFO to pay the village.
- The JCF will send a copy of the distribution summary to each justice. (see example on page 67)

Note: We consider the fiscal responsibilities of the justice to have been fulfilled when on, or before, the 10th of the month, the Justice’s monthly report is received, a check has been issued and delivered or mailed to the fiscal officer, and the certification has been received by this office.

## **Chief Fiscal Officer’s Responsibilities**

The CFO is responsible for accounting for town and village Justice payments. The CFO should record receipts from the justices in a liability account (see Appendix 4). Upon receipt of our invoice and billing statement, the municipality must make payment of any moneys owed in a timely manner. When the distribution is made, the liability account is liquidated and the local revenues are recognized in the appropriate accounts.

In the unlikely case that the CFO does not pay the bill in a timely manner, our recourse is to appeal directly to the locality's governing board (the entity ultimately responsible for the locality's bills) and/or take the locality out of invoice billing status, at which point the justices would begin to remit their fees and fines directly to this Office again. The State Comptroller also can intercept any other State payments due to the locality in order to collect overdue Justice Court receipts.

## **Requests for Current or Past Invoices/Distribution Statements**

Due to the sensitive nature of invoices and distribution statements, copies of current or past invoices/distribution summaries will be provided to the Justice or the CFO directly by the JCF only upon receipt of a written request on court or municipal letterhead. The request letter must state the name of town or village court, report month(s) and/or date(s) of the statements requested, and the reason for the request. This request must also be signed by either the Justice or the CFO of the town or village and faxed to our office at (518) 486-9899. Other interested parties may request copies of invoices and distribution statements by contacting OSC using the following information:

## **Freedom of Information Requests**

(518) 474-4015

Fax: (518) 473-8940

Email: [foil@osc.state.ny.us](mailto:foil@osc.state.ny.us)

## **Additional Data Security Considerations**

**Electronic data should be properly protected:**

### **From Loss:**

All electronic data should be backed up periodically. Back up files should be transferable and storable off of the hard drive of the computer on either tape or another media. Back up files should allow for restoring data in a test environment as part of the court's disaster recovery plan.

### **From Unauthorized Use:**

Access to electronic data (financial and sensitive/confidential) should be restricted.

- Access to electronic data is restricted through the use of unique, user-specific passwords and/or IDs. Approved passwords should be at least 6 characters, using a combination of alpha, numeric, and special characters. Rights should be revoked after a set number of failed log-in attempts. Passwords should be disguised upon entry into the system and should be stored in encrypted format.
- Access permissions should match job duties. Clerk should have access to data entry only. Justice should have access to audit logs.
- Changes to access rights should be logged, tracking date, change of access, and ID of person making the change.
- Access to data should be logged, tracking date, user ID, duration of access, and data accessed.

**From Alteration:**

Changes to data should be limited. The integrity of the original records should be maintained.

- Original data should not be altered. Once data has been posted to records information should not be deleted or altered.
- Changes to data should be logged, tracking date, user ID and nature of change.
- Changes to data should be made by someone other than data enterer. Person with entry rights should not have “change” rights.

**Proper Reporting — Electronic Reports are Accurate, Complete and Timely**

All required data fields must be completed before report can be transmitted. Monthly totals from cash, bail and partial payment records should match reported amounts.

**Questions?**

For questions on this process, call (518) 473-6438.

# How to Record Court Actions and Dispositions: Selected Examples

In this section we provide a number of reporting examples based on questions we have received from justices and clerks over the years. Each section provides an explanation of the circumstances and references to statutes or Opinions of the State Comptroller. The proper method of reporting these situations to us is illustrated below each explanation.

## Aggravated Unlicensed Operation (AUO) of a Motor Vehicle in the Second Degree

When reporting cases disposed of under Vehicle and Traffic Law §511(2)(a), be sure to distinguish among the following three categories, and properly report each case in order to ensure proper distribution of moneys:

511 (2)(a)(i) – 2nd conviction for AUO within 18 months.

511 (2)(a)(ii) – an AUO and either a refusal to submit to a chemical test, a finding of driving after having consumed alcohol under the age of 21 (VTL §1192-a), or an alcohol or drug related conviction under VTL §1192.

511 (2)(a)(iii) – AUO temporary suspension pending prosecution. 511 (2)(a)(iv) – an AUO and three or more suspensions (imposed on three or more dates) for failure to answer, appear or pay a fine pursuant to VTL § 226(3) or 510(4-a).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
John Smith	VLT 511 (2)(a)(i)	AUO 2nd		7/15/XX	7/21/XX	Fine/Schg 30 days	500.00		85.00
Jane Smith	VTL 511 (2)(a)(ii)	AUO		7/15/XX	7/21/XX	Fine/Schg Probation	500.00		85.00
John Doe	VTL 511 (2)(a)(iii)	AUO		7/15/XX	7/21/XX	Fine/Schg 7 days	500.00		85.00
Jane Doe	VTL 511 (2)(a)(iv)	AUO		7/15/XX	7/21/XX	Fine/Schg 60 days	500.00		85.00

## Bail Overview

Once cash bail is imposed, it is up to the justice to keep track of it (see the **Fiscal Responsibilities** section in this handbook for details). If the bail is kept in an interest bearing account, the interest earned on the deposit of cash bail that is not forfeited must be paid over to the depositor (the person who posted the bail). With the consent of all the justices of a town or village, a joint account in the names of all the justices may be opened for the deposit of bail moneys only (22 NYCRR 214.9[d]).

In addition, justices are required to report the following to the JCF at the time of disposition of the related offense:

Bail Fees (Poundage)  
Forfeited Bail and the related Bail Fees (Poundage)

Do NOT report the following to the JCF:

Pending Bail  
Exonerated Bail  
Unclaimed Exonerated Bail  
Felony Bail (bail transferred to a Superior Court), unless forfeited while still within the jurisdiction of the town or village

### ***Bail Fees (Poundage)***

A town or village justice court shall be entitled to charge a fee of up to three percent of the amount of cash bail (not bonds) deposited with the court in connection with a criminal action or proceeding over which the court retains jurisdiction. This does not apply to an action or proceeding in which the accusatory instrument charges one or more traffic infractions only (General Municipal Law §99-m[2]). The total fees on a sum of bail shall not exceed three percent. A town or village court shall not be entitled to collect such fees on bail transferred to a superior court. Additionally, a court shall not retain poundage on cases transferred to other local courts.

Two percent of the bail money collected will be returned to the town or village, and the remaining one percent shall be used to fund a county alternatives to incarceration service plan approved by the State Division of Probation and Correctional Alternatives pursuant to Article 13-A of the Executive Law. In a county that does not have such an approved plan, town and village courts may not collect the additional one percent fee.

All fees on bail shall be reported to the JCF upon final disposition of the case if not considered “terminated in favor of the accused” as defined under Criminal Procedure Law §160.50(3). A reduced plea is not considered “terminated in favor of the accused”. Although there is no bail poundage when the accusatory instrument charges traffic infractions only, if the final charge has been reduced from a violation to a traffic infraction, the court needs to retain bail poundage (e.g., retain poundage on a DWI reduced to a DWAI).

When a criminal action or proceeding is “terminated in favor of the accused,” the fees on bail, by court order, shall be fully refunded to the person who originally deposited the bail. For example, Adjournment in Contemplation of Dismissal is considered “terminated in favor of the accused” and, therefore, no poundage is retained.

To summarize the types of cases bail poundage should not be withheld from, we refer to them as the 4 T’s:

- Cases Transferred to a Superior Court
- Traffic infractions ONLY
- Cases Transferred to another local court
- Cases “Terminated in Favor of the Accused”

If the original bail is reduced or returned (exonerated) prior to the disposition, poundage should be retained based upon the original amount of bail. If the action is later “terminated in favor of the accused” the retained poundage (bail fees) should be returned to the person who posted such bail. If the action is not “terminated in favor of the accused,” the poundage gets reported to the JCF as bail fees in the civil fees column of the report.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Gizmo Jones	PL 156.20	Computer Tampering		7/15/XX	7/21/XX	Fines	194.00		
Gizmo Jones	PL 156.20	Computer Tampering		7/15/XX	7/21/XX	Bail Poundage		6.00	

### **Forfeited Bail**

Forfeited bail should be reported to the JCF. Such forfeited bail, unless otherwise provided by law, is the property of the town or village in which the offense charged is alleged to have been committed (Criminal Procedure Law §540.20[2][b]; see also 1982 Ops St Comp No. 82-75; 1988 Ops St Comp No. 88-39). Under the Vehicle and Traffic Law, “the bail follows the fine” (e.g., use of word “forfeitures” in Vehicle and Traffic Law, §1803).

When bail is posted for multiple charges and the town or village justice court does not specify the amount of bail attributable to each offense, and where forfeited bail for at least two of the offenses would be the property of different governmental entities, then the entire amount of forfeited bail shall be the property of the town or village in which the offenses charged are alleged to have been committed. However, when forfeited bail for at least one of the offenses would be the property of the State, the entire amount of forfeited bail shall be the property of the State (Criminal Procedure Law §540.20[2][b]).

Forfeited bail should be reported net of the bail fees. In addition, as indicated above, the bail fees get reported in the civil fees column of the report. See columns (8) and (9) in the example below

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Johnny Walker	VTL 1192(2)	DWI	TP0000 492	7/15/XX	7/21/XX	Bail Forfeiture	485.00		
Johnny Walker	VTL 1192(2)	DWI	TP0000 492	7/15/XX	7/21/XX	Bail Poundage		15.00	

## **Unclaimed Exonerated Bail**

Exonerated bail does not get reported to the JCF. Exonerated bail should be given back to the person who posted the bail, less any applicable bail fees. A justice court should make a good faith effort for a reasonable period of time to locate the person who posted cash bail. If unable to locate this person to return bail, a court may transfer such moneys to the CFO of the municipality pending a claim. Cash bail still unclaimed six years after exonerated of the bail becomes the property of the municipality.

## **Felony Bail**

Cash bail posted in a town or village justice court in connection with a felony complaint may not be transferred to a superior court unless there is a superior court order directing the local criminal court to transfer such moneys (Criminal Procedure Law §520.40). If such bail is later forfeited, it would belong to the county (Criminal Procedure Law §520.10). However, if cash bail posted in a town or village justice court in connection with a felony complaint is forfeited while the criminal action is still pending in the justice court, it is the property of the town or village (Town Law §27[1]; Village Law §4-410; Uniform Justice Court Act §2021[1]; 1988 Ops St Comp No. 88-39, supra).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
B. Guy	PL 120.10	Assault 1st		7/15/XX	7/21/XX	Bail Forfeiture	5,000.00		

In some instances, however, a specific statute may provide a different disposition for forfeited bail (e.g., Environmental Conservation Law §71-2915).

## **Civil Fees**

Fees collected by the court in civil matters pursuant to the UJCA §1911 should be reported to us as “Civil Fees” of your monthly report.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
J. Smith	Civil	Civil Fee		7/15/XX	7/21/XX	Civil Fee		20.00	

## **Committed in Lieu of Fine/Originally Sentenced to Jail (OSJ)**

If a defendant is remanded to jail in lieu of paying a fine, the case should be reported and noted in the sentence column as “Committed in lieu of a fine.” If a defendant, after having been committed to jail in lieu of fine subsequently pays the fine to the sheriff or superintendent or municipal official of the facility to which the defendant was committed, the fine should then be paid to the Town or Village Court. The fine payment should be noted by the clerk of the court by placing the letters “OSJ” in the sentence column.



Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
J. Jones	VTL 1192(3)	DWI	TP0000 724	7/15/XX	7/21/XX	Committed in Lieu of Fine			
G. Smith	PL 140.10	Criminal Tresspass		7/15/XX	7/21/XX	OSJ	250.00		205.00

## Copies of Papers

For furnishing copies of papers in any proceeding, a town or village is entitled to receive for the services of its town court or village court 25 cents per folio of 100 words (General Municipal Law §99-1[1][f]). Section 99-1 provides that any copy made by the court that is furnished to another in any proceeding is reimbursable. This does not include copies that are provided by a court outside the context of a proceeding, such as when an individual requests copied of court documents pursuant to a request filed under the Freedom of Information Law (FOIL). It also does not include the printing of hardcopies of electronic tickets received by the court, since the copy printed is for court purposes and is not being furnished to anyone else. For good financial accountability, a log should be maintained that includes the date the copies were furnished, a description of the type of copies and the number of pages copied.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Copies	GML 99-L(1) (f)	204 Copies		7/1/XX	7/31/XX				

## Criminal Court Certificate of Disposition

The fee to be charged by the clerk of a criminal court for a “certificate of disposition” is \$5.00 (Civil Practice Law and Rules §8021[c][1]; Judiciary Law §255). These fees should be reported on your monthly report. There is no specific column for such fees; therefore, you should describe them as such and report them in the civil fees column.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Issuing a Cert of Disposition		3@5.00						15.00	



## Dishonored Checks - Service Charge

A town or village board, by resolution, may provide for the imposition of a service charge not in excess of \$20.00 per check for handling dishonored checks (General Municipal Law §85; General Obligations Law, §5-328[3]). The service charge should be reported to us in the monthly report and entered as “Civil Fees”.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Speedy Jones	VTL 1180(d)	Speed	TP0000 726	7/15/XX	7/21/XX	Fine/Schg/ Fee	100.00	20.00	85.00

## Dismissed Cases

### General

All incidences which are handled by the court should be reported, even if the matter is dismissed. Your municipality may be entitled to a fee even if the case is dismissed.

All dismissed cases must be sealed (Criminal Procedure Law §160.50). When there are multiple charges and all have been dismissed, the records must also be sealed. When cases are sealed, report to the JCF without the name of the defendant and reference CPL §160.50 in the name column.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Sealed CPL 160.50	VTL 306(c)	Uninspected MV	TP0000 727	7/15/XX	7/21/XX	Dismissed			

When there are multiple charges and not all are dismissed, you must report all of the information to the JCF, including the defendant’s name. This is not considered sealed for our purposes (Criminal Procedure Law §160.55).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
J. Doe	VTL 306(b)	Uninspected MV	TP0000 112	7/15/XX	7/21/XX	Dismissed			
J. Doe	VTL 1180	Speed	TP0000 113	7/15/XX	7/21/XX	Fine/Schg	75.00		85.00

## Mass Dismissals

Fees payable to towns and villages under General Municipal Law §99-1 for cases handled by town or village courts where a fine, if imposed, would be the property of the State, are intended for any “substantial services” performed by such courts in each case. Where a town or village justice court reports the mass dismissal of numerous pending cases for violations of the Vehicle and Traffic Law that have never been prosecuted, the town or village court has provided no substantial services; therefore, the town or village is not entitled to receive a separate fee under §99-1 for each case dismissed (1992 Ops St. Comp No. 92-21).

## Adjournments in Contemplation of Dismissal

If a case is Adjourned in Contemplation of Dismissal pursuant to §170.55 of the Criminal Procedure Law, it is not to be reported as “dismissed” until six months or, in the case of certain family offense matters, one year has elapsed following such adjournment. Your report will then include the case disposition as “170.55 DISMISSED.” Because these cases are dismissed when reported, they must be sealed.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Sealed CPL 160.50	PL 240.30	Agg Harassment 2nd		1/15/XX	7/21/XX	170.55 CPL Dismissed			

*Report the incident only after it is dismissed, not when it is first adjourned.*

Marijuana cases Adjourned in Contemplation of Dismissal pursuant to §170.56 of the Criminal Procedure Law are not to be reported until the period of adjournment prescribed by the court (not to exceed one year) has elapsed. Your report will then include the case disposition as “170.56 DISMISSED.”

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Sealed CPL 160.50	PL 221.15	Marijuana		7/15/XX	8/15/XX	170.56 CPL Dismissed			

## DNA Databank Fee

The DNA Databank Fee is expanded to include misdemeanor offenses. The DNA Databank Fee should be reported in the “Civil Fees” column on a separate line referencing EX 995 in the statute and section column, and “DNA Databank Fee” in the offense column.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
M. Smith	EX 995 Reg Fee	DNA Data		7/15/XX	7/21/XX	Fee		50.00	

### Dog Cases

Any municipality may elect to prosecute a violation either criminally under the Penal Law or civilly as an action to recover a civil penalty (Agriculture and Markets Law §119). All fines and penalties collected for violations belong to the municipality (Agriculture and Markets Law §120).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
G. Sheppard	AM 119(1) (A)	Unlicensed Dog		7/15/XX	7/21/XX	Fine	25.00		
People vs. Smith	AM 119(1) (A)	Unlicensed Dog		7/15/XX	7/21/XX	Civil Penalty	25.00	10.00	

### DWI Offenses - Conditional Discharge

No judge or magistrate shall impose a sentence of unconditional discharge for a violation of Vehicle and Traffic Law §1192 (Operating a motor vehicle while under the influence of alcohol or drugs). Furthermore, no judge or magistrate shall impose a sentence of conditional discharge or probation for a violation of Vehicle and Traffic Law §1192, unless such conditional discharge or probation is accompanied by a sentence of a fine as provided in section 1193 (Vehicle and Traffic Law §1193[1] [e]).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
James Bean	VTL 1192(3)	DWI	TP0000	7/15/XX	7/21/XX	Reduced to			
James Bean	VTL 1192(1)	DWAI	TP0000 502	7/15/XX	7/21/XX	CD Fine/ Schg	350.00		260.00
James Bean	VTL 1192(3)	DWI	TP0000 502	7/15/XX	7/21/XX	Bail Poundage		7.50	

## Environmental Conservation Cases

Environmental Conservation Law cases may be tried by either criminal or civil proceedings. The court fee for many civil cases enumerated in the Environmental Conservation Law remains at \$2.50 and must be reported and remitted to the JCF (see Environmental Conservation Law §71-0519[4]). Please remember that these fees should be reported in the “civil fees” column. They should not be reported in the “mandatory surcharge” column.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
A. Corp	ECL 27-0914(2)	Disposal Haz Waste		7/15/XX	7/21/XX	Fine/Schg	10,000.00		600.00
S. Hunter	ECL 27-0914(2)	Discharge Firearm 500 Feet from Dwelling		11/26/XX	1/15/XY	Fine/Schg	250.00		75.00
S. Shooter	ECL 27-0914(2)	Loaded Firearm in MV		7/15/XX	7/21/XX	To Civil Comp.			
S. Shooter	ECL 27-0914(2)	Loaded Firearm in MV		7/15/XX	7/21/XX	Civil Comp.	60.00	2.50	

## Felony Cases

When reporting cases involving felony charges, please report the specific action taken by your court so it can be determined if a fee is payable to your court. If the matter is being transferred to another court, you should indicate whether it is being transferred to a superior court or a court of equal jurisdiction (e.g., transferred to Town or Village Court due to conflict of interest).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
S. Fingers	PL 140.20	Burg 3rd		7/15/XX	7/21/XX	Trans to County Court			

You also may be involved in the adjudication of a felony charge that has been reduced to a misdemeanor. Report this information as shown. Note that the original charge is indicated on the line above.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
F. Fingers	PL 140.20	Burg 3rd		7/15/XX	7/21/XX	Reduced to			
F. Fingers	PL 140.10	Criminal Trespass		7/15/XX	7/21/XX	Fine/Schg	50.00		205.00

### Hand-Held Mobile Telephone (Cell Phones) and Other Portable Electronic Devices

Vehicle and Traffic Law §1225-c prohibits operators of motor vehicles from using mobile telephones to engage in a call while driving on a public highway and §1225-d prohibits operators from using any portable electronic device while such vehicle is in motion.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
J. Doe	VTL 1225-c	Cell Phone	TP0000 850	7/15/XX	7/21/XX	Fine/Schg	100.00		85.00
J. Smith	VTL 1225-d	Port. Elect. Device	TP0000 938	7/15/XX	7/21/XX	Fine/Schg	150.00		85.00

### Indigency of Defendant

When a defendant is unable to pay a fine, restitution or reparation imposed by the court, the defendant may at any time apply to the court for resentencing. If the court finds that the defendant is unable to pay, the court must: adjust the terms of payment; lower the amount of the fine, restitution or reparation; where the sentence consists of probation or imprisonment and a fine, restitution or reparation, revoke the portion of the sentence imposing the fine, restitution or reparation; or revoke the entire sentence and resentence the defendant (Criminal Procedure Law §420.10[5]; see, e.g., *People v Montero*, 124 Misc2d 1020, 480 NYS2d 70 [1984]).

If the court changes the original order for restitution or reparation in any manner, the court must set forth its reasons therefore in the record (Criminal Procedure Law §420.10[5]).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Z. Dinero	VTL 1180(b)	Speed	TP0000 599	7/15/XX	7/21/XX	Plead Guilty Indigent			

## Installment Payments

If a defendant makes partial payments of a fine or surcharge imposed by the court, the partial payments should be reported in the month received; each payment should be identified as a partial payment.

The final payment of a fine or surcharge paid in installments should also be noted. This will allow appropriate fees to be credited to your municipality.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
J. Daniels	VTL 1192(3)	DWI	TP0000 591	7/15/XX	12/28/XX	Partial Payment	100.00		400.00
B. Leadfoot	VTL 1180(d)	Speed	TP0000 592	6/24/XX	12/30/XX	Final Payment	50.00		
H. Jones	PL 120.15	Menacing		7/8/XX	12/30/XX	Partial Payment	50.00		

## Miscellaneous Notations

A return to any appeal and the issuance of a search warrant should be reported to us so that the proper fees are paid pursuant to General Municipal Law §99-1. Fees are paid only when the search warrants are issued for the law enforcement agency of another municipality or governmental body (see 1987 Ops St Comp No. 87-31). In reporting the issuance of a search warrant, you should indicate the name of the other municipality or governmental entity for which the warrant was issued.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Return to Appeal		(Memo Entry)		7/15/XX	7/21/XX				
Instituted (Sheriff's Dept.)	Search	Warrant		7/15/XX	7/21/XX				
H. Jones	Search	Warrant		7/15/XX	7/21/XX				

## New York Codes, Rules and Regulations (NYR)

When reporting violations under sections of the New York Codes, Rules and Regulations you should cite the volume and sections.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
D. Doe	NYR(6) 190.7	Camping w/o permit		7/15/XX	7/21/XX	Fine	20.00		75.00
A. Fisherman	NYR(6) 10.4(b)(4)	More than Five tip-ups		1/14/XX	3/18/XX	Fine/Schg	25.00		25.00
B. Doe	NYR(17) 182.34	Speed TSP	TP0000 560	7/15/XX	7/21/XX	Fine/Schg	60.00		85.00
A. Doe	NYR(6) 182.27	DOTRR-PKG TSP	TP0000 480	7/15/XX	7/21/XX	Fine	50.00		

### Overpayment of Fines

When a fine imposed by a justice court is overpaid by mistake, the court should NOT send us the excess fine moneys. A justice court should make a good faith effort for a reasonable period of time to locate the person who overpaid the fine. If unable to locate this person to return the excess fine, a court may transfer such moneys to the CFO of the municipality pending a claim. Excess fine moneys still unclaimed six years after overpayment of the fine become the property of the municipality.

### Photo Monitoring

Report violations of Vehicle and Traffic Law §1111-b as a lump sum in the fine area of your report. If late fees/penalties are collected include them with the fine amount. It is not necessary to report these violations separately.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Photo Monitoring	VTL 1111-b			7/7/XX	7/28/XX		1,000.00		

### Reduced Charges and Multiple Charges

Under the Criminal Procedure Law, a defendant, with certain limitations, may plead guilty to a reduced charge (Criminal Procedure Law, §§220.10[3], [4], and 340.20). Moreover, a defendant who is charged with two or more offenses in a single accusatory instrument may plead guilty to one or more, but not all of the offenses charged. This applies to all criminal proceedings, including those brought under the Vehicle and Traffic Law.

When reporting reductions, please report the original charge(s) as well as the final charge and disposition. This will insure the proper distribution of moneys to your locality.



Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
A. Defendant	PL 120.00	Assault 3rd		7/15/XX	7/21/XX	Reduced to			
A. Defendant	PL 240.25	Harassment		7/15/XX	7/21/XX	Fine/Schg	100.00		125.00
A. Defendant	PL 120.00	Assault 3rd		7/15/XX	7/21/XX	Bail Poundage		7.50	
T. Doe	VTL 1180(d)	Speed	TP0000 682	7/15/XX	7/21/XX	Reduced to			
T. Doe	VTL 1110(a)	Fail to Obey Traf Dev	TP0000 682	7/15/XX	7/21/XX	Fine/Schg	50.00		85.00

When reporting an attempt to commit a crime you should note “attempted” in the description column.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
T. Riddle	PL 105.10	Conspiracy 4th		7/15/XX	7/21/XX	Reduced to			
T. Riddle	PL 110.05	Attempted Conspir 4th		7/15/XX	7/21/XX	Fine/Schg	100.00		205.00

### Restitution and Reparation

In addition to a fine and/or imprisonment, a court may sentence a defendant to make restitution or reparation to the victim of the crime (Penal Law §60.27). The fine should be reported to us, but not the restitution or reparation payments.

Please Note: The Court should not be collecting restitution. Restitution should be collected by the designated restitution agency, which, in most cases, is the county probation department (see Criminal Procedure Law § 420.10[1], [8]). Furthermore, undisbursed restitution or reparation payments do not become the property of the municipality, even after the expiration of six years; rather, undisbursed restitution or reparation payments must be used for the payment of restitution orders that have remained unsatisfied for the longest period of time (Criminal Procedure Law §420.10[7]).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
M. Swindler	PL 190.05	Issuing Bad Check		7/15/XX	7/21/XX	Fine and Restitution	50.00		



## Sealed Cases

When cases are sealed in accordance with §160.50 of the Criminal Procedure Law, all columns of the report must be completed.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Sealed CPL 160.50	PL 165.45	Stolen Property 4th		7/15/XX	7/21/XX	Reduced to			
Sealed CPL 160.50	PL 165.40	Stolen Property 5th		7/15/XX	7/21/XX	Dismissed			
Sealed CPL 160.50	PL 221.05	Unlaw Poss Marijuana		7/15/XX	7/21/XX	Dismissed			
Sealed CPL 160.50	VTL 1192(3)	DWI	TP0000 639	7/15/XX	7/21/XX	Dismissed			

## Sex Offender Registration Fees

A person convicted of a sex offense as defined by subdivision two of §168-a of the Correction Law or a sexually violent offense as defined by subdivision three of §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 \$50.00 (Penal Law §60.35[1][a][iv]).

Sex offender registration fees collected by the court should be reported to us in the “Civil Fees” of your monthly report.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
S. Smith	COR 168- a(2)	Sex Offender Reg. Fee		7/15/XX	7/21/XX	Fee		50.00	
J. Smith	COR 168- a(3)	Sex Offender Reg. Fee		7/15/XX	7/21/XX	Fee		50.00	

## Supplemental Sex Offender Victim Fee

Report \$1,000.00 in the “Civil Fees” column on a separate line referencing (PL-130) in the statute and section column and “Supplemental Sex Offender Victim Fee” in the description of the offense column (Penal Law §60.35[1][b]).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
H. Doe	PL 130	Sex Off. Victim Fee		7/15/XX	7/21/XX	Fee		1,000.00	

### Small Claims Court Accounting/Postage

Article 18 of the Uniform Justice Court Act (UJCA) provides for the handling of small claims by the justice court. The Chief Administrator of the Courts has promulgated rules governing small claims procedure (22 NYCRR 214.10). Generally, a small claims action is commenced by the payment of a filing fee by plaintiff, or someone on his/her behalf, of \$10.00 for claims in the amount of \$1,000.00 or less, and \$15.00 for claims in the amount of more than \$1,000.00. A defendant who brings a counterclaim in a small claims action must pay a \$3.00 filing fee plus the cost of mailings. Once a small claims action has been commenced, the filing fee is not refundable if the action is later withdrawn or dismissed. Please note that if the case is transferred, the fee remains with the court where the claim was originally filed.

The amount received must be recorded in the cash receipts book and deposited in the bank. The fee should be entered in the column for “Civil Fees” for transmittal to us.

A party other than the plaintiff may demand a trial by jury which shall be accompanied with a \$50.00 undertaking conditioned upon the payment of costs. The court should not send the \$50.00 undertaking to the State Comptroller in its monthly report.

You may report the filing fee to the JCF in either of two ways: you may deduct the cost of the postage from the small claims fee reported to us at the end of each month’s report, or send us the total amount of the small claims fee without deducting the cost of the postage. In either case, the amount reported will be returned back to your locality.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Smith vs. Jones		Small Claims		7/15/XX	7/21/XX			10.00	
Smith vs. Jones		Small Claims		7/15/XX	7/21/XX			7.38	

**NOTE:** Small claims fees collected need not be reported individually, they may be reported in “lump sum.”

### State Parkways and State Parks

Pursuant to the Vehicle and Traffic Law, we distribute fines for violations of “any ordinance, order, rule or regulation adopted pursuant to article two-E of the transportation law or section [1630 of the Vehicle and Traffic Law] by the East Hudson Parkway Authority or by its successor [the Department

of Transportation], or the County of Westchester Department of Parks, Recreation and Conservation, or the state office of parks, recreation and historic preservation” to the town or village in which they occur.

When reporting violations of the Department of Transportation Rules (Title 17 NYCRR), or the rules of the Office of Parks, Recreation and Historic Preservation (Title 9 NYCRR (Executive) Subtitle I), which occur on a State Parkway or in a State Park, you should reference “on the Parkway” or “in the Park” in the description entered in the offense column, and you may cite either the NYCRR (NYR) or the Vehicle and Traffic Law (VTL) provision that was violated, when involving motor vehicle violations, in the statute and section column of the report.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
H. Ford	NYR(9) 410.0(h)	Swimming in State Park		7/15/XX	7/21/XX	Fine/Schg	75.00		15.00
R. Royce	VTL 1180(d)	Speed TSP	TP0000 402	7/15/XX	7/21/XX	Fine/Schg	50.00		85.00
V. Halt	NYR(17) 182.27	Parking TSP		7/15/XX	7/21/XX	Fine/Schg	50.00		
M. Rushmore	NYR(9) 413.1(b)	Speeding Pal St Pkwy	TP0000 304	7/15/XX	7/21/XX	Fine/Schg	100.00		85.00

### Surcharges (Mandatory)

All examples of surcharges shown apply only to town and village courts and include an additional \$5.00 as provided for in Vehicle and Traffic Law §1809(9) and Penal Law §60.35(9), except for Environmental Conservation Law §71-0213.

There can be no waiver of the mandatory surcharge, sex offender registration fee, DNA databank fee, or crime victim assistance fee (Criminal Procedure Law §420.35[2]). The deferred payment of a surcharge is possible and a town or village justice may file an order of civil judgment with the county clerk if unpaid (Criminal Procedure Law §§420.40[5], 420.10[6]).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
G. House	PL 155.25	Petit Larceny		12/18/XX	12/30/XX	Fine/Schg Partial Payment	100.00		
T. Almeda	PL 155.25	Petit Larceny		4/15/XX	5/30/XX	Fine/ Schg Final Payment			65.00

All fines should be reported when collected. This is also the case for deferred surcharges. When reporting payment of a surcharge previously deferred, note “Final payment” in the disposition column.

**NOTE:** A person who has made restitution or reparation pursuant to Penal Law §60.27 shall not be required to pay a mandatory surcharge or crime victim assistance fee under Vehicle and Traffic Law §1809 (see Vehicle and Traffic Law §1809[6]), Parks, Recreation and Historic Preservation Law §27.12 (see Parks, Recreation and Historic Preservation Law §27.12[4]) or Penal Law §60.35 (see Penal Law § 60.35[6]). This applies whether or not a fine is also imposed.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
J. Bauer	PL 155.25	Petit Larceny		7/1/XX	7/15/XX	Restitution			

### ***Environmental Conservation Surcharges***

Courts are required to impose the mandatory surcharge under Environmental Conservation Law §71-0213 on criminal proceedings as follows:

- For violations of sportfishing regulations set forth in 6 NYCRR 10, a surcharge of \$25.00
- For violations of Article 17 (Water Pollution Control), Article 19 (Air Pollution Control) or Article 27 (Collection, Treatment and Disposal of Refuse and Other Solid Waste), a surcharge equal to the greater of \$75.00 or six percent (6%) of any penalty or fine imposed
- For all other violations of the ECL, a surcharge of \$75.00.

The surcharge became effective on April 7, 2009 for offenses that were committed on or after April 1, 2009. Report the ECL surcharge in the “mandatory surcharge column” on the monthly justice report.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
A. Corp	ECL 27- 0914(2)	Disposal Haz Waste		7/15/XX	7/21/XX	Fine/Schg	10,000.00		600.00
S. Hunter	ECL 27- 0914(2)	Discharge Firearm 500 Feet from Dwelling		11/26/XX	1/15/XY	Fine/Schg	250.00		75.00
S. Shooter	ECL 11-0931 4a(2)	Loaded Firearm in MV		7/15/XX	7/21/XX	To Civil Comp.			
S. Shooter	ECL 11- 0931(2)	Loaded Firearm in MV		7/15/XX	7/21/XX	Civil Comp.	60.00	2.50	

## **Handicapped Parking Surcharge**

Vehicle and Traffic Law §1809-b requires the imposition of a \$30.00 mandatory surcharge whenever there is a finding of liability or conviction for the following violations relating to handicapped parking spaces:

- Vehicle and Traffic Law §§1203-a, 1203-b, 1203-c;
- Any other statute, local law, ordinance or rule involving the parking, stopping or standing of motor vehicles registered pursuant to Vehicle and Traffic Law §404-a, or relating to the improper use of handicapped license plates.

These surcharges must be included on your monthly report. We will make the appropriate distribution of these funds as required by legislation.

How to report individual cases:

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
H. Potter	VTL 1203a	Handicap Parking		6/8/XX	6/22/XX	Fine/Schg	100.00		30.00

How to report §1203 (handicapped parking) violations, including surcharges, as a lump sum:

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Parking	VTL 1203b	Handicap Parking		6/1/XX	6/30/XX	Fine/ Schgs	1545.00		600.00

How to report violations of handicap parking local laws, ordinances or rules (other than violations of Vehicle and Traffic Law §§ 1203-a, -b and -c) and surcharges:

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Parking	VO 82-3	Handicap Parking		6/1/XX	6/30/XX	Fine/Schg	50.00		30.00

Reporting violations of handicapped parking and surcharges as a village ordinance - no village justice court:

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Parking	VO 82-3	Vill of ___ Handicap Parking		6/1/XX	6/30/XX	Fine/Schg	1250.00		750.00

### **Highway Construction Zone or Maintenance Work Area Mandatory Surcharge**

Vehicle and Traffic Law §1809-d requires the imposition of an additional \$50.00 mandatory surcharge to violations of maximum speed limits in highway construction or maintenance work areas. Violations of Vehicle and Traffic Law (VTL) §1180(d)(2) and §1180(f) are subject to this additional surcharge.

Report the surcharge together with all other applicable surcharges and crime victim assistance fees in the surcharge column. Be sure to reference the specific statutes (e.g., VTL §1180[d][2] or VTL §1180[f]) on your report.

This surcharge is not subject to the \$180.00 maximum contained in VTL §1809(2). The \$180.00 maximum also does not include the \$5.00 town and village fee that is required by VTL §1809(9), the additional \$25.00 surcharge on convictions of VTL §1192 violations required by VTL §1809-c(1), or the additional \$20.00 or \$170.00 surcharge required by VTL §1809-e.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
L. Foote	VTL 1180 F	Speed in Work Zone	TP0000 964	11/11/XX	11/30/XX	Fine/Schg	95.00		135.00

### **Parks, Recreation and Historic Preservation Law §27.12 Surcharge**

Parks, Recreation and Historic Preservation Law (PRHPL) §27.12 requires the imposition of a surcharge of \$15.00, in addition to any fine or penalty authorized by §27.11(2) of the PRHPL, whenever an administrative tribunal or a criminal court imposes a fine or a penalty assessment, or orders a bail forfeiture as a penalty for violating a provision of the PRHPL or for violating a rule or regulation adopted pursuant to the PRHPL. The surcharge does not apply to traffic infractions relating to motor vehicles unlawfully parked or standing.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
B. Smith	NYR(9) 375-1(h)	Prop Close to Public		12/5/XX	12/12/XX	Fine/Schg	45.00		15.00

Section 27.12 provides that only one mandatory surcharge shall be imposed when a person sustains two or more convictions based on a single act or omission (PRHPL §27.12[2]).

Where a mandatory surcharge is imposed on a defendant pursuant to the provisions of Penal Law §60.35 or Vehicle and Traffic Law §1809, no mandatory surcharge shall be imposed pursuant to the provisions of this section (PRHPL §27.12[5]).

### **Penal Law §60.35 Surcharge**

Examples shown include an additional \$5.00 collected by town/village courts in accordance with Penal Law §60.35(9).

Penal Law §60.35 requires, in addition to any sentence required or permitted by law, a surcharge of \$300.00 for a felony conviction, \$175.00 for a misdemeanor conviction, and \$95.00 for a conviction of a violation, except for convictions covered by Vehicle and Traffic Law §1809 and Parks, Recreation and Historic Preservation Law §27.12. Section 60.35 also requires the imposition of a crime victim assistance fee of \$25.00 on a person convicted of a felony, a misdemeanor, or a violation. The \$95.00 surcharge required for conviction of a violation only applies to violations of the Penal Law; in other words, this surcharge does not apply to a “violation” (as that term is defined in Penal Law §10.00[3]) under any chapter other than the Penal Law (Penal Law §60.35[7]). The surcharges for felonies and misdemeanors, on the other hand, apply to convictions under all laws, other than those convictions covered by the mandatory surcharge imposed by either Vehicle and Traffic Law §1809 or Parks, Recreation and Historic Preservation Law §27.12, including convictions under local laws adopted pursuant to the Municipal Home Rule Law. Thus, a conviction for violating Transportation Law §212, a misdemeanor conviction under Transportation Law §213, is subject to a \$175.00 surcharge under Penal Law §60.35 (1986 Ops St Comp No. 86-15).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
M. Smith	PL 140.05	Trespass		5/25/XX	6/12/XX	Fine/Schg	75.00		125.00
J. Smith	PL 155.25	Petit Larceny		5/25/XX	6/12/XX	Fine/Schg	70.00		205.00
J. Doe	TL212a	No Log Book	TC7993 220	5/25/XX	6/12/XX	Fine/Schg	200.00		205.00

Penal Law §60.35(2) also provides that only one mandatory surcharge shall be levied when a person sustains two or more convictions based on a single act or omission. The amount of the surcharge is



determined by the conviction which carries the highest classification (e.g., if a person is convicted of a felony and a misdemeanor which arose out of the same act, only the surcharge for the felony would be imposed).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
W. Guy	PL 155.25	Petit Larcency		12/1/XX	12/12/XX	Fine/Schg	150.00		205.00
W. Guy	PLK 140.50	Trespass		12/1/XX	12/12/XX	Fine	50.00		

### **Vehicle and Traffic Law, §§1809, 1809-c and 1809-e Surcharge**

Examples include:

- An additional \$5.00 as required by Vehicle and Traffic Law §1809(9)
- A crime victim assistance fee as required by Vehicle and Traffic Law §1809(1)
- An additional \$25.00 surcharge for convictions of section 1192 as required by Vehicle and Traffic Law §1809-c
- An additional \$20.00 surcharge for certain VTL convictions (this surcharge does not apply to convictions under VTL §1192; traffic infractions involving standing, stopping or parking; violations by pedestrians or bicyclists; camera-generated red light tickets under VTL §§1111-a or 1111-b; and failure to pay a toll in certain situations) as required by Vehicle and Traffic Law §1809-e
- An additional \$170.00 surcharge for all convictions of section 1192 as required by Vehicle and Traffic Law §1809-e

Section 1809 of the Vehicle and Traffic Law provides for a mandatory surcharge and crime victim assistance fee, in addition to any sentence required or permitted by law, whenever proceedings in an administrative tribunal or court “result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, parking or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of [§1111(d)] of this chapter in accordance with [§1111-a] of this chapter” (Vehicle and Traffic Law §1809[1]).

### **Surcharge Schedule (Vehicle and Traffic Law §1809[1][a]-[c]): (See Appendix 5)**

(a) Conviction for a traffic infraction for an equipment violation pursuant to Article nine of the Vehicle and Traffic Law (§§375-384) - \$55.00 (\$25.00 mandatory surcharge required by VTL §1809[1][a] + \$5.00 crime victim assistance fee required by VTL §1809[1][a] + \$5.00 town/village fee required by VTL §1809[9] + \$20.00 additional surcharge required by VTL §1809-e).



Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
H. Dodge	VTL 375(2)a	Insufficient Tail Lamp	TP0000 480	12/6/XX	12/12/XX	Fine/Schg	25.00		55.00

(b) DWI conviction for a misdemeanor or felony pursuant to Vehicle and Traffic Law §1192:

(1) Felony - \$520.00

(2) Misdemeanor - \$400.00 - (\$175.00 mandatory surcharge required by VTL §1809[1] [b][ii] + \$25.00 crime victim assistance fee required by VTL §1809[1][b] + \$5.00 town/village fee required by VTL §1809[9] + \$25.00 additional surcharge required by VTL §1809-c + \$170.00 additional surcharge required by VTL §1809-e)

A conviction under VTL §1192 requires the imposition of a crime victim assistance fee of \$25.00 (Vehicle and Traffic Law §1809[1][b]), an additional surcharge of \$25.00 (Vehicle and Traffic Law §1809-c), and an additional surcharge of \$170.00 (Vehicle and Traffic Law §1809-e).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
J. Daniels	VTL 1192(3)	DWI	TP0000 416	12/2/XX	12/12/XX	Fine/Schg	500.00		400.00
J. Daniels	VTL 1192(3)	DWI	TP0000 416	12/2/XX	12/12/XX	Bail Pounding		15.00	

(c) Other convictions - \$85.00 (\$55.00 mandatory surcharge required by VTL §1809[1][c] + \$5.00 crime victim assistance fee required by VTL §1809[1][c] + \$5.00 town/village fee required by VTL §1809[9] + \$20.00 additional surcharge required by VTL §1809-e).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
P. Smith	VTL 319(1)	Uninsured MV	TP0000 151	12/6/XX	12/23/XX	Fine/Schg	150.00		85.00
J. Smith	PL 155.25	Petit Larceny		12/9/XX	12/10/XX	Fine/Schg	70.00		205.00
J. Doe	TL212a	No Log Book	TC7993 220	12/9/XX	12/10/XX	Fine/Schg	200.00		205.00

When a person sustains two or more convictions based on a single act or omission, the court or administrative tribunal shall impose a mandatory surcharge for each conviction, provided, however, that the total amount of mandatory surcharges imposed pursuant to (a) or (c) above shall not exceed \$180.00 (Vehicle and Traffic Law §1809[2]).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
M. Offenses	VTL 1180(b)	Speed	TP0000 506	12/1/XX	12/5/XX	Fine/Schg	100.00		85.00
M. Offenses	VTL 1225-c	Cell Phone	TP0000 850	7/15/XX	7/21/XX	Fine/Schg	100.00		85.00
M. Offenses	VTL 306(b)	Uninspected MV	TP0000 727	7/15/XX	7/21/XX	Fine	25.00		85.00

**NOTE:** In this example, in each instance where a surcharge was imposed up to the maximum of \$180.00, the additional \$5.00 town/village fee required by 1809(9) and the additional \$20.00 surcharge required by 1809-e was added, bringing the total to \$255.00.

Where a mandatory surcharge or crime victim assistance fee is imposed pursuant to the provisions of §60.35 of the Penal Law, no mandatory surcharge or crime victim assistance fee shall be imposed pursuant to the Vehicle and Traffic Law (Vehicle and Traffic Law §1809[7]).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
J. Jones	VTL 1180(d)	Speed	TP0000 691	7/15/XX	7/21/XX	Fine	100.00		
J. Jones	VTL 1126(a)	Cross DBL Yellow Ln	TP0000 692	7/15/XX	7/21/XX	Fine	25.00		
J. Jones	VTL 375(2)(a)	Insufficient Tail Lamp	TP0000 693	7/15/XX	7/21/XX	Fine	25.00		
J. Jones	PL 270.00 (2b)(i)	Poss. Fireworks		7/15/XX	7/21/XX	CD/Schg			125.00

### **Vehicle and Traffic Law §§385 and 401 Surcharge**

A town or village justice court is required to levy a \$30.00 surcharge in addition to any sentence or other surcharge required or permitted by law for violations of §385 (dimensions and weights of vehicles) and §401 (registration of motor vehicles) of the Vehicle and Traffic Law when the registrant of the vehicle fails to appear on the original return date and a further mailing of notice for a new return date is required pursuant to either §385 (20-a) or 401 (19-a). The town or village court is required to pay such surcharge to the State Comptroller with the next monthly report, and the Comptroller is required to “credit such money to the account of the town or village which sent the mandatory surcharge.”

This surcharge together with the surcharges required pursuant to §1809 of the Vehicle and Traffic Law (§85.00) should be reported in the “Mandatory Surcharge” column on your monthly report.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
ABC Trucking	VTL 401(1) (a)	No Registration	TP0000 693	7/15/XX	7/21/XX	Fine/Schg	75.00		115.00

### Termination of License Suspension Fee

Fees collected by the court for termination of license suspension pursuant to Vehicle and Traffic Law §503 should be reported to us as “Civil Fees.” You may report these offenses in lump sum or as individual cases referencing Vehicle and Traffic Law §503. If you chose to report individual cases, they must be on a separate line from the original charge.

Chapter 59, Laws of 2009, has increased the termination of suspension fee contained in VTL §503(2) (j-1)(i) from \$35.00 to \$70.00 for failure to answer an appearance ticket or a summons or failure to pay a fine, penalty or mandatory surcharge. In addition, the cap on the aggregate amount of termination of suspension fees that may be imposed by a court (see VTL §503[2][j-1][i]) has been raised from \$200.00 to \$400.00. The increased termination of suspension fee and cap are effective for suspensions issued on or after July 6, 2009.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
F. Frank	VTL 503	Term Lic Susp Fee		1/1/XX	7/28/XX	Fee		70.00	
Lump Sum	VTL 503	Term Lic Susp Fee		1/1/XX	7/31/XX	Fee		700.00	

### Town and Village Ordinances

#### General

The notation TO/VO is the only different procedure from the reporting of other charges. The notation of “V/O” for village ordinance and “T/O” for town ordinance enables our staff to properly audit and distribute funds received for the violation of local ordinances established pursuant to the Vehicle and Traffic Law. In towns containing more than one village, where there is a violation of a village ordinance, the town must identify the village on their report.

### **Local Ordinance Parking**

Local ordinance parking violations should be reported to us. It is not necessary to show each violation line by line; you may report parking in total.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Town Ordinance	T/O Parking	50@20.00		7/7/XX	7/28/XX		1,000.00		
Village Ordinance	T/O Parking	25@20.0		7/7/XX	7/28/XX		500.00		

### **Local Speeding Fines – Limit**

Villages, suburban towns, and towns having a population in excess of 50,000 are authorized to impose maximum speed limits (Vehicle and Traffic Law §§1643, 1644, 1662-a), and are entitled to receive back all fines, fees, and forfeitures collected for violations of the local limits (note that, with respect to villages, only villages with a justice court are entitled to receive these moneys) (Vehicle and Traffic Law §1803[1][a], [b]).

Villages and suburban towns, however, are subject to a maximum recovery of \$5.00 per capita for each year commencing on July 1 (Vehicle and Traffic Law §1803[5]). Amounts in excess of that limit go into the State’s general fund. Towns other than suburban towns are not subject to the \$5.00 per capita limitation (see 1981 Ops St Comp No. 81-227 [issued when per capita limitation was still \$2.00]; 1995 Ops St Comp No. 95-6).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
P. Smith	VTL 1180(d)	T/O Speeding	TP0000 630	7/7/XX	7/28/XX	Fine/Schg	60.00		85.00
J. Jones	VTL 1180(d)	V/O Speeding	TP0000 687	7/7/XX	7/28/XX	Fine/Schg	60.00		85.00

Fines collected for violations of speed limits on bridges imposed pursuant to Vehicle and Traffic Law §1663 should be reported as local ordinance speeding but are not subject to the per capita limitation.

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Harry Stone	VTL (TOB) 1180(d)	(T/O) Speed on Bridge	TP0000 606	7/7/XX	7/28/XX	Fine/Schg	60.00		85.00

It should be noted that when you report the disposition of a violation of Vehicle and Traffic Law §1180(c) or (d) as a local ordinance, you are certifying that the violation occurred at a time when and in a location where the local ordinance was in effect.

### Violations of Village Ordinances and Local Laws – No Village Justice Court

When a village justice court does not exist, then violations of village ordinances and local laws are brought before the town justice court (see Village Law §3-301[2][a]; Uniform Justice Court Act §2101[i][1], [2]). In those circumstances the question of whether fines and penalties recovered for such violations are paid to the town or village is determined by the following general principles:

(a) General rule. “Except as otherwise provided by law, all fines and penalties imposed for the violation of a village local law, ordinance or regulation shall be the property of the village, whether or not the village has established the office of village justice.” (Village Law §4-411; see also UJCA §2021[1]).

(b) Violations under the Vehicle and Traffic Law. Speeding fines for violations of village speed limits adopted under the Vehicle and Traffic Law are payable to the town (see Vehicle and Traffic Law §1803[1][a], [b]). Parking fines and penalties for violations of village parking regulations are payable to the village (see Vehicle and Traffic Law §1803[1][b]).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Jane Smith	VTL 1180(d)	V/O Speeding	TP0000 720	7/7/XX	7/28/XX	Fine/Schg	60.00		85.00
M. Behive	V/O Parking	Village of _____ Parking		7/7/XX	7/28/XX	Fine	25.00		

Violation of Vehicle and Traffic Law §306 (no inspection) and §402 (no plates) which occurs while a vehicle is parked on the public highways of this State shall constitute a parking violation (Vehicle and Traffic Law §§306[b], 402[6]).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
XYZ123	VTL 306(b)	No Inspection Parked	TP0000 720	7/7/XX	7/28/XX	Fine	50.00		

**NOTE:** These violations may be recorded in “lump sum” local parking.

### Unidentified Money

In the transition from one judge to another there is often money which can not be connected to any matter currently pending before the court. This is called “unidentified money.” Unidentified money in a town or village justice’s bank account should be reported and paid to us as such, and will be retained by us until a legitimate claim is made against these funds (1982 Ops St Comp No. 82-75).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Unidentified Money				7/1/XX	7/31/XX		300.00		

### Youthful Offenders

When a defendant is adjudged to be a youthful offender (Criminal Procedure Law §720.20), the following guidelines are to be followed when reporting to us:

- a)The defendant is not to be named nor his address revealed (Criminal Procedure Law §720.35[2]). The case should simply be posted as “youthful offender.”
- b)The original charge should be reported as well as the charge for which the defendant is actually tried and convicted prior to the youthful offender finding. This will enable us to determine the distribution of fine moneys, if any, and the payment of fees for court services pursuant to General Municipal Law §99-1 ( 1978 Ops St Comp No. 78-484, unreported).

When your court acts upon a felony complaint against a youth eligible to be a youthful offender, you should designate the defendant as “possible youthful offender” in Column 1 to preserve confidentiality of proceedings and should state the felony charge(s) in Columns 2 and 3 to entitle your locality to receive the \$10.00 fee provided in General Municipal Law §99-1(1)(c).

Name (1)	Statute & Section (2)	Offense (3)	TSLED No. (4)	Arrest Date (5)	Disposition Date (6)	Disposition Sentence or Other (7)	Fines, Forf. Bail and Civil Pen (8)	Civil Fees (9)	Mandatory Surcharges (10)
Youthful Offender	PL 145.05	Criml Mischief 3rd		7/7/XX	7/28/XX	Reduced to			
Youthful Offender	PL 145.00	Criml Mischief 4th		7/7/XX	7/28/XX	Fine	100.00		205.00

# Paper Filing Procedures

## When to Report

Reports are due by the 10th of the month for every month that you hold office. Reports that are received after the 10th of the month are considered late even if they are mailed on or before the 10th of the month. A report should be filed for each month during which you hold office whether or not any cases were heard. Even if you hold office for only part of a month, a report is due for the entire month. When there is no activity for a particular month, simply 'X' the "No Activity to Report" box located on the top right hand side of the AC-1030 report form.

## What to Report

Only closed cases should be reported to us, except when fines are paid in installments. If the court receives a partial payment, be sure to 'X' the "P" box located under the "Fines, Forfeited Bail, & Civil Penalties" heading. An illustration of how to fill out the AC-1030 report is presented on the back of the form and selected examples are presented at the end of this section.

You must report all parking violations where money has been collected. It is not necessary to show each violation line by line; you may aggregate the parking fines collected and report the parking fines in total. Additional instructions for reporting parking follow.

## When Filing Your Report:

- Use black or blue ink only
- Only original AC-1030 forms supplied by our office are acceptable (Photocopies of the AC-1030 reports will be returned to you for resubmission on an original form during which time your report will be considered delinquent if not received by the 10th of the month)
- Print clearly within the boxes in uppercase letters
- Do not staple report pages
- The heading section of the first page must be filled out completely
  - On subsequent pages, the following information should be filled out: Justice ID, Justice Name, Name of Town or Village, Page XX of XX, Report Period, and Report Amount
- Complete each of the columns in the body of the report. Please enter as follows:
  - Name of the defendant, enter Youthful Offender or Sealed if appropriate
  - Docket number of the case
  - Date of arrest



- Statute, section and subdivision that the defendant is accused of violating. Please use the abbreviations provided on pages 18-19. It is very important that you indicate the correct statute and section of law for each case reported. The distribution of funds remitted to us is based on current statute. An incorrect citation of those statutes on your reports may result in a loss of revenue to your municipality.
- Brief description of the offense
- Check the felony box if applicable
- Enter the Traffic Safety, Law Enforcement and Disposition number (TSLED)
- Date of judgment (disposition) or the date when cases were otherwise closed
- Fill in the ordinance and disposition sentence codes, if applicable (see the back of the AC-1030 report for a key to the codes). Enter AMD if the disposition was amended to a lesser charge and provide the amended statute and section and brief description of the offence on the line below the original charge.
- Enter the fines, penalties, and forfeitures that relate to each disposition (leave blank if no money is reported for the case)
- Enter the civil fees that relate to each disposition
- Enter the mandatory surcharges that relate to each disposition
- The entire Totals section at the bottom of the report must be completed for every page; for multiple pages, carry over the totals from the prior page.
- The last page of the AC-1030 report must be signed by the Justice (see Certification section on the following page for additional information).
- Each justice should write a check made payable to the New York State Comptroller for the total amount being reported. This check should be drawn on the justice's individual court bank account for the amount of the fines, penalties, fees, forfeitures and surcharges collected by the court for all of the cases reported and mail the certified monthly AC-1030 report along with the check to the address that appears at the bottom of the report. Do not staple the check to the report.

## Parking

- Complete each of the columns in the body of the AC-1030 report. Please enter as follows:
  - Number of parking tickets if you are reporting amount collected as a lump sum
  - Statute, section and subdivision of the parking violation. It is very important that you indicate the correct statute and section of law for each case reported. All funds remitted to us are distributed based upon the statute of conviction. An incorrect citation of those statutes on your reports may result in a loss of revenue to your municipality.
  - Brief description of the offense
  - Enter the ticket number, if applicable
  - Enter the fine, penalties, fees, forfeitures and surcharges.

## Report Certification

The last page of the report must contain an original signature of the Justice, or signed by the Clerk-Treasurer for parking only. Certification by any other person is not acceptable, except in the case of death or incapacitation of a justice. In those circumstances, the report must be certified by the town or village chief fiscal officer and an explanation of the circumstances should accompany the report.

Send monthly paper reports and checks, including reports of no activity, to:

**Office of the State Comptroller  
Justice Court Fund  
P.O. Box 22110  
Albany, NY 12201-2110**

**Please remember additional forms and envelopes may be obtained by calling, writing, or emailing us. Reports filed that are photocopied or do not use the official AC-1030 report will be returned to the court for resubmission, during which time the filing will be considered delinquent.**

The distribution of funds to the town or village for those courts who file a paper report is made on a quarterly basis, approximately six weeks following the quarter close (e.g., funds are distributed in mid-May for the quarter ended March 31st).

As an alternative to filing a paper report, we encourage you to take advantage of the benefits of electronic filing and the Invoice Billing Program (IBP). The primary benefits that both the court and your municipality will receive when choosing to electronically file are:

- Improved cash flow for your town or village by allowing your court to send the court receipts directly to your CFO each month
- Receipt of a monthly distribution summary of the justice's cases and fines that you can review for accuracy (see example on page 67)
- Increased reporting accuracy because the potential for human error has been eliminated in the preparation of the monthly report
- More efficient access to reports since they can be easily retrieved on your computer, and
- Timelier filing of your report since the electronic report will be received immediately, and is not dependent on the mail delivery schedule.

For more information on how you can electronically file your monthly report, see the chapter on Electronic Filing.

## Selected Examples

In this section we provide selected examples on how to report to the JCF. For additional scenarios, please refer to “How to Record Court Actions and Dispositions: Selected Examples (pgs 26-53).

### No Activity

A report should be filed for each month during which you hold office whether or not any cases were heard. Even if you hold office for only part of a month, a report is due for the entire month. When there is no activity for a particular month, simply indicate “No Activity to Report” on the AC-1030 report form by placing a ‘X’ in the “No Activity to Report” box located on the top right hand side of the AC-1030 report form.

AC1030 Rev 07/2008

**Monthly Justice Report to the New York State Comptroller**

Please PRINT in Black or Blue ink. Print within boxes as shown in RED (one UPPERCASE character per box). Please see the reverse side of this form for further instructions and detailed legends. Please do NOT staple reports.

0 1 3 1 2 3 4 0 0 1 D Town Justice  Village Justice  Page 0 1 of 0 1

J O H N D O E

H O M E D A L E

1 2 T O L L S T H O M E D A L E N Y

5 1 8 2 1 2 4 5 6 7 5 1 8 2 1 2 9 9 9 0 1 2 3 4 6 6 7 8 9

Report Period 1 2 X X

Report Amount: \$ . .

No Activity to Report

Defendant Name / Title of Action		Arrest Date	Statute - Section	Offense Description	Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
TSLED Number		Disposition Date	Statute - Section	Offense Description						
LAST NAME	FIRST NAME	MMDDYY	-ORIGINAL		<input checked="" type="checkbox"/>			Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>	
		MMDDYY	-AMENDED		<input checked="" type="checkbox"/>			\$ . .	\$ . .	\$ . .

Please remember to indicate Month and Year on the AC-1030 and to sign and date the bottom of the report. When filing a No Activity Report, it is not necessary to fill out the Report Amount.

### Amended Cases

When reporting reductions, please report the original charge using the Disposition Sentence Code “AMD” (see pg 15 for codes and indicators) as well as the final charge and disposition in the space below the amended charge. Please remember to use the proper Disposition Sentence Code (e.g., FSC, FIN, etc). This will insure the proper distribution of moneys to your locality.

Defendant Name/Title of Action		Arrest Date	Statute - Section	Offense Description	Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
TSLED Number		Disposition Date	Statute - Section	Offense Description						
S M I T H	B E T T Y	0 8 1 5 X X	V T L - 1 1 8 0 F	S P / W O R K Z			A M D	Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>	
T P 0 0 0 0 7 2 0		0 9 0 7 X X	V T L - 1 1 8 0 B	S P / O V R 5 5			F S C	\$ 1 0 0 . 0 0	\$ . .	\$ 8 5 . 0 0

### Bail Fees (Poundage)

All fees on bail shall be reported to the JCF upon final disposition of the case if not considered “terminated in favor of the accused” as defined under Criminal Procedure Law §160.50(3) (see How to Record Court Actions and Dispositions: Selected Examples pg 27 for further explanation).

Bail fees collected by the court should be reported using the Disposition Sentence Code “FEE” and the associated money under “Civil Fees” using “Fee Type: 1” in the Fee Type Box.

Defendant Name/Title of Action				Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description			
TSLED Number	Disposition Date	Statute - Section	Offense Description	Disposition Sentence Code		
DOE JANE				Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: 1	
070300736	0718XX	PL - 155.25	PET LAR		\$ 15.00	
	1222XX					

## Civil Fees

Fees collected by the court in civil matters pursuant to the UJCA, §1911 should be reported using the Disposition Sentence Code “FEE” and the associated money under “Civil Fees” (no fee type indicator is necessary in the Fee Type Box).

Defendant Name/Title of Action				Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description			
TSLED Number	Disposition Date	Statute - Section	Offense Description	Disposition Sentence Code		
SMITH VS JONES				Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type:	
090500004			SM CLAIM		\$ 15.00	

## Dismissed Cases

All incidences which are handled by the court should be reported, even if the matter is dismissed. Your municipality may be entitled to a fee even if the case is dismissed. Generally, where a case is dismissed it must be sealed (Criminal Procedure Law §160.50). When there are multiple charges and all have been dismissed, the records must also be sealed. When cases are sealed, report to the JCF without the name of the defendant and reference CPL §160.50 in the name field and use the Disposition Sentence Code” “DIS”.

Defendant Name/Title of Action				Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description			
TSLED Number	Disposition Date	Statute - Section	Offense Description	Disposition Sentence Code		
SEALED CPL 160.50				Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type:	
	0115XX	PL - 240.30	AGGHAR2			
	0720XX					

When there are multiple charges and not all are dismissed, you must report all of the information to the JCF, including the defendant’s name. This is not considered sealed for our purposes (Criminal Procedure Law §160.55). Remember to use the Disposition Sentence Code “DIS” for the dismissed charges and “FSC” or “FIN” for convictions.

Defendant Name/Title of Action				Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description			
TSLED Number	Disposition Date	Statute - Section	Offense Description	Disposition Sentence Code		
JONES JOHN				Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type:	
070300737	0621XX	VTL - 375.2A4	LIGHT PL			
TP0000724	1222XX					

Defendant Name/Title of Action					Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description	Disposition Sentence Code			
TSLED Number	Disposition Date	Statute - Section	Offense Description	Felony	Ordinance		
JONES JOHN						Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>
070300735	0621XX	VTL-1180D	SPD70/45		FSC	\$ 50.00	\$ 85.00
TP0000725	1222XX						

## Adjournments in Contemplation of Dismissal

If a case is Adjourned in Contemplation of Dismissal pursuant to §170.55 of the Criminal Procedure Law, it is not to be reported as “dismissed” until six months or, in the case of certain family offense matters, one year has elapsed following such adjournment. Your report will then include the case disposition as “170.55 DISMISSED.” Because these cases are dismissed when reported, they must be sealed.

*Report the incident only after it is dismissed, not when it is first adjourned.*

Marijuana cases Adjourned in Contemplation of Dismissal pursuant to §170.56 of the Criminal Procedure Law are not to be reported until the period of adjournment prescribed by the court (not to exceed one year) has elapsed. Your report will then include the case disposition as “170.56 DISMISSED.”

Defendant Name/Title of Action					Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description	Disposition Sentence Code			
TSLED Number	Disposition Date	Statute - Section	Offense Description	Felony	Ordinance		
SEALED CPL 160.50						Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>
	0115XX	PL-240.30	AGGHAR2		DIS		
	0720XX						

## Environmental Conservation Cases

The court fee for many civil cases enumerated in the Environmental Conservation Law remains at \$2.50 and must be reported and remitted to the JCF (see Environmental Conservation Law §71-0519[4]).

Please remember to use the Disposition Sentence Code “OTH” to indicate the disposition was a civil compromise and the \$2.50 fee should be reported in the “civil fees” column. They should not be reported in the “mandatory surcharge” column. (see How to Record Court Actions and Dispositions: Selected Examples pg 42 for further explanation).

Defendant Name/Title of Action					Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description	Disposition Sentence Code			
TSLED Number	Disposition Date	Statute - Section	Offense Description	Felony	Ordinance		
DOE JACK						Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>
070300733	0616XX	ECL-1109312	LDFRMMV		OTH	\$ 60.00	\$ 2.50
	1222XX						

## Felony Cases

When reporting cases involving felony charges, please report the specific action taken by your court so it can be determined if a fee is payable to your court. Place a ‘X’ in the Felony box if the matter is being transferred to county court using the Disposition Sentence Code “FTC.”

Defendant Name/Title of Action				Statute - Section			Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section		Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties		Civil Fees	Mandatory Surcharge		
TSLED Number	Disposition Date	Statute - Section		Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties		Civil Fees	Mandatory Surcharge		
BAUER	JACK									Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>			
0904100212	0525XX	PL	14505	CRIM	MIS	X		FTC		\$	\$	\$		

## Installment Payments

If a defendant makes partial payments of a fine or surcharge imposed by the court, the partial payments should be reported in the month collected, and each payment should be identified as a partial payment by placing a 'X' in the Payment Type P.

The final payment of a fine or surcharge paid in installments should also be noted by placing a 'X' in the Payment Type F. This will allow appropriate fees to be credited to your municipality.

Defendant Name/Title of Action				Statute - Section			Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section		Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties		Civil Fees	Mandatory Surcharge		
TSLED Number	Disposition Date	Statute - Section		Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties		Civil Fees	Mandatory Surcharge		
SMITH	MIKE									Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>			
074542548	0212XX	VTL	1110A	TRF	CO	D		FSC		\$	\$	\$ 85.00		
TP0000725														

Defendant Name/Title of Action				Statute - Section			Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section		Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties		Civil Fees	Mandatory Surcharge		
TSLED Number	Disposition Date	Statute - Section		Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties		Civil Fees	Mandatory Surcharge		
SMITH	MIKE									Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>			
074542548	0212XX	VTL	1110A	TRF	CO	D		FSC		\$	\$	\$ 50.00		
TP0000725	0618XX													

## Local Ordinance Parking

Local ordinance parking violations should be reported to us. It is not necessary to show each violation line by line; you may report parking in total. Please place a 'T' for town ordinance or a 'V' for village ordinance in the Ordinance Box.

Defendant Name/Title of Action				Statute - Section			Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section		Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties		Civil Fees	Mandatory Surcharge		
TSLED Number	Disposition Date	Statute - Section		Offense Description		Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties		Civil Fees	Mandatory Surcharge		
PARKING										Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>			
	0601XX			440	TIC		V	FSC		\$	\$	\$ 800.00		
	0630XX											\$ 120.00		

## Local Speeding Fines

Villages, suburban towns, and towns having a population in excess of 50,000 are authorized to impose maximum speed limits (Vehicle and Traffic Law §§1643, 1644, 1662-a) and, generally, are entitled to receive back all fines, fees, and forfeitures collected for violations of the local limits (note that, with respect to villages, only villages with a justice court are entitled to receive these moneys) (Vehicle and Traffic Law §1803[1][a], [b]).

Villages and suburban towns, however, are subject to a maximum recovery of \$5.00 per capita for each year commencing on July 1 (Vehicle and Traffic Law §1803[5]). Amounts in excess of that limit go into the State’s general fund. Towns other than suburban towns are not subject to the \$5.00 per capita limitation (see 1981 Ops St Comp No. 81-227 [issued when per capita limitation was still \$2.00]; 1995 Ops St Comp No. 95-6).

Please place a ‘T’ for town ordinance or a ‘V’ for village ordinance in the Ordinance Box when reporting local ordinance speeding.

Defendant Name/Title of Action					Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description	Offense Description						
TSLED Number	Disposition Date	Statute - Section	Offense Description	Offense Description						
GIBBS LEROY J								Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>	
090410213	0519XX	VTL - 1180 D	SPD50/30	T FSC				\$ 100.00	\$ .00	\$ 85.00
TP0000451	0617XX									

### Termination of License Suspension Fee

Fees collected by the court for termination of license suspension pursuant to Vehicle and Traffic Law §503 should be reported to us as “Civil Fees” using the Disposition Sentence Code “FEE” and Fee Type ‘4.’ You may report these offenses in lump sum or as individual cases referencing Vehicle and Traffic Law §503. If you chose to report individual cases, they must be on a separate line from the original charge.

Chapter 59, Laws of 2009, has increased the termination of suspension fee contained in VTL §503(2) (j-1)(i) from \$35.00 to \$70.00 for failure to answer an appearance ticket or a summons or failure to pay a fine, penalty or mandatory surcharge. In addition, the cap on the aggregate amount of termination of suspension fees that may be imposed by a court (see VTL §503[2][j-1][i]) has been raised from \$200.00 to \$400.00. The increased termination of suspension fee and cap are effective for suspensions issued on or after July 6, 2009.

Defendant Name/Title of Action					Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description	Offense Description						
TSLED Number	Disposition Date	Statute - Section	Offense Description	Offense Description						
DOE JOHN								Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input type="checkbox"/>	
070300733	0616XX	VTL - 1229	SEATBELT	FSC				\$ 50.00	\$ .00	\$ 85.00
TP0000722	1222XX									

Defendant Name/Title of Action					Felony	Ordinance	Disposition Sentence Code	Fines, Forfeited Bail, & Civil Penalties	Civil Fees	Mandatory Surcharge
Docket Number	Arrest Date	Statute - Section	Offense Description	Offense Description						
TSLED Number	Disposition Date	Statute - Section	Offense Description	Offense Description						
DOE JOHN								Payment Type: P <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/>	Fee Type: <input checked="" type="checkbox"/> 4	
070300733	0616XX	VTL - 503	SUS FEE	FEE				\$ .00	\$ 70.00	\$ .00
TP0000722	1222XX									



# Distribution of Funds

Much of this handbook is devoted to describing how justices and court clerks can prepare accurate monthly reports to the Office of the State Comptroller.

What does the JCF do with the monthly justice reports? We review them to determine the share of funds collected and fees earned to be distributed to the State, counties, towns, and villages.

**There isn't a simple formula to determine how court receipts are to be distributed.** Generally, unless otherwise provided by law, a fine imposed by a town or village court for a violation that occurs within the town or village shall be the property of such town or village (Uniform Justice Court Act §2021[1]). Towns and villages, with some exceptions, receive the fines collected for violations of town and village ordinances, the Penal Law, the Alcoholic Beverage Control Law, the Parks, Recreation and Historic Preservation Law, the Navigation Law and the Public Health Law. They also receive the fines collected for violations of certain provisions of the Vehicle and Traffic Law, the Agriculture and Markets Law and regulations of the Executive Department relating to state parks and parkways.

However, there are several exceptions to this general principle, thereby resulting in a more complicated distribution scheme. Several statutes, including the Vehicle and Traffic Law, Penal Law and Environmental Conservation Law, have provisions that require certain fines, penalties, fees and surcharges to be distributed to the State. For example, while the fines collected for violation of many of the provisions of the Vehicle and Traffic Law (VTL) are required to be distributed to the town or village, fines collected for violation of other VTL provisions, such as those related to equipment, inspections, dimensions and weights, license, registration, insurance, state speeding, reckless driving and speed contests, are required to be distributed to the State. The revenue distribution for speeding, in particular, is further complicated by the location where the violation occurred: on a state-regulated road, on a state parkway, within a state park or within a speed zone legally established by the town or village. The State is entitled to receive the fines collected if the speeding violation occurs on a state-regulated road. Towns and villages, on the other hand, are entitled to receive the fines collected from speeding violations that occur either on a state parkway or within a state park. Towns and villages also are entitled to receive the fines collected from speeding violations that occur within a town or village speed zone up to a \$5.00 per capita for each year commencing on July 1; fines collected in excess of the annual cap are required to be distributed to the State. (See page 50)

Another exception within the VTL relates to fines collected for certain violations relating to driving while intoxicated. In counties that have established a special traffic options program for driving while intoxicated, these fines are required to be distributed to the county in which the violation occurred. And, occasionally, statutes direct that the fine revenue be divided between the local government and the State. For example, violations of VTL, Article 47 (relating to registration of snowmobiles) are split 50 percent to the town or village and 50 percent to the State.

There are several other statutes that provide that the fines, fees and surcharges collected be distributed to the State. The fines collected for violation of the provisions of the Environmental Conservation Law are required to be distributed to the State, as are the surcharges collected on certain violations of



the VTL, Penal Law and Parks, Recreation and Historic Preservation Law. Some statutory provisions require the imposition of various fees, in certain cases, in addition to any fine and/or surcharge that may be required to be imposed. For example, crime victim assistance fees, DNA databank fees and/or sex offender registration fees are collected for certain violations of the VTL and Penal Law. These fees are required to be distributed to the State and, generally, are required to be used to support specific programs (See Appendix 11).

Distribution frequency depends upon the method of reporting used. Courts that file electronically and participate in the Invoice Billing Program remit all court funds to the CFO of the town or village monthly. Based on an invoice billing statement from the JCF, the town or village retains its share and remits to us the State and county share for subsequent distribution. As of January 2010, over 1,100 courts were filing electronically allowing close to 90 percent of the local share of court revenue to be received by the towns and villages directly from their justices rather than waiting for the JCF quarterly distribution.

For courts not participating in the Invoice Billing Program, the distribution of funds to the State, counties, towns, and villages are made quarterly. For more information on how electronic filing can improve cash flow in your jurisdiction, see the chapter on Electronic Filing.

Listed on the next pages are the codes we use for the distribution of fines, penalties, forfeitures, fees, and surcharges collected by the court and fees earned by the court for the most commonly reported incidents. If you have questions related to the distribution of funds collected for violation of statutes/sections not listed, please contact our office at (518) 473-6438.

## Distribution Codes

Code	Description	Fines Paid to:	Fees Paid to:	Fee Amount:	Notes:
AA	Town/Village Speeding Ordinance pursuant to VTL §§1662-a, 1643, 1644 (Subject to \$5/capita limit)	Town/Village		\$ -	
AB	Vehicle and Traffic Law §§1100-1299 (excludes 1180, code AA, 1182, 1192, and 1212); and all V&T State Parks & Parkway	Town/Village		\$ -	
AD	Town/Village Parking Ordinances, includes VTL §§306 & 402 when parked	Town/Village		\$ -	
AH	Penal Law - All	Town/Village		\$ -	
AI	General Municipal Law - Section 99-1 - Felony Matters		Town/Village	\$ 10.00	County pays
AJ	Uniform Justice - Uniform Justice Court Act Art. 18, §1911 (Civil Matters/Small Claims); Civil Practice Law and Rules §8020(Certificate of Disposition); General Municipal Law §85 (Dishonored Check Service Charge).		Town/Village	\$ -	
BJ	Alcoholic Beverage Control Law, Parks, Recreation & Historic Preservation Law, Navigation Law (excluding §§40-79), Public Health Law (excluding Art. 34 & 35); Town & Village Ordinances (not covered by codes AA and AD)	Town/Village		\$ -	
BT	General Municipal Law - Bail Poundage (Town, Village); see BU	Town/Village		\$ -	2% of bail total - town/village, 1% bail total - county
BY	Agriculture and Markets Law, Local Laws - Dog Control (Civil Penalty) - Article 7 T&V Ordinances	Town/Village		\$ -	
BZ	Agriculture and Markets Law, Local Laws - Dog Control (Criminal Charge) - Article 7 T&V Ordinances	Town/Village		\$ -	
CC	General Municipal Law - License Revocations Fees - Section 99-1		Town/Village	\$ 15.00	
CP	General Municipal Law - Photocopies - Section 99-1		Town/Village	\$ 0.25	Copies made for electronic tickets are not allowed
CQ	Vehicle and Traffic Law - §§385 & 401 Surcharge (Failure to appear, new return date)	Town/Village		\$ -	\$30 statutory amount to charge
CZ	Vehicle and Traffic Law Title XI - Snowmobile registrations - Article 47; see CY	Town/Village		\$ -	50-50 split with NYS
EN	Environmental Conservation Law Surcharge	Town/Village		\$ 10.00	
EP	Environmental Conservation Law Surcharge	Town/Village		\$ 25.00	
FA	Vehicle and Traffic Law §1809-b - Handicapped Parking Surcharge; see FB	Town/Village		\$ -	\$30 surcharge, 50-50 split with county
FO	Vehicle and Traffic Law - §1225-c, Hand-held cell phones	Town/Village		\$ -	
AV	Town hearing village case, no village court - Village Ordinances- Speeding. VTL pursuant to §§1643 & 1644 paid to town	Town		\$ -	
DS	Village hearing town case. Town Ordinances	Town		\$ -	
AR	Town hearing village case. Most Village Ordinances	Village		\$ -	
AW	Town hearing village case, village has court - Village Ordinances - Speeding. VTL pursuant to §§1643 & 1644 paid to village	Village		\$ -	
CR	Town hearing village case - Village Ordinance - Dog Control	Village		\$ -	
DR	Town hearing village case - Village Ordinance - Parking	Village		\$ -	
FC	Vehicle and Traffic Law 1809-b - Handicapped Parking Surcharge - Town hearing village case; see FB	Village		\$ -	\$30 surcharge, 50-50 split with county

## Distribution Codes

Code	Description	Fines Paid to:	Fees Paid to:	Fee Amount:	Notes:
AC	Vehicle & Traffic Law (excludes codes AA, AB, and AD); NYS Thruway Rules & Regs; Tax Law; Public Authorities Law §2985; Ag. & Markets (excludes §§106-126 & 181); Transportation Law(excludes Title 49, §§14f, 140(2), 40 & 300-399)	State	Town/Village	\$ 15.00	
AE	Unidentifiable Moneys	State		\$ -	
AK	Environmental Conservation Law - Civil Fish & Wildlife	State	Town/Village	\$ 2.50	
AL	Environmental Conservation Law - Criminal Fish & Wildlife	State	Town/Village	\$ 15.00	
AM	Environmental Conservation Law - Civil	State	Town/Village	\$ 2.50	
AN	Environmental Conservation Law - Criminal	State	Town/Village	\$ 15.00	
AT	Environmental Conservation Law - Civil Marine Resources	State	Town/Village	\$ 2.50	
AU	Environmental Conservation Law - Criminal Marine Resources	State	Town/Village	\$ 15.00	
AZ	Transportation Law Title 49 and §§14f, 140(2), 40, and 300-399	State	Town/Village	\$ 15.00	
BB	Worker's Compensation Law	State	Town/Village	\$ 15.00	
BW	Navigation Law Art. 4 Section §§40-79	State	Town/Village	\$ 15.00	
CA	Penal Law Surcharge	State		\$ -	
CB	Vehicle and Traffic Surcharge §1809	State		\$ -	
CE	Crime Victim Assistance Fee (criminal) - Misdemeanors and felonies	State		\$ -	
CF	Speeding Fines in Excess of Statutory Limit §1803(1)(a), (b)	State		\$ -	
CU	Parks and Recreation Law Surcharge	State		\$ -	
CW	Navigation Law Art. 4 §44	State	Town/Village	\$ 15.00	
CY	Vehicle and Traffic Law -Snowmobile registrations -Title XI - Article 47; see CZ	State		\$ -	50-50 split with NYS
ES	Environmental Conservation Law Surcharge	State		\$ -	
FD	Sex Offender Registration Fee §168	State		\$ -	
FE	DNA Databank Fee - Executive Law §995	State		\$ -	
FF	Termination Suspension Fee VTL §503	State		\$ -	
FH	Sex Offender Victim Fee Penal Law §130	State		\$ -	
FL	Termination Suspension Fee VTL §503 (2) (j-1) (i)	State		\$ -	
FS	VTL Crime Victim Fee §1809	State		\$ -	
FT	DWI Special Surcharge VTL §1809	State		\$ -	
MS	Vehicle and Traffic Surcharge §1809-e	State			
WZ	Work zone Surcharge VTL §1809-d	State		\$ -	

## Distribution Codes

<b>Code</b>	<b>Description</b>	<b>Fines Paid to:</b>	<b>Fees Paid to:</b>	<b>Fee Amount:</b>	<b>Notes:</b>
BA	Agriculture and Markets Law, Article 16, Weights and Measures	County		\$ -	
BU	General Municipal Law - Bail Poundage (County); see BT	County		\$ -	2% of bail total - town/village, 1% bail total - county
DZ	Vehicle and Traffic Law DWAI/DWI §1192; Aggravated Unlicensed Operation §§511(2)(a)(ii), 511(2)(a)(iii), 511(3)(i)	County		\$ -	
EZ	Vehicle and Traffic Law §1194-A(2) - Zero Tolerance	County			
FB	Vehicle and Traffic Law §1809-b - Handicapped Parking Surcharge; see FA or FC	County	Town/Village	\$ -	\$30 surcharge, 50-50 split with town/village

Justices who electronically file their monthly report and participate in the Invoice Billing Program (IBP) will receive a monthly IBP Distribution Summary for their review. Below is a sample IBP Distribution Summary which includes explanatory notations of the information provided. If you have questions related to the distribution summary, please contact our office at (518) 473-6438.

## Sample IBP Distribution Summary



**OFFICE OF THE STATE COMPTROLLER**  
**Thomas P. DiNapoli, Comptroller**

**JUSTICE COURT FUND**  
**110 STATE STREET**  
**ALBANY, NY 12236**

Jack Frey – Justice  
 Town of Wheat  
 10 Opal Street  
 Fort Sam, NY 55120

January 20, 20XX

For your information, shown below is the “Distribution Summary” of all reports received by us from the Town Court for the month of December 20XX.

**COURT RECEIPTS**

<b><u>Justice</u></b>	<b><u>Report Month/Seq</u></b>	<b><u>Amount</u></b>
Jack Frey	December 20XX/01	\$10,818.00
Sid Lee	December 20XX/01	\$21,272.15

Amount of Each Justice's Monthly Report

# of Cases heard

Total Court Receipts

\$32,090.15

Grand total of all revenue collected by the court for the month

DISTRIBUTION SUMMARY <sup>1</sup>						
Code	Trans	State	County	Town	Other	Amount
AB	135			7457.15		7457.15
AC	129	3835.00		1935.00		5,770.00
AD	1			3,015.00		3,015.00
AH	10			250.00		250.00
AI	3		30.00-	30.00		
AJ	26			473.00		473.00
AR	9				3,100.00 <sup>2</sup>	3,100.00
BJ	1					
BT	2			10.00		10.00
BU			5.00			5.00
CA		485.00				485.00
CB		5420.00				5420.00
CE		85.00				85.00
DR	1				1,985.00 <sup>2</sup>	1,985.00
DZ	7		600.00			600.00
FF	4	175.00				175.00
FO	9			600.00		600.00
FS		550.00				550.00
FT		50.00				50.00
MS		2,060.00				2060.00
REFUNDS PAID BY JCF						
AC		500.00-			500.00 <sup>3</sup>	
<b>TOTALS</b>		<b>12160.00</b>	<b>575.00</b>	<b>13770.15</b>	<b>5585.00</b>	<b>32,090.15</b>

Explanation of distribution codes can be found on pg. 64

<sup>1</sup> For an explanation of description codes, see the Comptrollers Handbook for Town and Village Justices.

<sup>2</sup> Village cases heard in the town court.

<sup>3</sup> Refunds paid by JCF included in the billing amount due the State/County.

Refund and Adjustments entries will show up as a separate transaction

Village cases heard by the Town court on certain convictions the revenue belongs to the Village

# Refunds and Adjustments

(Previously Pages 68-73)

Please contact the Justice Court Fund

Phone: (866) 321-8503 option 2  
(518) 486-3137

Email: [courtfund@osc.ny.gov](mailto:courtfund@osc.ny.gov)

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# Your Fiscal Responsibilities

A town or village justice is responsible for moneys received by the justice court. For obvious reasons, therefore, fines, fees, and other moneys payable to a town or village justice court must be received by a justice or by personnel under his/her supervision and control, and may not be collected by other municipal personnel (see Ops St Comp No. 83-174).

## Accounting Process and Records

Unlike other municipal operations, town and village justices do not account for financial transactions on a fiscal year basis, and are not required to complete annual financial statements. However, town and village justices are required to account for cash receipts and disbursements from month to month, and reconcile their cash books and bank balances as of the end of each month. Each month, court personnel should compare information from their accounting records with the information shown on their bank account statements. As of the end of each month, court personnel should reconcile all bank accounts and perform a cash book reconciliation (i.e., compare reconciled [adjusted] bank balances with cash book totals).

To account for court moneys, justices may use either manually prepared cash book accounting records or computerized accounting software programs that meet the recordkeeping requirements of the Office of Court Administration (OCA). Included in the appendices is the Unified Court System's Records Retention and Disposition Schedule for Fiscal Records, which was revised April 2005 (see Appendix 12). This schedule will provide guidance on the length of time fiscal records need to be maintained. Please note that due to the requirements of the State Comptroller's Office, town and village courts are required to retain some of their records for a different period of time than other courts/agencies. In addition, towns and villages may need the approval of the State Comptroller's Office prior to destruction of their records. Regardless of the type of records maintained, the process of accounting for receipts and disbursements is essentially the same. To begin the process, you must first contact OCA's Office of Records Management at (212) 428-2875. There is also information available on their website at: [www.nycourts.gov/admin/recordsmanagement](http://www.nycourts.gov/admin/recordsmanagement).

## Receipts

Justices are required to issue acceptable receipt forms to acknowledge collection of all moneys paid to the court (see, General Municipal Law §99-b). These receipt forms should be pre-numbered and in at least duplicate form. When acquiring pre-printed forms from vendors, justices should keep an inventory record of the receipt numbers acquired, and account for those forms utilized and remaining on hand. The forms should be issued in consecutive numerical sequence and a copy should be retained as evidence of collection. Receipt forms produced from computerized accounting software programs, cash registers, and other mechanical or electronic devices should also be issued in consecutive numerical sequence and a hard copy should be retained as evidence of collection. Please note that if receipts are generated from a computerized system, the software controls must prevent the alteration of receipt numbers. If numbers can be altered then pre-numbered receipts should be used instead.

Pre-printed receipt forms should contain sufficient information to identify the court, the categories of the transaction, the method of payment (currency, check, money order), and other information needed to properly categorize and account for the moneys collected.

The following is an example of an acceptable receipt form that provides sufficient information to accurately identify the category and type of collection:

## RECEIPT

		No. 0064	
JUSTICE COURT 123 Main Street Hometown, NY 12801		January 5, 20XX <hr/> Date	
Received From		Jane Doe	
		Dollars	
Purpose	Speeding 40/30 TP0112562		
Fine	100.00		
Civil Fee		Currency	X
Surcharge	85.00	Check	
Bail		Money Ord.	
Other		Credit Card	
<b>TOTAL</b>	<b>185.00</b>	<b>Lady Justice</b>	
		Justice Court Personnel	

Prompt and accurate recording of receipts is an essential process needed to properly account for court moneys. Each receipt should be recorded in the cash receipts section of the cash book or accounting system promptly upon issuance to acknowledge collection. Ideally, depending on the type of cash book or accounting system utilized, receipts could be recorded simultaneously as they are issued.

Shown on the next page is a sample of a cash receipt book that is manually prepared. This sample identifies the various categories of collection anticipated in any town or village court and the related bank deposits made from the moneys received. The format also provides a proper accounting of moneys received and deposited to help court personnel reconcile their cash books to bank balances as of the end of each month, and to prepare monthly reports to the JCF.

## CASH RECEIPTS BOOK

DATE	RCT. NO.	RECEIVED FROM		TOTAL RECEIVED	FINES, FORFEITED BAIL & CIVIL PENALTIES	CIVIL FEES	MANDATORY SURCHARGES	BAIL	OTHER	ADDITIONAL INFORMATION	DEPOSITS	
1/4	62	John Doe	MV18	185.00	100.00		85.00					
1/4	63	John Doe	MV 19	130.00	75.00		55.00					
1/5	64	Jane Doe	MV 20	185.00	100.00		85.00					
1/6	65	John Smith	Criminal 1	500.00				500.00		Forfeited 1/31	1000.00	1/6
1/11	66	Jane Jones (Bail for Mike Jones)	MV 21	300.00				300.00		Returned CK #6		
1/12	67	Tom Sawyer	MV 22	235.00	150.00		85.00					
1/12	68	Huck Finn	MV 23	155.00	100.00		55.00					
1/12	69	Miss Muffet	MV 24	235.00	150.00		85.00					
1/12	70	Mary Jane	Criminal 2	275.00	150.00		125.00					
1/12	71	Tom Riddle Riddle vs Potter	Civil 8	20.00		20.00					1,220.00	1/13
1/29	72	Mary Smith	Criminal 3	455.00	250.00		205.00					
1/29	73	Traffic Violations Bureau	Parking 8-13	105.00	105.00						560.00	1/30
1/31	74	Jack Bauer (Partial)	MV 11	25.00	25.00							
1/31	75	Co Sheriff (Bail for B. Guy)	Criminal 4	500.00				500.00				
1/31	N/A	John Smith	Criminal 1	0.00	485.00	15.00		(500.00)		Bail forfeit and Bail Poundage		
1/31	76	R. Royce	MV 25	510.00	250.00		260.00				1035.00	2/1
		<b>TOTALS</b>		3,815.00	1,940.00	35.00	1040.00	800.00	0.00		3,815.00	

As with any good business operation, moneys received by the court should be reconciled with the supporting case file information and the financial information shown in the cash book or accounting system. This means that the moneys collected should agree with:

- The duplicate receipt forms issued for those collections
- The receipt amounts recorded in the cash receipts section of the cash book or accounting records
- The deposit made from those same collections, and
- The applicable case files.

Moneys received should be deposited intact as soon as possible. Depositing intact means that moneys are not split or grouped into lump sum amounts, but are deposited in the same amounts as received. For example, if you collect \$1,000.00 for the day's receipts, the deposit for that day's collections should be \$1,000.00; the deposit should not be split \$400.00 one day and \$600.00 the next day. Deposited amounts should always agree with amounts received and recorded.

Although justices are encouraged to make deposits as soon as possible, all moneys received must be deposited within 72 hours of collection, exclusive of Sundays and holidays (see 22 NYCRR 214.9[a]).

Each justice, including an associate village justice, is required to maintain an official bank account in his/her name as such judicial officer in a bank or trust company in the State (22 NYCRR 214.9). Depending on the size and complexity of the court, justices may also maintain a separate bank account for bail. When bank accounts are opened, justices should use the taxpayer identification number of the town or village, as the interest earned on the operating account generally is property of the town or village (see Ops St Comp No. 83-97; see also the following section on Interest). In addition, justices are required to notify the Office of Court Administration about specific account information. See more information under Banking Issues on pages 86 and 87.

Shown below is a sample deposit slip that allows for accurate identification of the type of collections deposited. The slip is pre-printed with specific information to identify the bank account to which deposits are made. When checks or money orders are received, it is important to identify the maker of the check or money order, or other suitable designation to accurately identify the source of the moneys. Checks and money orders should be endorsed “For Deposit Only” to the justice’s official bank account promptly upon collection. Deposit slips should be prepared in duplicate form, and a copy validated by the bank should be retained as evidence of the deposit.

### DEPOSIT SLIP

<b>HOMETOWN NATIONAL BANK</b> Hometown, NY 12801		
<b>DATE</b>	1/6/20XX	
<b>Currency</b>	185	00
<b>Coin</b>		
<b>Checks:</b>		
1. PMO-John Doe	315	00
2. Certified CK - John Smith	500	00
3.		
4.		
5.		
6.		
7.		
<b>Total Checks and Money Orders</b>	815	00
<b>Grand Total</b>	1000	00
JUSTICE COURT 123 Main Street Hometown, NY 12801  :123456789: 111562		

## Disbursements

Disbursement of moneys received by the court and deposited to justice bank accounts should be made only for purposes authorized by law. Generally, disbursements from justice accounts involve returning bail, transferring moneys to other courts, remitting moneys to the CFO of the town or village (if the court participates in the Invoice Billing Program) or remitting monthly amounts to the State Comptroller.

All disbursement of court moneys should be made by check signed by the justice. Checks should:

- Be pre-numbered
- Be issued in consecutive numerical sequence, and
- Contain sufficient information to identify the court, payee, amount, and purpose of payment.

All unissued checks should be inventoried and accounted for.

The following is a sample check that allows for entering all the information generally needed to account for the specific disbursement. When checks are returned with bank statements, court personnel should verify that amounts deducted from the account balance agree with the amount written on each check. These checks should be retained as evidence of the disbursement. Generally, it is common business practice to keep checks with the applicable bank statements and file the entire package together. Today, many banks do not return the original canceled checks; instead, you may receive a substitute check (12 USC 5001, et seq.) or a check image (General Municipal Law §99-b) that provides all the information contained on the front and back of your original check. These check images should be verified and retained in the same manner as original checks.

### CHECK

<b>JUSTICE COURT</b> 123 MAIN STREET HOMETOWN, NY 12801	0006
	Date <u>1/31/20XX</u>
PAY TO THE ORDER OF <u>Jane Jones</u>	\$ <span style="border: 1px solid black; padding: 2px;">300.00</span>
<u>Three Hundred and 00/100</u> -----DOLLARS	
<b>HOMETOWN NATIONAL BANK</b>	
FOR <u>Bail Return – Mike Jones MV 21</u>	<u>Signed by the Justice</u>
<b>123456789: 111562 0006</b>	



Prompt and accurate recording of disbursements is an essential process needed to properly account for court moneys. Each check should be recorded in the cash disbursement section of the cash book or accounting system promptly upon issuance. Ideally, depending on the type of cash book or accounting system utilized, disbursements could be recorded simultaneously as checks are written.

Shown on the following page is a sample manually prepared cash disbursement section of the cash book. This sample identifies the various categories of disbursement anticipated in any town or village court, which are the same categories used for moneys received. The format also provides a proper accounting of disbursements to help court personnel reconcile their cash books to bank balances as of the end of each month.

### CASH DISBURSEMENTS BOOK

CASE FILE DOCKET REF.	DATE	PAYEE	CK. NO.	TOTAL	FINES FORFEITED BAIL & CIVIL PENALTIES	CIVIL FEES	MANDATORY SURCHARGES	BAIL	OTHER
MV 2	1/5/XX	John Smith	4	275.00				275.00	
	1/7/XX	State Comp- troller	5	2,315.00	1,800.00	30.00	485.00		
MV 21	1/31/XX	Jane Jones (Bail Return) Mike Jones)	6	300.00				300.00	
		<b>TOTALS</b>		2,890.00	1,800.00	30.00	485.00	575.00	0.00

## Reconciling Cash Book Balances With Adjusted Bank Balances

As indicated above, the accounting process for justices requires an accurate recording of receipts and disbursements, with a month end reconciliation of cash books to bank balances. To reconcile the cash book to the bank balance, justices should compare information from their accounting records with information shown in their bank records.

- Accounting records should show how much money your court should have as of the end of each month, and
- Reconciled bank accounts should show how much money your court does have as of the end of each month.

These amounts should always agree. If they do not agree, the differences found should be promptly investigated and resolved.

The first step in reconciling the accounting records is to prepare a monthly cash summary (or generate it from the accounting software). Shown on the following page is a sample monthly cash summary form designed to help justices:

- Summarize their receipt and disbursement information
- Classify the information into the applicable categories, and
- Determine how much money their court should have as of the end of each month.

The form shows the existing balances from the preceding month, adds receipts for the current month, deducts disbursements for the current month, and computes the new balance as of the end of the current month.

The first column in the summary shows totals for all the categories. The next three columns identify the categories of receipt for dispositions that should be reported to the JCF, with payment made to the State Comptroller or to the CFO. The fifth column shows bail for pending cases, and the sixth column shows amounts for other transactions, such as criminal searches.

### MONTHLY CASH SUMMARY

	TOTAL	FINES, FORFEITED BAIL & CIVIL PENALTIES	CIVIL FEES	MANDATORY SURCHARGES	BAIL	OTHER
Balance December 31, 20XX	2,965.00	1,800.00	30.00	485.00	650.00	0.00
Add Receipts	3,815.00	1,940.00	35.00	1,040.00	800.00	0.00
Subtotal - Beginning Balance and Receipts	6,780.00	3,740.00	65.00	1,525.00	1,450.00	0.00
Deduct Disbursements	2,890.00	1,800.00	30.00	485.00	575.00	0.00
Balance January 31, 20XX	3,890.00	1,940.00	35.00	1,040.00	875.00	0.00

## Bank Reconciliations

The next step in reconciling the cash book to bank balances is to reconcile your bank accounts and compute how much money the court does have at the end of each month. Please remember that since the accounting records are on a monthly cycle, the bank statements should also be on a monthly cycle (1st to the end of month). If not, please contact the bank and request the statement period be changed. Promptly after receiving your monthly bank statements, court personnel should review the statements and perform the following procedures:

- Verify that deposits have been posted to the account on the correct dates and at the correct amounts
- Verify that checks have cleared the account at the correct amounts

- Verify that other charges or credits are legitimate and are supported by adequate documentation
- Identify any deposits and/or credit card transactions not posted to the account that should be considered “in transit,” and
- Identify any checks that have not cleared the account that should be considered “outstanding.”

Please note: Credit card transactions that have not cleared the bank at the end of the month are no different than deposits in transit and should be added to the adjustments in the bank reconciliation. Please see the second example on the following page for January 31, 20XX.

Your bank account should be reconciled as of the end of each month. To reconcile your bank account(s), you must account for all transactions that have cleared the bank account as of the end of each month, and those transactions that have not cleared the bank account.

The adjusted (reconciled) bank balance as of the end of each month should always agree with the amount shown in your checkbooks and the month end amounts identified in your accounting records (cash book balance). If these amounts do not agree, you should promptly investigate and resolve all differences. The following examples show reconciliations of the cash book balance and the bank balance for two months.

# Reconciling Cash Book Balances and Bank Balances

## Cash Book Balance at December 31, 20XX

### Cash Book Balance at December 31, 20XX

Total Due CFO or State Comptroller	\$2,315
Bail for Pending Cases	\$650
<b>Total Cash Book Balance*</b>	<b>\$2,965</b>

### Bank Reconciliation at December 31, 20XX

Bank Balance at End of Month	\$2,895
Add - Cash on Hand Deposited 1/4/XX	\$70
<b>Adjusted Bank Balance*</b>	<b>\$2,965</b>

### Cash Book Balance at January 31, 20XX

Total Due CFO or State Comptroller	\$3,015
Bail for Pending Cases	\$875
<b>Total Cash Book Balance*</b>	<b>\$3,890</b>

### Bank Reconciliation at January 31, 20XX

Bank Balance at End of Month	\$3,015
Add - Cash on Hand Deposited 2/1/XX	\$535
Credit card transactions posted on 2/1/XX	\$640
<b>Subtotal</b>	<b>\$4,190</b>
Deduct – Outstanding Checks:	
Check #6	-\$300
	-\$300
Total Outstanding Checks	
<b>Adjusted Bank Balance*</b>	<b>\$3,890</b>

*\*These amounts should agree*

## Annual Audit Requirements

Every town and village justice is required to present his/her records and docket at least once a year to the town or village to be examined by the auditing board or official, or by a certified public accountant or public accountant.

Any town or village justice who shall willfully fail to present his/her records and docket to the auditing board as required in §2019-a of the Uniform Justice Court Act “shall be guilty of a misdemeanor and shall, upon conviction, in addition to the punishment provided by law for a misdemeanor, forfeit his [or her] office.” The Town Law also expressly provides that the town board at any time may require any town officer or employee to submit to the board or to a certified public accountant or public accountant for examination “his [or her] books, dockets, records, receipts, warrants, vouchers and canceled checks or check images” (Town Law §123).

## **Monthly Review of Justice Court Records Checklist**

In preparation for the required annual audit, it is a good practice to utilize the monthly checklist included in the appendices to ensure compliance with the above referenced law and good accounting practices (See Appendix 9). This checklist will enable you to discover any irregularities early and minimize the time it takes to investigate these issues. It will also minimize the time the Town or Village board needs to review these records.

## **Required Annual Audit**

Town and Village boards are required to perform the audit themselves or the board may engage the services of an independent public accountant or certified public accountant to audit the records. In towns that have a town comptroller, the annual audit responsibility rests with the town comptroller. Board members will expect to find the following minimum records (either manual or computerized) being maintained by court personnel required to receive and disburse moneys:

- Cash receipts records and supporting documents
- Cash disbursement records and supporting documents
- Bank statements and supporting documents
- Monthly reconciliations of cash book balances and bank balances, and
- Reports to applicable governmental agencies.

Board members are supplied with instructions and a checklist that provides them with the general tools to properly perform the annual audit and provide reasonable assurance that work performed by those individuals who handle moneys as part of their duties are properly monitored and reviewed. We have provided a list of general recordkeeping requirements and a copy of this checklist for you to better understand the board’s expectations (see Appendices 8 and 10).

Each year, to ensure that the annual audits are being performed and no major issues are found, the Chief Administrative Judge of the Office of Court Administration (OCA) will request that mayors and supervisors submit copies of these annual audits. OCA’s Office of Internal Affairs will review these audits for recurring findings and other matters that might identify problems requiring further audit or remedial actions. Results of these reviews will be integrated into their risk assessment process.

In addition, OCA will provide a list of towns and villages that have not complied with §2019-a of the Uniform Justice Court Act to the Office of the State Comptroller and these lists will become part of the Comptroller’s audit risk assessment process.

## Other Recommended Procedures and Records

### Record of Bail

The receipt and processing of bail can involve significant amounts for any town or village court. Bail for pending cases is similar to a customer deposit and is posted by defendants (or possibly by others on behalf of defendants) generally to guarantee appearance in court to answer charges. In some instances, specific bail amounts can remain with the court for long periods of time. Consequently, it is essential that each justice maintain a record of all bail. If the justice does not use a computerized system that produces a current and complete list of all bail held at any specific point in time, the justice should maintain a supplemental record to provide that information. The receipt and disposition of bail should be recorded in the supplemental record of bail promptly after the transactions occur to ensure that the record is complete and up-to-date.

Shown below is a sample record of bail. This sample is a chronological listing of all bail received by the court during a two-month period. As the justice disposes of the amounts, the list should be annotated to reflect the disposition, and the disposed amount is crossed off. The “open” amounts on the list should identify the active bail amounts still held by the court at any point in time, and the total at the bottom represents the amounts held at the end of the particular month. Instead of using this sample type of record, a justice could prepare a new list of bail every month and carry over amounts still held from the previous month. When reconciling cash book balances at the end of each month, the supplemental record of bail should agree with the bail amount identified in the Monthly Cash Summary.

### Record of Bail

Case File/ Docket Ref.	Defendant	Date Received	Amount	Disposition
MV2	John Smith	11/2/XX	275.00	Refund 1/5/XX Ck #4
MV7	James Kirk	11/16/XX	150.00	
MV10	Jonathan Archer	12/24/XX	225.00	
<b>Total bail held at December 31, 20XX</b>			<b>\$650.00</b>	
Criminal 1	John Doe	1/6/XX	500.00	Forfeited 1/31 Applied to Bail Forfeit and Bail Poundage
MV21	Mike Jones (from Jane Jones)	1/11/XX	300.00	Returned to Jane Jones 1/31 Ck #6
Criminal 4	B. Guy (from County Sheriff)	1/31/XX	500.00	
<b>Total bail held at January 31, 20XX</b>			<b>\$875.00</b>	

The supplemental record of bail could be kept in a three-ring binder or file folder to allow for easy access by court personnel.

## **Record of Partial Payments**

Whenever a justice allows a defendant to pay fines and surcharges over a period of time, the amounts owed to the court are similar to a customer accounts receivable. In order to properly account for the anticipated transactions, a record of these partial payments should be maintained to identify the amounts owed and collected to date. If the justice does not use a computerized system that produces a current and complete list of all cases and amounts owed to the court at any specific point in time, the justice should maintain a supplemental record to provide that information. The collected amounts should be reported to the JCF for the month the amounts are collected. The receipt of partial payments should be recorded promptly in the supplemental record of partial payments to ensure that the record is complete and up-to-date. In addition to recording promptly, all moneys should be deposited within 72 hours of collection (exclusive of Sundays and holidays) regardless of whether they are payments in full or partial payments.

Shown below is a sample record of partial payments for one case. The sample shows the original amounts owed by the defendant, the amounts collected over a two month period, and the balance still owed at the end of each particular month.

### **Record of Partial Payments**

<b>Case File/ Docket Ref.</b>	<b>Defendant</b>	<b>Date Received</b>	<b>Description</b>	<b>Amount Due</b>
MV11	Jack Bauer	12/7	Fine \$100.00 + Surcharge 85.00	\$185.00
	Paid	12/7	\$25.00	
	Paid	12/28	\$25.00	(\$50)
<b>Balance Due at December 31, 20XX</b>				<b>\$135.00</b>
	Paid	1/31	\$25.00	(\$25.00)
<b>Balance Due at January 31, 20XX</b>				<b>\$110.00</b>

The supplemental records of partial payments could be kept in a three-ring binder or file folder to allow for easy access by court personnel. The total amounts owed to the court currently would be the sum of all the open records. When the final amounts are collected for each particular case, the completed record could be removed from the “open” binder or file and included with the case file papers, or placed in a “closed” binder or file.

## **Petty Cash Fund**

A petty cash fund can be used for making change to facilitate currency and coin receipts, and for paying certain authorized disbursements. Your town or village board may authorize a justice to utilize a petty cash fund. Petty cash funds are advanced to the justice by the CFO of your town or village, and are replenished periodically as requested with supporting documentation of money spent. In addition to providing change for currency and coin receipts, petty cash funds can be used to pay for postage,

freight, express charges, and other proper municipal costs requiring payment upon delivery of goods or services.

Petty cash funds are not part of the court's financial operations and should be accounted for separately from court moneys. If you have questions regarding the use and maintenance of petty cash funds, you should consult with the CFO of your town or village.

## **Banking Issues**

### ***Accounts***

Each justice, including an associate village justice, is required to maintain an official bank account in his/ her name as such judicial officer in a bank or trust company authorized to do business in the State of New York (22 NYCRR 214.9). Not all banking institutions are included in the definition of a "bank" or "trust company." Generally, commercial banks meet this definition while savings banks, savings and loan associations, and credit unions do not. Consequently, justices are not authorized to maintain their official accounts at a savings bank, a savings and loan association, or a credit union. When bank accounts are opened, justices should use the taxpayer identification number of the town or village, as the interest earned on the operating account generally is property of the town or village (see Ops St Comp No. 83-97; see also the following section on Interest).

Depending on the size and complexity of the court, justices may also maintain a separate bank account for bail. Rather than maintain separate bank accounts for bail, two or more justices from the same town or village are authorized to maintain one joint bank account for bail. This joint bail account would then be used for the deposit and disposition of all bail money received by each justice. It should be noted that the joint account is only authorized for bail. Consequently, justices are not authorized to maintain joint bank accounts for other court moneys.

When bank accounts are opened, justices are required to notify the Office of Court Administration about specific account information.

### ***Interest***

Section 11 of the General Municipal Law provides, in part, that the governing board or, if the board so delegates, the CFO of a municipality may temporarily invest idle moneys belonging to the municipality in time deposit accounts or certificates of deposit, among other things. Moneys received by a justice in his/her judicial capacity and held by the justice in his or her bank account, or transferred to the CFO pending distribution by the State Comptroller, are not idle moneys belonging to a municipality nor are they administered in the same manner. There is no statutory authority for investment of such moneys in time deposit accounts or certificates of deposit.

Nevertheless, town and village justices may, at their discretion, deposit moneys received in their official capacity in N.O.W. accounts. The interest earned on the deposit of fine moneys and cash bail after forfeiture belongs to the town or village. Interest earned on the deposit of cash bail which is not forfeited must be paid over to the depositor (the person who posted the bail).



## ***Service Charges***

There is no legal restriction preventing a bank from imposing a service charge on an account maintained by a town or village justice. If your municipality is unsuccessful in persuading the bank to forgo service charges in return for the deposit and investment of municipal funds, then the service charges would be a proper charge against the account. The town or village justice is entitled to be reimbursed by the municipality for the service charge upon submission of a claim or voucher.

## ***Foreign Currency***

Foreign currency should not be accepted for payment to your court. You should insist on payment in United States currency. However, if foreign currency is accepted, you should not report the fine to us until such time as you receive advice from your bank indicating the amount of any discount. After receiving the bank's advice, you should then report the actual amount credited to your account. Do NOT indicate "PAID IN FULL" when receipting foreign currency as you may need to pursue collection if the currency exchange results in the court receiving less than the full amount required to close the case.

Your reports and records should indicate a payment in the amount credited by the bank, which represents the amount of United States currency realized by the transactions.

## ***Accepting Credit Cards***

Town and village courts are authorized to accept payments by credit card and courts should be participating in the Office of Court Administration Credit Card Machine Distribution Program for Justice Courts. Accepting credit cards for payment is beneficial to courts since it provides for immediate, payment in full of the amounts due and facilitates settlement and disposition of cases. This program can help to accelerate distribution of moneys due to towns and villages, and decreases the time and expense associated with scofflaws.

Any fees associated with the credit card transactions for courts utilizing the NYS Unified Court System approved vendor are charged directly to the State. Therefore, courts will never see the fees associated when participating in the Unified Court System's credit card program.

Court personnel should contact the Office of Court Administration Contracts and Procurement Unit at (800) 232-0630 for any questions or issues with the credit card program.

## ***Credit Card Controls***

Internal controls are essential for "good" management and can be defined as activities (safeguards) that are in place to provide reasonable assurance that accepting payments by credit cards works "as planned."

When accepting credit cards, there are some common best practices and procedures that should be followed such as:

- **Approval of Transactions** – Credit card payments should only be accepted for those transactions authorized by the court. Each transaction should be processed according to written procedures.
- **Protection of Assets** – Credit cards include a number of safety features to protect the card from being used by someone who is not the cardholder. When accepting credit cards there are some common best practices that should be incorporated in the procedures and training provided to individuals executing the credit card transactions.
- **Segregation of Duties** – Someone separate from the person processing card transactions should settle the scanner or POS - Point of Sale - machine at the end of the day and reconcile the daily sales receipts to the cash, checks, and credit card sales drafts collected (if possible). Any discrepancies should be investigated promptly. This requires that the credit card receipts are incorporated into the daily sales reports.
- **Records Design and Retention** – Keep a white copy of sales drafts (or Merchant Copy), it's easier to make a copy should a charge be disputed. At the end of the retention period, all sales drafts and detail reports with account numbers need to be made unreadable prior to disposal. Copies of sales drafts should NOT be filed in alphabetical order since names are not used by card issuers when requesting a copy of a sales draft during a dispute. Sales drafts should be filed in chronological order by date, issuer and then by amount or card number.
- **Periodic Reconciliation** – Each month someone other than the person accepting credit card payments (if possible) should reconcile the bank statement. This reconciliation will include reconciling deposits for credit card sales less any refunds, to the daily credit card sales reports.
- When accepting credit cards the following actions should be done:
  - o Check the expiration date
  - o Check to see if the card has been altered in any way
  - o Ask for Photo ID
  - o Verify the signature on the card to the signature on the sales draft
  - o Verify the account number on the card to the account number displayed after the card has been swiped
  - o Obtain the cardholder billing address for verification when the cardholder is not the defendant or not present, and
  - o Receive an authorization BEFORE completing the transaction.
- When accepting credit card payment by phone or mail:
  - o Require the payer to fax or mail an authorization form with a copy of the credit card holder's license (or other photo identification) prior to processing transaction.

- When accepting credit cards, please DO NOT do the following:
  - o Process a transaction when the authorization has been denied
  - o Process a transaction when the signature does not match the card
  - o Refund cash to a credit card user
  - o List a cardholder's personal information on a credit card sales draft, or
  - o Process a transaction for another merchant or vendor.

Remember, well-planned and documented internal control procedures are being recognized as becoming increasingly important in controlling a court's financial operations.

# Appendix 1 – Selected Pertinent Statutes Updated through Chapter 59 of the Laws of 2009

(Note: \* \* \* Indicates that not all text is included)

## **Criminal Procedure Law – § 10.10 – *The criminal courts; enumeration and definitions***

1. The “criminal courts” of this state are comprised of the superior courts and the local criminal courts.
2. “Superior court” means:
  - (a) The supreme court; or
  - (b) A county court.
3. “Local criminal court” means:
  - (a) A district court; or
  - (b) The New York City criminal court; or
  - (c) A city court; or
  - (d) A town court; or
  - (e) A village court; or
  - (f) A supreme court justice sitting as a local criminal court; or
  - (g) A county judge sitting as a local criminal court.
4. “City court” means any court for a city, other than New York City, having trial jurisdiction of offenses of less than felony grade only committed within such city, whether such court is entitled a city court, a municipal court, a police court, a recorder’s court or is known by any other name or title.
5. “Town court.” A “town court” is comprised of all the town justices of a town.
6. “Village court.” A “village court” is comprised of the justice of a village, or all the justices thereof if there be more than one, or, at a time when he or they are absent, an associate justice of a village who is authorized to perform the functions of a village justice during his absence.
7. Notwithstanding any other provision of this section, a court specified herein which possesses civil as well as criminal jurisdiction does not act as a criminal court when acting solely in the exercise of its civil jurisdiction, and an order or determination made by such a court in its civil capacity is not an order or determination of a criminal court even though it may terminate or otherwise control or affect a criminal action or proceeding.

### **Criminal Procedure Law – § 10.30 – *Local criminal courts; jurisdiction***

1. Local criminal courts have trial jurisdiction of all offenses other than felonies. They have:
  - (a) Exclusive trial jurisdiction of petty offenses except for the superior court jurisdiction thereof prescribed in paragraph (c) of subdivision one of section 10.20; and
  - (b) Trial jurisdiction of misdemeanors concurrent with that of the superior courts but subject to divestiture thereof by the latter in any particular case.
2. Local criminal courts have preliminary jurisdiction of all offenses subject to divestiture thereof in any particular case by the superior courts and their grand juries.
3. Notwithstanding the provisions of subdivision one, a superior court judge sitting as a local criminal court does not have trial jurisdiction of any offense, but has preliminary jurisdiction only, as provided in subdivision two.

### **Criminal Procedure Law – § 420.10 – *Collection of fines, restitution or reparation***

\* \* \*

8. Designation of restitution agency. (a) The chief elected official in each county, and in the city of New York the mayor, shall designate an official or organization other than the district attorney to be responsible for the collection and administration of restitution and reparation payments under provisions of the penal law and this chapter; provided, however, that where the state division of probation and correctional alternatives provides for and delivers probation services pursuant to the provisions of section two hundred forty-seven of the executive law the state division of probation and correctional alternatives shall have the first option of designating such agency as the restitution agency for such county. This official or organization shall be eligible for the designated surcharge provided for by subdivision eight of section 60.27 of the penal law.

\* \* \*

### **Environmental Conservation Law – § 71-0211 – *Disposition of fees and penalties***

1. Notwithstanding any other provisions of law to the contrary, all fines and penalties collected pursuant to title nineteen of this article, except amounts required to be paid into the conservation fund pursuant to subdivision two of section 71-1929 of such title; title twenty-one of this article; title twenty-seven of this article, except amounts required to be paid into the hazardous waste remedial fund pursuant to subdivision two of section 71-2725 of such title; and title forty-one of this article shall be paid into the general fund to the credit of the state purposes account.
2. Unless otherwise provided in this chapter, not later than the tenth day of each month, all fines, penalties and forfeitures collected for violations of this chapter or rules, regulations, local laws or ordinances adopted thereunder under judgment of any town or village court, shall be paid over by such court to the Comptroller of the State, with a statement accompanying the same,

setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed. The Comptroller shall pay these funds into the general fund of the State.

All fines and penalties collected for violations of this chapter by courts operating pursuant to section thirty-nine of the Judiciary Law shall be paid to the State Commissioner of Taxation and Finance on a monthly basis no later than ten days after the last day of each month. All such fines and penalties shall be the property of the State.

### **Environmental Conservation Law – § 71-0213 – *Mandatory surcharge***

1. Whenever proceedings result in a conviction for an offense under this chapter there shall be levied, in addition to any sentence required or permitted by law, the following mandatory surcharges: (a) in the amount of twenty-five dollars for violations of sportfishing regulations set forth in 6 NYCRR 10; (b) in the amount of seventy-five dollars for all other offenses under this chapter provided, however, that convictions for offenses under article seventeen, nineteen or twenty-seven of this chapter shall be subject to a mandatory surcharge equal to the greater of seventy-five dollars or six percent of any penalty or fine imposed. The mandatory surcharge shall be paid to the clerk of the court who shall remit such mandatory surcharge to the state comptroller provided, however, that in cases where the conviction was rendered by a town or village justice court, the clerk of such court shall pay twenty-five dollars of such surcharge to the chief fiscal officer of the town or village in the case of surcharges resulting from paragraph (b) of this subdivision and ten dollars in the case of surcharges resulting from paragraph (a) of this subdivision and shall pay the remaining amounts of such mandatory surcharges to the state comptroller in the same manner as provided in section 71-0211 of this article. The comptroller shall pay such monies into the state treasury to the credit of the general fund.
2. Any person who has paid a mandatory surcharge under the authority of this section which is ultimately determined not to be required by this section shall be entitled to a refund of such mandatory surcharge upon application to the state comptroller. The state comptroller shall require such proof as is necessary to determine whether a refund is required by law.

### **Environmental Conservation Law – § 71-0507 – *Actions for penalties generally***

1. Actions for penalties for violation of any provisions of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article, except as otherwise expressly provided,
  - a. Shall be in the name of the “People of the State of New York”;
  - b. Must be brought on order of the department; and
  - c. May be compromised, settled and discontinued as provided in sections 71-0505 and 71-0519 and subdivision 11 of section 11-0505.
2. Such actions, if in justices’ courts, may be brought in any town of the county in which the penalty is incurred, or, if the defendant resides in another county, in any town of the county in which the defendant resides.

3. Moneys received by a town justice or a village justice in any action for a penalty brought under the provisions of this chapter listed in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article shall be paid to the State Comptroller as provided in section 27 of the Town Law and section 4-410 of the Village Law. From the moneys so received, the State Comptroller shall pay all lawful fees for services rendered in such actions when instituted by order of the department or upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. The balance of such moneys arising from penalties under articles 11 or 13 or title 9 of this article or upon the settlement or compromise thereof or from fines for violations of any of the provisions of articles 11 or 13 or title 9 of this article after the payment of lawful fees shall be credited by the Comptroller to the conservation fund. The Comptroller shall adjust and settle his account with the conservation fund in the manner provided by section 99-a of the State Finance Law. The balance of all other such moneys after payment of lawful fees shall be credited by the Comptroller to the general fund.
4. All moneys received by any other person or court in an action for a penalty brought under the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article shall be paid by such person or court to the department within thirty days after receipt thereof. The department shall pay the expenses of collection and the lawful fees of magistrates and constables for services performed in criminal actions brought upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. Such moneys derived from fines or penalties for violations of articles 11 or 13 or title 9 of this article or from the settlement or compromise thereof shall be paid by the department to the Commissioner of Taxation and Finance and credited to the conservation fund. All other moneys so received by the department shall be paid to the Commissioner of Taxation and Finance and credited to the general fund.

#### **Environmental Conservation Law – § 71-0519 – *Compromise of civil penalty***

1. A person who has violated any of the provisions of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article, and who desires to compromise and settle his civil liability therefore, may appear with any conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police, before a court or justice having jurisdiction in civil actions, and thereupon such person may, upon the consent of the representative of the department appearing, compromise and settle his liability for civil penalties, for an amount agreed upon between said court or justice, the representative of the department and the person who committed such violation.
2. The agreed amount shall not be less than ten dollars nor more than the amount for which such person would be liable in a civil action for penalties; provided that any person who has violated the provisions of this chapter listed in section 71-0501 or under titles 5 through 13 inclusive



and titles 27 and 33 of this article, involving the taking of a deer with the aid of an artificial light, or has illegally taken a deer prior to the first day of the open season or after the last day of the open season in the county in which taken, or has illegally taken a doe deer, and who desires to compromise and settle his civil liability therefor, may, in the manner herein provided, compromise and settle his liability for civil penalties under the provisions of this chapter listed in section 71-0501 or under titles 5 through 13 inclusive and titles 27 and 33 of this article, in an amount not less than one hundred dollars nor more than the amount for which such person would be liable in a civil action for penalties.

3. If such compromise be made, such person shall forthwith subscribe his name to a statement setting forth concisely the facts constituting such violation, the amount agreed upon, and that a judgment may be entered against him for that sum. Upon said statement being sworn to before and filed with said court or justice, he shall forthwith enter in his civil docket a record of the proceedings and amount of the judgment.
4. Said court or justice shall upon the entry of such judgment be entitled to a fee of two dollars and fifty cents to be paid by the person who committed such violation, provided, however, that if the justice is a justice of a town or village, such fee shall be the property of the town or village of which he is an officer, and shall be paid by said justices to the State Comptroller in the same manner as other fees received by such justice.
5. A judgment entered as provided herein may be enforced by an execution against the property of the defendant, but no body execution shall issue thereon. Such judgment shall be a bar to a criminal action for the same violation, if satisfied within thirty days from the date of the entry thereof.
6. Whenever a person who desires to compromise and settle his civil liability pursuant to the provisions of this section is an infant over the age of fourteen years, upon his appearance for such purpose, the court or justice before whom such appearance is made, may, upon the application of such person appoint a person to appear as his guardian for the purpose of compromising and settling his said civil liability. The written consent of the person so appointed must be filed with the court or justice before his appointment.

### **Environmental Conservation Law – § 71-2915 – *Disposal of fines and moneys recovered***

Except as otherwise provided in article 33 of this chapter or this title, all moneys recovered, either as fines, penalties, forfeitures or otherwise, for the violation of any of the provisions of article 33 of this chapter or this title, or of the rules of the department, and all bail forfeited by persons charged with such violations, shall be the property of the State. Moneys so recovered by town justices shall be paid to the State Comptroller in accordance with the provisions of section 27 of the Town Law and moneys so recovered by village justices to the State Comptroller in accordance with the provisions of section 4-410 of the Village Law. The same disposal shall be made of all moneys recovered upon any bond given by any officer by virtue of the provisions of article 33 of this chapter or this title. The Comptroller shall deposit all such moneys into the general fund to the credit of the state purposes account.



## **General Municipal Law – § 99-I – Fees in criminal actions and other proceedings**

1. Towns and villages, for their own respective benefits shall be entitled to receive for the services of the town court and the village court in criminal actions and other proceedings:
  - (a) For all services in each case of a misdemeanor or other offenses, including misdemeanors and moving violations under the vehicle and traffic law, instituted in and triable in such a court, wherein a fine, if imposed, would be the property of the state, fifteen dollars.
  - (b) For all services in each criminal proceeding instituted before and triable by such a court, wherein a fine, if imposed, would be the property of the state, fifteen dollars.
  - (c) For all services in any case in which the court acts upon a felony complaint, to be paid by the county, ten dollars.
  - (d) For all services in any case in which the defendant is held for appearance before another court, no fee.
  - (e) For endorsing a warrant from another county, no fee.
  - (f) For furnishing copies of papers in any proceeding, at the rate of twenty-five cents per folio of one hundred words.
  - (g) For return to any appeal to be paid by the county, ten dollars.
  - (h) For examination of any information and depositions and issuing a search warrant, including any disposition upon the return thereof, fifteen dollars.
  - (i) For issuing a license suspension or revocation order pursuant to paragraph (d) of subdivision two of section eleven hundred ninety-three of the vehicle and traffic law, providing the license suspension or revocation order is forwarded to the commissioner along with the certificates required in sections five hundred thirteen and five hundred fourteen of the vehicle and traffic law within ninety-six hours, or for suspending a license pursuant to clause a of subparagraph one of paragraph (e) of subdivision two of section eleven hundred ninety-three of such law, providing the license and the certificate of magistrate required in section five hundred thirteen of such law are forwarded to the commissioner within ninety-six hours, fifteen dollars.
2. [Eff. until Dec. 31, 2009, pursuant to L.2000, c. 179, section 6.] The county of Nassau shall be entitled to receive the amounts set forth in subdivision one of this section for the services of the Nassau county traffic and parking violations agency and for all services in each case of a parking violation, instituted and triable in such agency, wherein a fine is imposed, a surcharge of ten dollars.

**General Municipal Law – § 99-m – Cash bail and partially secured bail bond; fee for deposit of money**

1. When, pursuant to the provisions of title P of the criminal procedure law or the provisions of the family court act, a sum of money deposited in connection with a cash bail or a partially secured bail bond is received by a court or other authorized public servant or agency, such money shall be deposited in the same manner as may be by law provided for the deposit of money generally received by such court, public servant or agency. Except as otherwise provided herein, the county treasurer, or, in the city of New York, the commissioner of finance, shall be entitled to a fee of two per centum of the amount of money so deposited and an additional fee of one per centum as provided in subdivision three of this section. Where the money received by a state-paid court hereunder is not deposited with any other officer or agency but is retained by the court, the clerk of such court shall be entitled to a fee of two per centum of the amount of money so retained, and an additional fee of one per centum to be disbursed as provided in subdivision three of this section. All fees collected hereunder by the clerk of a state-paid court shall be paid to the state commissioner of taxation and finance on a monthly basis not later than ten days after the last day of each month. Except as otherwise provided by an order issued pursuant to section 420.10 of the criminal procedure law, upon the exoneration or remission of the bail, the money so deposited, less such fee, shall, by order of the appropriate court, be refunded to the person who originally deposited such money. Upon a termination of the criminal action or proceeding in favor of the accused, as defined in subdivision two of section 160.50 of the criminal procedure law, the two per centum fee so retained shall, by order of the appropriate court, be refunded to the person who originally deposited such money.
2. A town or village court shall be entitled to a fee of two per centum of the amount of bail money deposited with the court in connection with a criminal action or proceeding over which the court retains jurisdiction, other than an action or proceeding in which the accusatory instrument charges one or more traffic infractions only, and an additional fee of one per centum as provided herein. The total fees on a sum of bail shall not, however, exceed three per centum and a town or village court shall not be entitled to collect such fees on bail transferred to a superior court. All fees on bail collected by a town or village court shall be paid to the state comptroller by the court on or before the tenth day of the month next succeeding their collection, except as provided in subdivision three of section ninety-nine-a of the state finance law. Two per centum of the bail moneys so collected shall be the property of the town or village in which the court reporting the same is located, and the additional one per centum of such bail moneys shall be disbursed as provided in subdivision three of this section, and shall be used to fund the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law for the county in which the town or village is located.
3. The county treasurer, or, in the city of New York, the commissioner of finance, shall be entitled to an additional fee of one per centum of the money deposited pursuant to the provisions of title P of the criminal procedure law or the provisions of the family court act, and shall deposit such money as an additional credit to the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law for such city and each county outside of the city of New York.

4. The additional one per centum fee collected pursuant to the provisions of this section shall not be used to decrease any money approved to fund the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law. Upon a termination of the criminal action or proceeding in favor of the accused, as provided in subdivision two of section 160.50 of the criminal procedure law, the one per centum fee shall, by order of the appropriate court, be refunded to the person who originally deposited such money.

**New York Codes, Rules and Regulations – Vol. 22, § 214.9 – *Bank account requirements for town justices and village justices***

- (a) Every town justice and village justice, including associate village justices, shall deposit, as soon as practicable, all monies received in his or her judicial capacity in a separate bank account in his or her name as such judicial officer, in a bank or trust company in this State, pending disposition as required by law. In no event shall any deposit be made later than 72 hours, exclusive of Sundays and holidays, from the day of receipt.
- (b) Withdrawals from such accounts shall be only for purposes permitted by law.
- (c) Every justice now having such a bank account or required by subdivision (a) of this section to open such a bank account shall, within 10 days after the effective date of this rule [Jan. 6, 1986], or within 10 days after the opening or transfer of such a bank account, notify the Chief Administrator of the Courts in writing of the name and address of the bank in which the account has been opened or transferred to, the title of the account, the account number and the date that said account was opened or transferred. If, for any reason, the justice, during his or her tenure, shall close or transfer said account to a different bank, within 10 days of such closing or transfer written notification, stating the reasons therefor, shall be given to the Chief Administrator.
- (d) With the consent of all the justices of a town or village, a joint account in the names of all the justices may be opened for the deposit of bail monies only. Such an account shall in all other respects comply with the provisions of this section.
- (e) The provisions of this section shall not apply to a justice who does not actually receive monies in a judicial capacity, providing he or she files with the Chief Administrator a written statement setting forth the fact that he or she does not receive monies in a judicial capacity and the reasons therefor.

**Penal Law – § 60.27 – *Restitution and reparation***

1. In addition to any of the dispositions authorized by this article, the court shall consider restitution or reparation to the victim of the crime and may require restitution or reparation as part of the sentence imposed upon a person convicted of an offense, and after providing the district attorney with an opportunity to be heard in accordance with the provisions of this subdivision, require the defendant to make restitution of the fruits of his or her offense or reparation for the actual out-of-pocket loss caused thereby and, in the case of a violation of section 190.78, 190.79, 190.80, 190.82 or 190.83 of this chapter, any costs or losses incurred due to any adverse action taken against the victim. The district attorney shall where appropriate, advise the court

at or before the time of sentencing that the victim seeks restitution or reparation, the extent of injury or economic loss or damage of the victim, and the amount of restitution or reparation sought by the victim in accordance with his or her responsibilities under subdivision two of section 390.50 of the criminal procedure law and article twenty-three of the executive law. The court shall hear and consider the information presented by the district attorney in this regard. In that event, or when the victim impact statement reports that the victim seeks restitution or reparation, the court shall require, unless the interests of justice dictate otherwise, in addition to any of the dispositions authorized by this article that the defendant make restitution of the fruits of the offense and reparation for the actual out-of-pocket loss and, in the case of a violation of section 190.78, 190.79, 190.80, 190.82 or 190.83 of this chapter, any costs or losses incurred due to any adverse action, caused thereby to the victim. In the event that restitution or reparation are not ordered, the court shall clearly state its reasons on the record. Adverse action as used in this subdivision shall mean and include actual loss incurred by the victim, including an amount equal to the value of the time reasonably spent by the victim attempting to remediate the harm incurred by the victim from the offense, and the consequential financial losses from such action.

2. Whenever the court requires restitution or reparation to be made, the court must make a finding as to the dollar amount of the fruits of the offense and the actual out-of-pocket loss to the victim caused by the offense. In making this finding, the court must consider any victim impact statement provided to the court. If the record does not contain sufficient evidence to support such finding or upon request by the defendant, the court must conduct a hearing upon the issue in accordance with the procedure set forth in section 400.30 of the criminal procedure law.
3. The provisions of sections 420.10, 420.20 and 420.30 of the criminal procedure law shall apply in the collection and remission of restitution and reparation.
4. For purposes of the imposition, determination and collection of restitution or reparation, the following definitions shall apply:
  - (a) the term “offense” shall include the offense for which a defendant was convicted, as well as any other offense that is part of the same criminal transaction or that is contained in any other accusatory instrument disposed of by any plea of guilty by the defendant to an offense.
  - (b) the term “victim” shall include the victim of the offense, the representative of a crime victim as defined in subdivision six of section six hundred twenty-one of the executive law, an individual whose identity was assumed or whose personal identifying information was used in violation of sections 190.78, 190.79 or 190.80 of this chapter, or any person who has suffered a financial loss as a direct result of the acts of a defendant in violation of sections 190.78, 190.79, 190.80, 190.82 or 190.83 of this chapter, a good samaritan as defined in section six hundred twenty-one of the executive law and the crime victims’ board or other governmental agency that has received an application for or has provided financial assistance or compensation to the victim.

- 5(a) Except upon consent of the defendant or as provided in paragraph (b) of this subdivision, or as a condition of probation or conditional discharge as provided in paragraph (g) of subdivision two of section 65.10 of this chapter, the amount of restitution or reparation required by the court shall not exceed fifteen thousand dollars in the case of a conviction for a felony, or ten thousand dollars in the case of a conviction for any offense other than a felony. Notwithstanding the provisions of this subdivision, if an officer of a school district is convicted of violating any section of article one hundred fifty-five of this chapter where the victim of such crime is such officer's school district, the court may require an amount of restitution up to the full amount of the fruits of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the victim, provided further that in such case the provisions of paragraph (b) of this subdivision shall not apply.
- 5(b) The court in its discretion may impose restitution or reparation in excess of the amounts specified in paragraph (a) of this subdivision, provided however that the amount in excess must be limited to the return of the victim's property, including money, or the equivalent value thereof; and reimbursement for medical expenses actually incurred by the victim prior to sentencing as a result of the offense committed by the defendant.
6. Any payment made as restitution or reparation pursuant to this section shall not limit, preclude or impair any liability for damages in any civil action or proceeding for an amount in excess of such payment.
7. In the event that the court requires restitution or reparation to be made to a person and that person dies prior to the completion of said restitution or reparation, the remaining payments shall be made to the estate of the deceased.
8. The court shall in all cases where restitution or reparation is imposed direct as part of the disposition that the defendant pay a designated surcharge of five percent of the entire amount of a restitution or reparation payment to the official or organization designated pursuant to subdivision eight of section 420.10 of the criminal procedure law. The designated surcharge shall not exceed five percent of the amount actually collected. Upon the filing of an affidavit of the official or organization designated pursuant to subdivision eight of section 420.10 of the criminal procedure law demonstrating that the actual cost of the collection and administration of restitution or reparation in a particular case exceeds five percent of the entire amount of the payment or the amount actually collected, as the case may be, the court shall direct that the defendant pay an additional surcharge of not more than five percent of the entire amount of a restitution or reparation payment to such official or organization, or the actual cost of collection or administration, whichever is less unless, upon application of the defendant, the court determines that imposition of such additional surcharge would cause undue hardship to the defendant, or any other person who is financially supported by the defendant, or would otherwise not be in the interest of justice. Such additional surcharge, when added to the initial five percent surcharge, shall not exceed ten percent of the amount actually collected.
9. If the offense of which a person is convicted is a class A, class B, class C, or class D felony involving the sale of a controlled substance, as defined in article two hundred twenty of this chapter, and no other victim who is a person is seeking restitution in the case, the term "victim" as used in this section, in addition to its ordinary meaning, shall mean any law enforcement

agency of the state of New York or of any subdivision thereof which has expended funds in the purchase of any controlled substance from such person or his agent as part of the investigation leading to such conviction. Any restitution which may be required to be made to a law enforcement agency pursuant to this section shall be limited to the amount of funds expended in the actual purchase of such controlled substance by such law enforcement agency, less the amount of any funds which have been or will be recovered from any other source, and shall not include a designated surcharge pursuant to subdivision eight of this section. Any law enforcement agency seeking restitution pursuant to this section shall file with the court and the district attorney an affidavit stating that funds expended in the actual purchase of a controlled substance for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding. Any law enforcement agency receiving restitution pursuant to this section shall promptly transmit to the commissioner of the division of criminal justice services a report stating the dollar amount of the restitution received.

10. If the offense of which a person is convicted is defined in sections 150.10, 150.15 or 150.20 of this chapter, and no other victim who is a person is seeking restitution in the case, the term “victim” as used in this section, in addition to its ordinary meaning, shall mean any municipality which has expended funds or will expend funds for the purpose of restoration, rehabilitation or clean-up of the site of the arson. Any restitution which may be required to be made to a municipality pursuant to this section shall be limited to the amount of funds reasonably expended or to be expended for the purpose of restoration, rehabilitation or clean-up of the site of the arson, less the amount of any funds which have been or will be recovered from any other source, and shall not include a designated surcharge pursuant to subdivision eight of this section. Any municipality seeking restitution pursuant to this section shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended or to be expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding.
11. Notwithstanding any other provision of this section to the contrary, when a person is convicted of harming an animal trained to aid a person with a disability in the second degree as defined in section 195.11 of this chapter, or harming an animal trained to aid a person with a disability in the first degree as defined in section 195.12 of this chapter, the court, in addition to any other sentence, shall order the payment of restitution to the person with a disability who was aided by such animal.
12. If the offense of which a person is convicted is defined in section 155.25, 155.30, 155.35, 155.40 or 155.42 of this chapter, and the property taken is timber, the court may upon conviction, in addition to any other sentence, direct the defendant to pay the rightful owner of such timber an amount equal to treble the stumpage value of the timber stolen as defined in section 71-0703 of the environmental conservation law and for any permanent and substantial damage caused to the land or the improvements thereon as a result of such violation. Such reparations shall be of such kind, nature and extent as will reasonably restore the lands affected by the violation to their condition immediately before the violation and may be made by physical restoration of such lands and/or by the assessment of monetary payment to make such restoration.



13. If the offense of which a person is convicted is defined in section 240.50, subdivision one or two of section 240.55, section 240.60, section 240.61, section 240.62 or section 240.63 of this chapter, and no other victim who is a person is seeking restitution in the case, the term “victim” as used in this subdivision, in addition to the ordinary meaning, shall mean any school, municipality, fire district, fire company, fire corporation, ambulance association, ambulance corporation, or other legal or public entity engaged in providing emergency services which has expended funds for the purpose of responding to a false report of an incident or false bomb as defined in section 240.50, subdivision one or two of section 240.55, section 240.60, section 240.61, section 240.62, or section 240.63 of this chapter. Any restitution which may be required to be made to a victim pursuant to this subdivision shall be limited to the amount of funds reasonably expended for the purpose of responding to such false report of incident or false bomb, less the amount of any funds which have been or will be recovered from any other source and shall not include a designated surcharge pursuant to subdivision eight of this section. Any victim seeking restitution pursuant to this subdivision shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for by section 3-112 of the general obligations law.

**Penal Law – § 60.35 – *Mandatory surcharge, sex offender registration fee, DNA databank fee, supplemental sex offender victim fee and crime victim assistance fee required in certain cases***

- 1 (a) Except as provided in section eighteen hundred nine of the vehicle and traffic law and section 27.12 of the parks, recreation and historic preservation law, whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a felony, a misdemeanor, or a violation, as these terms are defined in section 10.00 of this chapter, there shall be levied at sentencing a mandatory surcharge, sex offender registration fee, DNA databank fee and a crime victim assistance fee in addition to any sentence required or permitted by law, in accordance with the following schedule:
  - (i) a person convicted of a felony shall pay a mandatory surcharge of three hundred dollars and a crime victim assistance fee of twenty-five dollars;
  - (ii) a person convicted of a misdemeanor shall pay a mandatory surcharge of one hundred seventy-five dollars and a crime victim assistance fee of twenty-five dollars;
  - (iii) a person convicted of a violation shall pay a mandatory surcharge of ninety-five dollars and a crime victim assistance fee of twenty-five dollars;
  - (iv) a person convicted of a sex offense as defined by subdivision two of section one hundred sixty-eight-a of the correction law or a sexually violent offense as defined by subdivision three of section one hundred sixty-eight-a of the correction law shall, in addition to a mandatory surcharge and crime victim assistance fee, pay a sex offender registration fee of fifty dollars;

- (v) a person convicted of a designated offense as defined by subdivision seven of section nine hundred ninety-five of the executive law shall, in addition to a mandatory surcharge and crime victim assistance fee, pay a DNA databank fee of fifty dollars.
- (b) When the felony or misdemeanor conviction in subparagraphs (i), (ii) or (iv) of paragraph (a) of this subdivision results from an offense contained in article one hundred thirty of this chapter, incest in the third, second or first degree as defined in sections 255.25, 255.26 and 255.27 of this chapter or an offense contained in article two hundred sixty-three of this chapter, the person convicted shall pay a supplemental sex offender victim fee of one thousand dollars in addition to the mandatory surcharge and any other fee.
2. Where a person is convicted of two or more crimes or violations committed through a single act or omission, or through an act or omission which in itself constituted one of the crimes or violations and also was a material element of the other, the court shall impose a mandatory surcharge and a crime victim assistance fee, and where appropriate a supplemental sex offender victim fee, in accordance with the provisions of this section for the crime or violation which carries the highest classification, and no other sentence to pay a mandatory surcharge, crime victim assistance fee or supplemental sex offender victim fee required by this section shall be imposed. Where a person is convicted of two or more sex offenses or sexually violent offenses, as defined by subdivisions two and three of section one hundred sixty-eight-a of the correction law, committed through a single act or omission, or through an act or omission which in itself constituted one of the offenses and also was a material element of the other, the court shall impose only one sex offender registration fee. Where a person is convicted of two or more designated offenses, as defined by subdivision seven of section nine hundred ninety-five of the executive law, committed through a single act or omission, or through an act or omission which in itself constituted one of the offenses and also was a material element of the other, the court shall impose only one DNA databank fee.
  3. The mandatory surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee, and supplemental sex offender victim fee provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge, crime victim assistance fee, and supplemental sex offender victim fee, the collecting authority shall determine the amount of mandatory surcharge, crime victim assistance fee, and supplemental sex offender victim fee collected and, if it is an administrative tribunal, or a town or village justice court, it shall then pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law. Within the first ten days of the month following collection of the sex offender registration fee and DNA databank fee, the collecting authority shall determine the amount of the sex offender registration fee and DNA databank fee collected and, if it is an administrative tribunal, or a town or village justice court, it shall then pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund. If such collecting authority is any other court of the unified court system, it shall, within such period, pay such money attributable to the mandatory surcharge or crime victim assistance fee to the state commissioner of taxation and finance to the credit of the criminal justice improvement



account established by section ninety-seven-bb of the state finance law. If such collecting authority is any other court of the unified court system, it shall, within such period, pay such money attributable to the sex offender registration fee and the DNA databank fee to the state commissioner of taxation and finance to the credit of the general fund.

4. Any person who has paid a mandatory surcharge, sex offender registration fee, DNA databank fee, a crime victim assistance fee or a supplemental sex offender victim fee under the authority of this section based upon a conviction that is subsequently reversed or who paid a mandatory surcharge, sex offender registration fee, DNA databank fee, a crime victim assistance fee or supplemental sex offender victim fee under the authority of this section which is ultimately determined not to be required by this section shall be entitled to a refund of such mandatory surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee upon application to the state comptroller. The state comptroller shall require such proof as is necessary in order to determine whether a refund is required by law.
5. [Eff. until Sept. 1, 2009, pursuant to L.1995, c. 3, section 74(h).]
  - (a) When a person who is convicted of a crime or violation and sentenced to a term of imprisonment has failed to pay the mandatory surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee required by this section, the clerk of the court that rendered the conviction shall notify the superintendent or the municipal official of the facility where the person is confined. The superintendent or the municipal official shall cause any amount owing to be collected from such person during his or her term of imprisonment from moneys to the credit of an inmates' fund or such moneys as may be earned by a person in a work release program pursuant to section eight hundred sixty of the correction law. Such moneys attributable to the mandatory surcharge or crime victim assistance fee shall be paid over to the state comptroller to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law and such moneys attributable to the sex offender registration fee or DNA databank fee shall be paid over to the state comptroller to the credit of the general fund, except that any such moneys collected which are surcharges, sex offender registration fees, DNA databank fees, crime victim assistance fees or supplemental sex offender victim fees levied in relation to convictions obtained in a town or village justice court shall be paid within thirty days after the receipt thereof by the superintendent or municipal official of the facility to the justice of the court in which the conviction was obtained. For the purposes of collecting such mandatory surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee, and supplemental sex offender victim fee, the state shall be legally entitled to the money to the credit of an inmates' fund or money which is earned by an inmate in a work release program. For purposes of this subdivision, the term "inmates' fund" shall mean moneys in the possession of an inmate at the time of his or her admission into such facility, funds earned by him or her as provided for in section one hundred eighty-seven of the correction law and any other funds received by him or her or on his or her behalf and deposited with such superintendent or municipal official.
  - (b) The incarceration fee provided for in subdivision two of section one hundred eighty-nine of the correction law shall not be assessed or collected if any order of restitution or

reparation, fine, mandatory surcharge, sex offender registration fee, DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee remains unpaid. In such circumstances, any monies which may lawfully be withheld from the compensation paid to a prisoner for work performed while housed in a general confinement facility in satisfaction of such an obligation shall first be applied toward satisfaction of such obligation.

6. Notwithstanding any other provision of this section, where a person has made restitution or reparation pursuant to section 60.27 of this article, such person shall not be required to pay a mandatory surcharge or a crime victim assistance fee.
7. Notwithstanding the provisions of subdivision one of section 60.00 of this article, the provisions of subdivision one of this section shall not apply to a violation under any law other than this chapter.
8. Subdivision one of section 130.10 of the criminal procedure law notwithstanding, at the time that the mandatory surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee is imposed a town or village court may, and all other courts shall, issue and cause to be served upon the person required to pay the mandatory surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee, a summons directing that such person appear before the court regarding the payment of the mandatory surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee, if after sixty days from the date it was imposed it remains unpaid. The designated date of appearance on the summons shall be set for the first day court is in session falling after the sixtieth day from the imposition of the mandatory surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee. The summons shall contain the information required by subdivision two of section 130.10 of the criminal procedure law except that in substitution for the requirement of paragraph (c) of such subdivision the summons shall state that the person served must appear at a date, time and specific location specified in the summons if after sixty days from the date of issuance the mandatory surcharge, sex offender registration fee or DNA databank fee, crime victim assistance fee or supplemental sex offender victim fee remains unpaid. The court shall not issue a summons under this subdivision to a person who is being sentenced to a term of confinement in excess of sixty days in jail or in the department of correctional services. The mandatory surcharges, sex offender registration fee and DNA databank fees, crime victim assistance fees and supplemental sex offender victim fees for those persons shall be governed by the provisions of section 60.30 of this article.
9. Notwithstanding the provisions of subdivision one of this section, in the event a proceeding is in a town or village court, such court shall add an additional five dollars to the surcharges imposed by such subdivision one.
10. The provisions of this section shall apply to sentences imposed upon a youthful offender finding; provided, however that the court shall not impose the sex offender registration fee, DNA databank fee or supplemental sex offender victim fee, as defined in subparagraphs (iv) and (v) of paragraph (a) and paragraph (b) of subdivision one of this section, for an offense in which the conviction was substituted with a youthful offender finding.

## **State Finance Law – § 99-a – Justice Court Fund**

1. All moneys received by the comptroller pursuant to section twenty hundred twenty-one of the uniform justice court act, section twenty-seven of the town law, section 4-410 of the village law, section eighteen hundred and three of the vehicle and traffic law, section forty-five of the agriculture and markets law, sections 71-0211, 71-0507 and 71-0521 of the environmental conservation law, section fifty-two of the workers' compensation law, section 27.13 of the parks, recreation and historic preservation law, section two hundred one of the navigation law and pursuant to this section shall constitute a special fund to be held by the comptroller and to be known as the Justice Court Fund. Notwithstanding any general, special or local law which provides for the direct payment of fines, penalties or forfeitures to a state or local governmental unit, official or agency, and except as provided in subdivision three of this section, all fines, penalties or forfeitures received by a town or village justice court shall be paid first to the state comptroller pursuant to this section and the other aforementioned sections of law whereupon the state comptroller shall distribute such moneys to the proper state or local governmental unit, official or fund pursuant to subdivision two of this section. The Justice Court Fund shall be deposited to the credit of the comptroller in one or more state banks, trust companies or savings banks as may be designated by the comptroller at such rate of interest, if any, as from time to time may be agreed upon by the depositories and the comptroller.
2. The comptroller shall examine the reports accompanying the remittances and shall determine the amounts which shall be credited to or charged to the state, any special fund of the state, towns and villages on account of fines, penalties, forfeited bail, fees or costs, and shall on the last day of March, June, September and December of each year, or as soon as practical thereafter, state an account with the general fund of the state, the special funds of the state, towns and villages, and shall pay to the general fund of the state, the special funds of the state and towns and villages any balance to the credit thereof and shall demand and receive from any town or village the amount of any balance chargeable to such town or village. Such reports accompanying the remittances may be filed in paper form or by electronic transmission or in such other media form as the comptroller determines offers reasonably the same degree of accountability and control provided by the filing of a paper document.
3. The comptroller is hereby authorized to implement alternative procedures, including guidelines in conjunction therewith, relating to the remittance of fines, penalties, forfeitures and other moneys by town and village justice courts, and by the Nassau county traffic and parking violations agency, to the Justice Court Fund and for the distribution of such moneys by the Justice Court Fund. Notwithstanding any law to the contrary, the alternative procedures utilized may include:
  - a. electronic funds transfer;
  - b. remittance of funds by the justice court to the chief fiscal office of the town or village, or, in the case of the Nassau county traffic and parking violations agency, to the county treasurer, for distribution in accordance with instructions by the comptroller; and/or
  - c. monthly, rather than quarterly, distribution of funds.

The comptroller may require such reporting and record keeping as he or she deems necessary to ensure the proper distribution of moneys in accordance with applicable laws. A justice court or the Nassau county traffic and parking violations bureau may utilize these procedures only when permitted by the comptroller, and such permission, once given, may subsequently be withdrawn by the comptroller on due notice.

### **Town Law – § 27 – Compensation of town officers and employees**

1. The town board of each town shall fix, from time to time, the salaries of all officers and employees of said town, whether elected or appointed, and determine when the same shall be payable. The town board shall not fix the salaries of the members of the town board, an elected town clerk or an elected town superintendent of highways at an amount in excess of the amounts respectively specified in the notice of hearing on the preliminary budget published pursuant to section one hundred eight of this chapter. However, the annual salary of any such elected officer may be increased, for not more than one fiscal year, in excess of the amount specified in the notice of hearing on the preliminary budget by local law adopted pursuant to the Municipal Home Rule Law. Salaries shall be in lieu of all fees, charges or compensation for all services rendered to the town or any district or subdivision thereof, pursuant to law, except that the supervisor shall not be required to account for and pay over such fees, salary or other compensation that he may receive or be entitled to from the county in which he is elected, for services rendered by him as a member of the board of supervisors. No town officer or employee shall retain any fees or moneys received by him in connection with his office but such fees or money shall be the property of the town and be paid to the supervisor not later than the fifteenth day of each month following the receipt thereof, excepting such fees and moneys the application and payment of which are otherwise provided for by law. Every officer or employee, except a town justice, is hereby required to submit monthly to the supervisor a verified statement of all moneys received by him and to pay such moneys to the supervisor who shall deliver his receipt therefor. Unless such verified statement and payment be made, such officer or employee shall not be paid any further portion of his salary until a report be submitted of any moneys paid as herein provided. The said provisions shall not affect a receiver of taxes and assessments who deposits the money collected directly to the credit of the supervisor and whose monthly report is equivalent to a receipt from the supervisor. Provisions of this subdivision shall not preclude the town from hiring laborers, clerical assistants and stenographers, and compensating them upon the hourly or daily basis. Notwithstanding any provision of the Penal Law, the Civil Practice Law and Rules, the Criminal Procedure Law, the Uniform Justice Court Act, or any other general, special or local law, no policeman, special policeman, police officer or constable of any such town shall retain for his own use fees, per diem or other compensation received by him from the State, the county, or any other municipality, or a private corporation or a person, in or for the performance of the duties of his office, whether such duties be of an administrative, legislative, judicial or other nature, but all such fees and moneys so received by him shall be the property of the town of which he is an officer and be paid to the supervisor not later than the fifteenth day of each month following the receipt thereof. No town justice of any town shall retain for his own use fees, per diem or other compensation received by him from the State, the county, or any other municipality, or a private corporation or a person, in or for the performance of the duties of his office, whether such duties be of an administrative, legislative, judicial, or other nature, but all such fees and moneys so received shall, unless otherwise provided by law, be the property of the town of

which he is an officer and shall be paid by such justice to the State Comptroller within the first ten days of the month following collection. Each such payment shall be accompanied by a true and complete report in such form and detail as the Comptroller shall prescribe. In the event that a justice shall not receive any such fees and moneys during any month he shall report this fact to the State Comptroller within the first ten days of the succeeding month. Upon receipt of notice from the State Comptroller that a justice has not properly reported or properly accounted for any moneys received by such justice, it shall be unlawful for the town to make any further payment of compensation to such justice until receipt of a notice from the Comptroller that a proper accounting has been made. In all towns the salaries of all town justices shall be equal except that the town board may determine by a majority vote to pay salaries in different amounts. Fees payable by virtue of the Civil Practice Law and Rules and section sixty eight-a of the Public Officers Law, for taking oaths and acknowledgment, shall not be deemed to be fees within the meaning of this section, but may be retained, or the payment thereof waived, by the officer taking the same.

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### **Uniform Justice Court Act – § 1911 – Fees**

(a) Fees payable to the clerk.

1. There shall be paid to the clerk the following sums as court fees in civil matters:
  - a. Upon the filing of the first paper in any action or proceeding, twenty dollars.
  - b. For issuing a requisition of seizure, twenty dollars.
  - c. Upon filing an infant's compromise, where no paper was previously filed, twenty dollars.
  - d. For entry of judgment upon confession, twenty dollars.
  - e. On filing notice of appeal, five dollars.
  - f. For issuing a satisfaction of judgment, or a certificate regarding the judgment, two dollars.
  - g. Upon demand for a trial by jury, ten dollars; to be paid by the party demanding the jury at the time of the demand.
  - h. For exemplification of a copy of a paper on file in the clerk's office not exceeding three pages, four dollars, and for each page in excess of three, one dollar.
  - i. For certifying a copy of a paper on file in the clerk's office, except a return on appeal, where such paper does not exceed three pages, two dollars, and for each page in excess of three, one dollar.
  - j. For issuing a notice of petition, or an order to show cause in lieu thereof, in a summary proceeding to recover possession of real property, twenty dollars.



2. All fees shall be prepaid before the service shall be performed.

3 a. No clerk of any town court shall collect or charge any fee imposed pursuant to paragraph one of this subdivision from the town in which such court has jurisdiction, nor from any village located therein or from any officer or agency of such town or village.

b. No clerk of any village court shall collect or charge any fee imposed pursuant to paragraph one of this subdivision from the village in which such court has jurisdiction, or from any officer or agency of such village.

(b) Fees of enforcement officer. There shall be paid to the enforcement officer by the party requiring his services, the same fees to which a sheriff would be entitled for like services in supreme court.

(c) Stenographer's fees. A stenographer provided by the municipality shall be entitled to such fees as the municipality prescribes, not to exceed those prescribed by the CPLR.

### **Uniform Justice Court Act – § 2019-a – *Justices' criminal records and docket***

The records and dockets of the court except as otherwise provided by law shall be at reasonable times open for inspection to the public and shall be and remain the property of the village or town of the residence of such justice, and at the expiration of the term of office of such justice shall be forthwith filed by him in the office of the clerk of such village or town, provided, however, that if such records and dockets are transferred pursuant to section twenty hundred twenty-one of the uniform district court act, the responsibility for such records and dockets by the city, village or town shall cease and they shall be the property of the district court to which they are transferred. The record of every criminal action shall state the names of the witnesses sworn and their places of residence, and if in a city, the street and house number; and every proceeding had before him. It shall be the duty of every such justice, at least once a year and upon the last audit day of such village or town, to present his records and docket to the auditing board of said village or town, which board shall examine the said records and docket, or cause same to be examined and a report thereon submitted to the board by a certified public accountant, or a public accountant and enter in the minutes of its proceedings the fact that they have been duly examined, and that the fines therein collected have been turned over to the proper officials of the village or town as required by law. Any such justice who shall willfully fail to make and enter in such records and docket forthwith, the entries by this section required to be made or to exhibit such records and docket when reasonably required, or present his records and docket to the auditing board as herein required, shall be guilty of a misdemeanor and shall, upon conviction, in addition to the punishment provided by law for a misdemeanor, forfeit his office.

### **Uniform Justice Court Act – § 2020 – *Disposition of fines and penalties***

All fines and penalties collected by the court shall be paid over to the persons or agencies entitled to the same pursuant to law.

**Uniform Justice Court Act – § 2021 – *Payment of fines, disposition thereof and related matters***

1. A fine imposed and paid before commitment, must be received by the court, and unless otherwise provided by law, shall be the property of the town in which the offense was committed if the fine was imposed by a town court. If, however, the fine was imposed by a village court for an offense committed in a village, then, unless otherwise provided by law, the fine shall be the property of the village in which the offense was committed. All such fines shall be paid to the State Comptroller by the court on or before the tenth day of the month next succeeding their collection. Notwithstanding the foregoing provisions of this subdivision, all fines imposed for the violation of a village local law, ordinance or regulation, unless otherwise provided by law, shall be the property of such village, whether or not the village has established the office of village justice.
2. If the defendant is committed in default of the payment of a fine, he may pay it, and any surcharge and/or crime victim assistance fee, to the sheriff or superintendent or municipal official of the facility to whom the defendant was committed who shall, within thirty days after the receipt thereof, unless otherwise provided by law, pay the same to the justice of the court that rendered the conviction.

**Vehicle and Traffic Law – § 503 – *Period of validity of drivers' licenses, learners' permits and applications; required fees***

\* \* \*

2. Fees

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- (j-1) (i) When a license issued pursuant to this article, or a privilege of operating a motor vehicle or of obtaining such a license, has been suspended based upon a failure to answer an appearance ticket or a summons or failure to pay a fine, penalty or mandatory surcharge, pursuant to subdivision three of section two hundred twenty-six, subdivision four of section two hundred twenty-seven, subdivision four-a of section five hundred ten or subdivision five-a of section eighteen hundred nine of this chapter, such suspension shall remain in effect until a termination of a suspension fee of seventy dollars is paid to the court or tribunal that initiated the suspension of such license or privilege. In no event may the aggregate of the fees imposed by an individual court pursuant to this paragraph for the termination of all suspensions that may be terminated as a result of a person's answers, appearances or payments made in such cases pending before such individual court exceed four hundred dollars. For the purposes of this paragraph, the various locations of the administrative tribunal established under article two-A of this chapter shall be considered an individual court.
- (ii) Any such fee collected by any court, judge, magistrate or other officer specified in subdivision one of section thirty-nine of the judiciary law, establishing a unified court budget, shall be paid to the state commissioner of taxation and finance on a monthly

basis no later than ten days after the last day of each month. All such monies collected under this subdivision shall be deposited to the indigent legal services fund established by section ninety-eight-b of the state finance law.

(iii) Any such fee collected by any other court, judge, magistrate or other officer shall, except as provided in paragraph (k) of this subdivision, be paid to the state comptroller within the first ten days of the month following collection. Every such payment to the comptroller shall be accompanied by a statement in such form and detail as the comptroller shall provide. All such monies collected under this subdivision shall be deposited to the indigent legal services fund established by section ninety-eight-b of the state finance law.

(iv) Notwithstanding any other provision of this paragraph, fifty percent of all fees collected pursuant to this paragraph shall be deposited to the credit of the general fund.

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### **Vehicle and Traffic Law – § 1600 – *Provisions of chapter uniform throughout state***

The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any local law, ordinance, order, rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. No local authority shall enact or duplicate any provision of this chapter as a local law, ordinance, order, rule or regulation, except that any local authority authorized to supersede any provision of this chapter may enact any such provision in a modified or amended form.

### **Vehicle and Traffic Law – § 1630 – *Regulation of traffic on highways under the jurisdiction of certain public authorities and commissions***

The New York state thruway authority, a county park commission, the Niagara Falls bridge commission, a parkway authority, a bridge authority, including the Buffalo and Fort Erie public bridge authority, the metropolitan transportation authority, the Long Island Rail Road, the Metro-North Commuter Railroad, the office of parks, recreation and historic preservation, the department of environmental conservation, the department of agriculture and markets, the industrial exhibit authority or a bridge and tunnel authority may by ordinance, order, rule or regulation prohibit, restrict or regulate traffic on or pedestrian use of any highway, property or facility under its jurisdiction. The provisions of section sixteen hundred of this title shall be applicable to such ordinances, orders, rules and regulations, provided, however, that such ordinances, orders, rules and regulations shall supersede the provisions of this chapter where inconsistent or in conflict with respect to the following enumerated subjects:

1. Weights and dimensions of vehicles, except that no combination of commercial vehicles, (as defined in paragraph (b) of subdivision eleven of section three hundred seventy-six of the vehicle and traffic law) coupled together shall consist of more than three vehicles.
2. Parking, standing, stopping and backing of vehicles.
3. The prohibition or regulation of the use of any highway by particular vehicles or classes or types thereof or devices moved by human power, except hearses operated by or for a licensed



funeral director or undertaker during a burial or funeral procession while traveling either to or from a funeral, interment or cremation and except specialized vehicles as defined by section four hundred one of this chapter.

4. Charging of tolls, taxes, fees, licenses or permits for the use of the highway or any of its parts, where the imposition thereof is authorized by law.
5. Establishment of maximum and minimum speed limits at which vehicles may proceed on or along such highways. No such maximum speed limit shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway, and except that, with respect to bridge and elevated structures that are a part of any such highway, a lower maximum speed limit may be established if it is determined that such lower maximum speed limit is the maximum speed limit which may be maintained without structural damage to such bridge or structure, and except that, with respect to any highway under the jurisdiction of the office of parks, recreation and historic preservation, other than a parkway as defined in subdivision seventeen of section 1.03 of the parks, recreation and historic preservation law, the department of agriculture and markets or the industrial exhibit authority, a maximum speed limit of not less than ten miles per hour may be established on any portion thereof, if it is determined that such lower maximum speed limit is necessary to assure the safety of the public, and except that, with respect to any highway having toll plazas, a maximum speed limit of not less than five miles per hour may be established for passage through such toll plazas.
6. Operation of authorized emergency vehicles.
7. Control of persons and equipment engaged in work on the highway.
8. Hitchhiking and commercial activities.
9. Use of medial strips and dividing malls or sections and use of shoulders of the highway.
10. Use of the highway by pedestrians, equestrians and animals.
11. Turning of vehicles.
12. Regulation of the direction of the movement of traffic and the use of traffic lanes.
13. Regulation of the use of horns, lights and other required equipment of vehicles.
14. Towing and pushing of vehicles, including, but not limited to, the licensing and regulation of persons engaged in the business of towing, and the fixing of maximum charges to be made by such persons for the towing and storage of disabled vehicles.
15. Objects projecting or hanging outside or on the top of vehicles.
16. Entering and driving off the highway, its roadways, medial strips, dividing malls and shoulders.
17. The prohibition or regulation of speed contests, races, exhibitions of speed, processions or parades.
18. Littering the highway.

19. Vehicles illegally parked, stopped or standing, or vehicles involved in accidents, including, but not limited to, the removal and storage of such vehicles, the fixing of reasonable charges, to be paid by the owner, operator or person entitled to possession, for such removal and storage and for other expenses incurred in connection therewith, the creation of liens on such vehicles for such charges and expenses, the enforcement of such liens, the determination of ownership or right to possession of such vehicles, the time before such vehicles are deemed abandoned vehicles pursuant to section twelve hundred twenty-four of this chapter, and the disposition of the proceeds of sales held pursuant to said section.
  - 19.a. Requirements imposing a duty upon any person removing a vehicle illegally parked, stopped or standing, without the permission of the owner or operator, to accept payment in person by credit card in accordance with generally accepted business practices.
20. Transportation of combustibles, chemicals, explosives, inflammables, or other dangerous substances, articles, compounds or mixtures, including, but not limited to, dangerous articles, as defined in section three hundred eighty of this chapter.
21. Traffic signal legend applicable to pedestrians and use of arrows.
22. Designate preferential use lanes for specified types or classes of vehicles.
23. Parking, standing and stopping of vehicles registered pursuant to section four hundred four-a of this chapter or those possessing a special vehicle identification parking permit issued in accordance with section one thousand two hundred three-a of this chapter.

### **Vehicle and Traffic Law – § 1643 – *Speed limits on highways in cities and villages***

The legislative body of any city or village with respect to highways (which term for the purposes of this section shall include private roads open to public motor vehicle traffic) in such city or village, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty, or on which the department of transportation shall have designated that such city or village shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four, subject to the limitations imposed by section sixteen hundred eighty-four may by local law, ordinance, order, rule or regulation establish maximum speed limits at which vehicles may proceed within such city or village, within designated areas of such city or village or on or along designated highways within such city or village higher or lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than thirty miles per hour. No such speed limit applicable on or along designated highways within such city or village shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway and except that within the cities of Buffalo and Rochester speed limits may be established at not less than fifteen miles per hour for any portion of a highway within a city park.

**Vehicle and Traffic Law – § 1644 – *Special speed limits on bridges and other elevated structures in cities and villages***

The legislative body of any city or village may determine the maximum speed which may be maintained without structural damage on bridges and elevated structures in such city or village, and if such maximum speed is lower than the maximum speed limit otherwise applicable, subject to the limitations imposed by section sixteen hundred eighty-four, may by local law, ordinance, order, rule or regulation establish such lower maximum speed limits at which vehicles may proceed on such bridge or structure.

**Vehicle and Traffic Law – § 1662-a – *Speed limits in certain towns***

The town board of any suburban town governed pursuant to article three-A of the town law and the town board of any other town having a population exceeding fifty thousand, with respect to highways (which term for the purposes of this section shall include private roads open to public motor vehicle traffic) in such towns outside any village, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty, or on which the department of transportation shall have designated that such towns shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four, subject to the limitations imposed by section sixteen hundred eighty-four may by local law, ordinance, order, rule or regulation establish maximum speed limits at which vehicles may proceed within such towns, within designated areas of such towns or on or along designated highways within such towns lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout such towns or within designated areas of such towns shall be established at less than thirty miles per hour, except that in the town of Hempstead speed limits may be established at not less than fifteen miles per hour on any portion of a highway in the community known as Point Lookout; provided, however, that no such speed limit in such town may be established unless a majority of the residents of such community file a petition with the town board of such town requesting such speed limit. No such speed limit applicable on or along designated highways within such towns shall be established at less than twenty-five miles per hour, except that school speed limits may be established at not less than fifteen miles per hour, for a distance not to exceed one thousand three hundred twenty feet, on a highway passing a school building, entrance or exit of a school abutting on the highway, and except further that in the town of Hempstead speed limits may be established at not less than fifteen miles per hour on any portion of a highway in the community known as Point Lookout; provided, however, that no such speed limit in such town may be established unless a majority of the residents of such community file a petition with the town board of such town requesting such speed limit.

**Vehicle and Traffic Law – § 1663 – *Special speed limits on bridges and other elevated structures***

The town board of any town may determine the maximum speed which may be maintained without structural damage to bridges and elevated structures that are a part of any town highway in such town and, if, such maximum speed is lower than the maximum speed limit otherwise applicable, may by order, rule or regulation establish such lower maximum speed limit at which vehicles may proceed on any such bridge or structure.

## **Vehicle and Traffic Law – § 1670 – *Regulation of traffic within municipal facilities***

Any local authority or school district, with respect to driveways or parking fields accessory to any school, playground, park, municipal building, installation or facility, and under the jurisdiction of such local authority or school district for general regulatory or custodial purposes, may by ordinance, order, rule or regulation:

1. Prohibit, restrict or limit the stopping, standing or parking of vehicles.
2. Regulate the direction of traffic.
3. Establish lower maximum speed limits at which vehicles may proceed than the fifty-five miles per hour statutory maximum speed limit.
4. Adopt such additional reasonable ordinances, orders, rules and regulations with respect to traffic as local conditions may require subject to the limitations contained in the various laws of this state.
5. Provide for the removal and storage of vehicles when: (a) parked in the parking fields or driveways during snowstorms, floods, fires or other public emergencies; or (b) found unattended in the parking fields or driveways where they constitute an obstruction to traffic; or (c) found abandoned in the parking fields or driveways, and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle.
6. Make special provisions with relation to stopping, standing or parking of vehicles registered pursuant to section four hundred four-a of this chapter or those possessing a special vehicle identification parking permit issued in accordance with section one thousand two hundred three-a of this chapter.

## **Vehicle and Traffic Law – § 1803 – *Disposition of fines and forfeitures***

1. Except as otherwise provided in subdivision five of section two hundred twenty-seven of this chapter and as provided in section eleven hundred ninety-seven of this chapter, section ninety of the state finance law and sections fourteen-f and one hundred forty of the transportation law, all fines and penalties collected under a sentence or judgment of conviction of a violation of this chapter or of any act relating to the use of highways by motor vehicles or trailers, now in force or hereafter enacted, shall be distributed in the following manner:
  - a. for a violation which occurs in a city, town or suburban town, any fine or penalty shall be paid to the city, town or suburban town in which the violation occurs, when such violation is of (1) any of the provisions of title seven of this chapter, but including violations of section eleven hundred eighty only when occurring in state parks for which the office of parks, recreation and historic preservation has established maximum speed limits pursuant to section sixteen hundred thirty and the violations could have been charged under either such established maximum speed limits or another section of this chapter, and when involving maximum speed limits established pursuant to sections sixteen hundred forty-three, sixteen hundred forty-four, sixteen hundred sixty-two-a, sixteen hundred sixty-three or sixteen hundred seventy, and excluding violations

of sections eleven hundred eighty-two, eleven hundred ninety-two and twelve hundred twelve of this chapter, or (2) any ordinance, order, rule or regulation adopted pursuant to article two-E of the transportation law or section sixteen hundred thirty of this chapter by the East Hudson Parkway Authority or by its successor, or the County of Westchester Department of Parks, Recreation and Conservation, or the state office of parks, recreation and historic preservation. For purposes of this paragraph, violations shall be deemed to be violations of any such ordinance, order, rule or regulation when they occur on highways under the jurisdiction of the enumerated entities and the violations could have been charged under either such ordinance, order, rule or regulation or another section of this chapter.

- b. for a violation which occurs in a village in which the office of village justice is established, any fine or penalty shall be paid to the village in which the violation occurs, when such violation is of (1) any of the provisions of title seven of this chapter, but including violations of section eleven hundred eighty only when occurring in state parks for which the office of parks, recreation and historic preservation has established maximum speed limits pursuant to section sixteen hundred thirty and the violations could have been charged under either such established maximum speed limits or another section of this chapter, and when involving maximum speed limits established pursuant to section sixteen hundred forty-three, sixteen hundred forty-four or sixteen hundred seventy, and excluding violations of sections eleven hundred eighty-two, eleven hundred ninety-two and twelve hundred twelve of this chapter, or (2) any ordinance, order, rule or regulation adopted pursuant to article two-E of the transportation law or section sixteen hundred thirty of this chapter by the East Hudson Parkway Authority or by its successor, or the County of Westchester Department of Parks, Recreation and Conservation, or the state office of parks, recreation and historic preservation. For purposes of this paragraph, violations shall be deemed to be violations of any such ordinance, order, rule or regulation when they occur on highways under the jurisdiction of the enumerated entities and the violations could have been charged under either such ordinance, order, rule or regulation, or another section of this chapter. Notwithstanding the foregoing provisions of this paragraph, all fines, penalties and forfeitures for violation of a village ordinance, local law or regulation adopted pursuant to the authorization of paragraph six of subdivision (a) of section sixteen hundred forty of this chapter prohibiting, restricting or limiting the stopping, standing or parking of vehicles shall be paid to such village whether or not the village has established the office of village justice.
- c. for compliance with or violations of subdivision nineteen of section three hundred eighty-five of this chapter, notwithstanding any inconsistent provision of law, except as provided in section ninety of the state finance law, the fees and fines collected by the state pursuant to sections two hundred twenty-seven, three hundred eighty-five and eighteen hundred three of this chapter and section ninety-nine-a of the state finance law, shall be made available to the state comptroller for deposit in the general fund except that fines collected within a city not wholly included within one county shall be paid to such city in accordance with the procedures set forth in subdivision four of section two hundred twenty-seven of this chapter for deposit into the general fund of such city.
- d. for violations of section eleven hundred eighty which are not included in paragraph a or paragraph b of this subdivision, violations of sections eleven hundred eighty-two, eleven hundred ninety-two, except in those counties adopting a special traffic option program for driving while intoxicated pursuant to section eleven hundred ninety-seven of this chapter, and



section twelve hundred twelve of this chapter, and violations of this chapter or of any act relating to the use of highways by motor vehicles or trailers, now in force or hereafter enacted, for which no other distribution is prescribed, all fines, penalties and forfeitures shall be paid to the state.

- e. for a violation which occurs within a county which has established a traffic and parking violations agency pursuant to section three hundred seventy of the general municipal law, other than parking, standing or stopping violations except for those set forth in section four hundred two of this chapter, and which violation is disposed of by such agency, any fine or penalty shall be paid to the county in which the violation occurs, when such violation is of any of the provisions of title seven of this chapter, but including violations of section eleven hundred eighty of this chapter only when involving maximum speed limits in state parks established by the office of parks, recreation and historic preservation pursuant to section sixteen hundred thirty of this chapter and when involving maximum speed limits established pursuant to section sixteen hundred forty-three, sixteen hundred forty-four, sixteen hundred sixty-two-a, sixteen hundred sixty-three or sixteen hundred seventy of this chapter, and excluding violations of sections eleven hundred eighty-two, eleven hundred ninety-two and twelve hundred twelve of this chapter.
2. Whenever a defendant is arrested and arraigned before a judicial officer authorized to conduct any proceedings in or in connection with any prosecution triable in any local court of inferior jurisdiction of a city or before a town court, or a village court on a charge in which the state is entitled to all fines and penalties under a sentence or judgment of conviction such city, town or village shall be entitled to receive the fees set forth in section ninety-nine-l of the general municipal law and such fees shall be a state charge and paid as provided in section ninety-nine-a of the state finance law.
  3. All fines, penalties and forfeitures paid to a city, town or village pursuant to the provisions of paragraph a of subdivision one of this section shall be credited to the general fund of such city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.
  4. All fines, penalties and forfeitures collected in a city, upon conviction or upon forfeiture of bail by any person charged with a violation of any local law, ordinance, order, rule, regulation, administrative code provision or sanitary or health code provision adopted or continued pursuant to this chapter, shall be paid to the city and credited to its general fund, unless a different disposition is prescribed by charter, special law, local law or ordinance.
  5. All fines, penalties and forfeitures for violations of section eleven hundred eighty of this chapter, which relate to maximum speed limits established by a village pursuant to sections sixteen hundred forty-three and sixteen hundred forty-four or by a suburban town pursuant to section sixteen hundred sixty-two-a of this chapter, and all bail forfeited by the non-appearance of defendants charged with such violations shall be paid over to the state comptroller by the court, justice or other officer collecting the same within the first ten days of the month following the collection, except as otherwise provided by subdivision three of section ninety-nine-a of the state finance law. Whenever such fines, penalties and forfeitures, including bail forfeited, in any year commencing July first shall aggregate in excess of five dollars for each inhabitant of the village or suburban

town, as the case may be, according to the last preceding federal census, such excess shall be the property of the state and shall be paid into the general fund of the state treasury.

6. The comptroller from the moneys received pursuant to this section shall, within six years from the receipt thereof, refund any fine received pursuant to this section which was imposed by a judgment of conviction that has been reversed and any fine, penalty or forfeiture received by the comptroller, payment of which was not required by this section. In any action by the state to recover fines, penalties, or forfeitures collected more than six years before the commencement of the action, the defendant shall be entitled to set off a claim for refund of any such item paid to the state during the ten years preceding the commencement of the action.

[7. Repealed. L.1997, c. 432, section 71, eff. Aug. 20, 1997, deemed eff. April 1, 1997. ]

8. All fines, penalties and forfeitures referred to in subdivision one of this section, except fines, penalties and forfeitures paid to the commissioner of taxation and finance as required by section thirty-nine of the judiciary law, and except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law, shall be paid to the state comptroller by the court, judge, magistrate or other officer within the first ten days of the month following collection. Every such payment to the comptroller shall be accompanied by a statement in such form and detail as the comptroller shall prescribe.

9. Where a county establishes a special traffic options program for driving while intoxicated, approved by the commissioner of motor vehicles, pursuant to section eleven hundred ninety-seven of this chapter, all fines, penalties and forfeitures collected from violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of subdivision three of section five hundred eleven, all fines, penalties and forfeitures imposed in accordance with section eleven hundred ninety-three of this chapter collected from violations of section eleven hundred ninety-two of this chapter; and any fines or forfeitures collected by any court, judge, magistrate or other officer imposed upon a conviction for: aggravated vehicular assault, pursuant to section 120.04-a of the penal law; vehicular assault in the first degree, pursuant to section 120.04 of the penal law; vehicular assault in the second degree, pursuant to section 120.03 of the penal law; aggravated vehicular homicide, pursuant to section 124.14 of the penal law; vehicular manslaughter in the first degree, pursuant to section 123.13 of the penal law; and vehicular manslaughter in the second degree, pursuant to section 125.12 of the penal law and civil penalties imposed pursuant to subdivision two of section eleven hundred ninety-four-a of this chapter, shall be paid to such county.

- (a) Any such fine, penalty, or forfeiture collected by any court, judge, magistrate or other officer referred to in subdivision one of section thirty-nine of the judiciary law, establishing a unified court budget, shall be paid to that county within the first ten days of the month following collection.

- (b) Any such fine, penalty, or forfeiture collected by any other court, judge, magistrate or other officer, including, where appropriate, a hearing officer acting on behalf of the commissioner, shall be paid to the state comptroller within the first ten days of the month following collection.

Every such payment to the comptroller shall be accompanied by a statement in such form and detail as the comptroller shall provide. The comptroller shall pay these funds to the county in which the violation occurs.

- (c) Upon receipt of any monies referred to in this section, the county shall deposit them in a separate account entitled “special traffic options program for driving while intoxicated”.

**Vehicle and Traffic Law – § 1809 – *Mandatory surcharge and crime victim assistance fee required in certain cases***

1. [Eff. until Sept. 1, 2011, pursuant to L.1991, c. 166, § 406(p).] Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, there shall be levied a crime victim assistance fee and a mandatory surcharge, in addition to any sentence required or permitted by law, in accordance with the following schedule:
  - (a) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a traffic infraction pursuant to article nine of this chapter, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.
  - (b) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a misdemeanor or felony pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence required or permitted by law, a crime victim assistance fee in the amount of twenty-five dollars and a mandatory surcharge in accordance with the following schedule:
    - (i) a person convicted of a felony shall pay a mandatory surcharge of three hundred dollars;
    - (ii) a person convicted of a misdemeanor shall pay a mandatory surcharge of one hundred seventy-five dollars.
  - (c) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter other than a crime pursuant to section eleven hundred ninety-two of this chapter, or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter or other than an infraction pursuant to article nine of this chapter or other than an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be



levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

2. [Eff. until Sept. 1, 2011, pursuant to L.1991, c. 166, section 406(p).] Where a person is convicted of two or more such crimes or traffic infractions committed through a single act or omission, or through an act or omission which in itself constituted one of the crimes or traffic infractions and also was a material element of the other, the court or administrative tribunal shall impose a crime victim assistance fee and a mandatory surcharge mandated by subdivision one of this section for each such conviction; provided however, that in no event shall the total amount of such crime victim assistance fees and mandatory surcharges imposed pursuant to paragraph (a) or (c) of subdivision one of this section exceed one hundred eighty dollars.
3. The mandatory surcharge provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge the collecting authority shall determine the amount of mandatory surcharge collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund. If such collecting authority is any other court of the unified court system, it shall, within such period, pay such money to the state commissioner of taxation and finance to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law. The crime victim assistance fee provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the crime victim assistance fee, the collecting authority shall determine the amount of crime victim assistance fee collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law.
4. Any person who has paid a mandatory surcharge or crime victim assistance fee under the authority of this section which is ultimately determined not to be required by this section shall be entitled to a refund of such mandatory surcharge or crime victim assistance fee upon application to the state comptroller. The state comptroller shall require such proof as it is necessary in order to determine whether a refund is required by law.
5. When a person who is convicted of a crime or traffic infraction and sentenced to a term of imprisonment has failed to pay the mandatory surcharge or crime victim assistance fee required by this section, the clerk of the court or the administrative tribunal that rendered the conviction shall notify the superintendent or the municipal official of the facility where the person is confined. The superintendent or the municipal official shall cause any amount owing to be collected from such person during his term of imprisonment from moneys to the credit of an inmates' fund or such moneys as may be earned by a person in a work release program pursuant to section eight hundred sixty of the correction law. Such moneys shall be paid over to the state comptroller to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law, except that any such moneys collected which are surcharges or crime victim assistance fees levied in relation to convictions obtained in a town or village justice court shall be paid within

thirty days after the receipt thereof by the superintendent or municipal official of the facility to the justice of the court in which the conviction was obtained. For the purposes of collecting such mandatory surcharge or crime victim assistance fee, the state shall be legally entitled to the money to the credit of an inmates' fund or money which is earned by an inmate in a work release program. For purposes of this subdivision, the term "inmates' fund" shall mean moneys in the possession of an inmate at the time of his admission into such facility, funds earned by him as provided for in section one hundred eighty-seven of the correction law and any other funds received by him or on his behalf and deposited with such superintendent or municipal official.

- 5-a. The provisions of subdivision four-a of section five hundred ten, subdivision three of section five hundred fourteen and subdivision three of section two hundred twenty-seven of this chapter governing actions which may be taken for failure to pay a fine or penalty shall be applicable to a mandatory surcharge or crime victim assistance fee imposed pursuant to this section.
6. Notwithstanding any other provision of this section, where a person has made restitution or reparation pursuant to section 60.27 of the penal law, such person shall not be required to pay a mandatory surcharge or crime victim assistance fee.
7. Notwithstanding any other provision of this section, where a mandatory surcharge or crime victim assistance fee is imposed pursuant to the provisions of section 60.35 of the penal law, no mandatory surcharge or crime victim assistance fee shall be imposed pursuant to the provisions of this section.
8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand eleven.
9. Notwithstanding the provisions of subdivision one of this section, in the event a proceeding is in a town or village court, the court shall add an additional five dollars to the surcharges imposed by such subdivision one of this section.
10. For the purposes of this section, the term conviction means and includes the conviction of a felony or a misdemeanor for which a youthful offender finding was substituted and upon such a finding there shall be levied a mandatory surcharge and a crime victim assistance fee to the same extent and in the same manner and amount provided by this section for conviction of the felony or misdemeanor, as the case may be, for which such youthful offender finding was substituted.

**Vehicle and Traffic Law – § 1809-b – *Mandatory surcharge required for certain violations relating to handicapped parking spaces***

1. Notwithstanding any other provision of law, whenever proceedings in an administrative tribunal or a court result in a finding of liability, or conviction for a violation of section twelve hundred three-a, twelve hundred three-b or twelve hundred three-c of this chapter or any other statute, local law, ordinance or rule involving the parking, stopping or standing of motor vehicles registered pursuant to section four hundred four-a of this chapter or those possessing a special vehicle identification parking permit issued in accordance with section one thousand two hundred three-a of this chapter, there shall be levied a mandatory surcharge in addition to any other sentence, fine

or penalty otherwise permitted or required, in the amount of thirty dollars. Such surcharge shall not be deemed a monetary penalty for the purposes of section two hundred thirty-seven of this chapter or section 19-203 of the administrative code of the city of New York.

2. The mandatory surcharge provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that made the determination of liability. Within the first ten days of the month next succeeding the collection of such surcharge, the collecting authority shall pay fifteen dollars of such surcharge to the CFO of the county in which such violation occurred or of the city of New York, for deposit to the credit of the handicapped parking education fund of such county or city established pursuant to section twelve hundred three-g of this chapter which shall be used by such county or city solely for a handicapped parking education program pursuant to such section. The remaining amount of the surcharge shall be paid to the CFO of the municipality from which it originated and used by such municipality for its local criminal justice programs and purposes; provided, however, that such municipality shall use ten percent of such funds for developing and implementing a disability awareness program for local law enforcement agencies for the purpose of training local law enforcement personnel to recognize and appropriately respond to persons with disabilities with whom such personnel come into contact in the course of their duties.

**Vehicle and Traffic Law – § 1809-c – *Additional surcharge required for certain violations relating to driving while intoxicated and driving while impaired***

1. Notwithstanding any other provision of law, whenever proceedings in a court of this state result in a conviction pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence or other surcharge required or permitted by law, an additional surcharge of twenty-five dollars.
2. The additional surcharge provided for in subdivision one of this section shall be paid to the clerk of the court that rendered the conviction. Within the first ten days of the month following collection of the surcharge the collecting authority shall determine the amount of surcharge collected and it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the general fund.
3. The provisions of subdivision three of section two hundred twenty-seven, subdivision four-a of section five hundred ten, and subdivision three of section five hundred fourteen of this chapter governing actions which may be taken for failure to pay a fine or penalty shall be applicable to the additional surcharge imposed pursuant to this section.
4. For the purposes of this section, the term conviction means and includes the conviction of a felony or a misdemeanor for a violation of section eleven hundred ninety-two of this chapter for which a youthful offender finding was substituted and upon such a finding there shall be levied an additional surcharge, in addition to any sentence or other surcharge required or permitted by law, to the same extent and in the same manner and amount provided by this section for conviction of the felony or misdemeanor, as the case may be, for which such youthful offender finding was substituted.

**Vehicle and Traffic Law – § 1809-d – Mandatory surcharge for violation of maximum speed limits in highway construction or maintenance work areas**

1. Notwithstanding any other provision of law, whenever proceedings in an administrative tribunal or court result in a finding of liability or conviction for a violation of paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this chapter or any other statute, local law, ordinance or rule involving the maximum speed limits in highway construction or maintenance work areas, there shall be levied a mandatory surcharge in addition to any other sentence, fine or penalty otherwise permitted or required, in the amount of fifty dollars. Such surcharge shall not be deemed a monetary penalty for the purposes of section two hundred thirty-seven of this chapter or section 19-203 of the administrative code of the city of New York.
2. The mandatory surcharge provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that made the determination of liability. Within the first ten days of the month next succeeding the collection of such surcharge, the collecting authority shall pay such money to the state comptroller to be deposited in the highway construction and maintenance safety education fund established by section ninety-nine-n of the state finance law.

**Vehicle and Traffic Law – § 1809-e – Additional surcharge required for certain violations**

- 1.a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, and except an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty dollars.
- b. Notwithstanding any other provision of law, whenever proceedings in a court of this state result in a conviction pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence or other surcharge required or permitted by law, an additional surcharge of one hundred seventy dollars.
2. The additional surcharges provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of such surcharges, the collecting authority shall pay such money to the state comptroller to be deposited to the general fund.
3. The provisions of subdivision four-a of section five hundred ten, subdivision three of section five hundred fourteen and subdivision three of section two hundred twenty-seven of this chapter governing actions which may be taken for failure to pay a fine or penalty shall be applicable to the additional surcharge imposed pursuant to this section.

**Vehicle and Traffic Law – § 2230 – Suspension and revocation of registrations; offenses; penalties**

1. The commissioner may suspend or revoke a registration issued pursuant to the provisions of this article, upon satisfactory proof of a violation of any provision of this article, or of the parks, recreation and historic preservation law at the request of the commissioner of parks, recreation and historic preservation, or of any rule, regulation, order, local law or ordinance adopted or promulgated pursuant thereto. Such suspension or revocation shall be issued only after a hearing unless such a hearing is waived by the registrant. Upon said suspension or revocation, all rights and privileges accruing to such registrant shall terminate.
2. Any person who violates any provision of this article or regulation adopted pursuant thereto shall be guilty of a violation punishable by a fine of one hundred dollars, and one-half of such fine shall be deposited in the snowmobile trail development and maintenance fund as set forth in section 21.07 of the parks, recreation and historic preservation law.

**Village Law – § 3-301 – Village officers**

\* \* \*

2. Any village may have the following officers:
  - a. except as provided in section 3-303 of this article, no more than two village justices, but in the event a village has one justice, it shall also have an associate justice who shall serve when requested by the village justice or in the absence or inability of the village justice to serve. The office of village justice is continued in every village in which it is now established. The board of trustees of any other village may establish such office by resolution or local law, subject to a permissive referendum. The board of trustees of any village by resolution or local law, subject to permissive referendum, may abolish such office, but to take effect only upon the expiration of the then current term of such office, or establish the office of additional village justices, which justice once elected shall have all the powers and duties of a village justice. The resolution or local law in the latter case shall provide for a term pursuant to section 3-302 of this article. The clerk of the court of a village shall be discharged from employment only upon the advice and consent of the village justice or justices when the clerk, in his or her village duties, works solely for the village justice or justices.
  - b. assessor or assessors, provided, however, that the board of trustees by resolution or local law may consolidate the offices of clerk, treasurer, and assessor or any two of such offices. The board of trustees may also determine, by local law or resolution, that such board of trustees shall act as the board of assessors or may appoint such board from their members. Notwithstanding the foregoing provisions of this paragraph, a village which has enacted a local law as provided in subdivision three of section fourteen hundred two of the real property tax law shall not have an assessor or assessors in any year in which such local law is in effect.
  - c. such other officers, including deputies, as the board of trustees shall determine, provided, however, that the board of trustees by resolution or local law may consolidate the offices of deputy clerk, and deputy treasurer.

\* \* \*



## **Village Law – § 4-410 – *Village justices; accounts, fees, and fines***

1. The village justice:
  - a. shall not receive for his own benefit any fees, costs or expenses in any action or proceeding, but shall demand and receive the same fees, costs and expenses therein as are provided by law to be paid to a town justice in any civil matter and shall keep account thereof and of fines collected by him;
  - b. shall pay all such costs, fees and expenses and all fines or other money so paid to him on any proceeding during any calendar month to the state comptroller within the first ten days of the month following collection. Such money, except as otherwise provided by law, shall be the property of the village of which such justice is an officer;
  - c. shall report the fact that he has not received any costs, fees, expenses and fines during any month to the state comptroller within the first ten days of the succeeding month. Upon receipt of notice from the state comptroller that a justice has not properly reported or properly accounted for monies received by such justice, it shall be unlawful for the village to make any further payment of compensation to such justice until receipt of notice from the comptroller that a proper accounting has been made;
  - d. shall not receive or disburse any monies unless he shall furnish or receive a proper receipt therefor, or make a memorandum or record of such transaction, in such form and detail as the state comptroller shall prescribe.
2. All the expenses of maintaining the village court, including the fees of the village justice if he is not paid a salary, shall be a village charge. The fees allowable to villages for the services of magistrates and the fees allowable to other officers for services in criminal proceedings, for or on account of an offense which a court of special sessions has not jurisdiction to try, shall be a county charge, if the magistrate had jurisdiction of the proceedings in which the services were rendered. A county shall pay any amount due to a village for the services of a village justice which are a county charge, upon presentation to it of a claim by the state comptroller for such charges each quarter. If any fine legally payable to the state, shall have been erroneously paid to the village treasurer, the board of trustees may, and is hereby authorized to, appropriate in its next annual budget such sum as may be necessary to reimburse the state for such fine so paid.

## **Village Law – § 4-411 – *Disposition of fines and penalties***

Except as otherwise provided by law, all fines and penalties imposed for the violation of a village local law, ordinance or regulation shall be the property of the village, whether or not the village has established the office of village justice. Nothing in this section shall be deemed to affect the disposition of mandatory surcharges, sex offender registration fees, DNA databank fees or crime victim assistance fees as provided by section 60.35 of the penal law, or of mandatory surcharges as provided by section eighteen hundred nine of the vehicle and traffic law, or of fines, penalties and forfeitures as provided by section eighteen hundred three of the vehicle and traffic law relating to traffic offenses.

## **Appendix 2 – State Parks/Parkway Listing and Locations**

### **New York State Department of Transportation**

#### **Bear Mountain Parkway (Westchester)**

Junction US 6/US 9/US 202 East to Taconic State Parkway

#### **Cross County Parkway (Westchester)**

Saw Mill River Parkway East to Hutchinson River Parkway

#### **Farragut Parkway (Westchester)**

Farragut Avenue South to Saw Mill River Parkway

#### **Hutchinson Parkway (Westchester)**

Connecticut State line South to New York City line

#### **Saw Mill River Parkway (Westchester)**

IR 684 South to New York City line

#### **Sprain Brook Parkway (Westchester)**

Taconic State Parkway South to Bronx River Parkway

#### **Taconic Parkway (Columbia, Dutchess, Putnam, and Westchester)**

IR 90 South to Bronx River Parkway

### **Office of Parks, Recreation and Historic Preservation**

#### ***Buffalo-Niagara Falls Area***

#### **Robert Moses State Parkway (Niagara)**

Fort Niagara State Parkway South to IR 190 at North Grand Island Bridge

### **Office of Parks, Recreation and Historic Preservation (continued)**

#### **South State Parkway (Erie)**

IR 190 South to West River State Parkway at Beaver Island State Park

#### **West River State Parkway**

IR 190 at Buckhorn State Park South to South State Parkway at Beaver Island State Park

#### ***Rochester Area***

#### **Lake Ontario State Parkway (Orleans and Monroe)**

NY 18 (Lakeside Beach State Park, Orleans County) East to Lake Avenue (City of Rochester, Monroe County)

#### ***Long Island Area***

#### **Bay State Parkway (Nassau)**

Parking lot West of Meadowbrook Parkway at Jones Beach State Park East to Wantagh State Parkway at Jones Beach State Park

#### **Bethpage State Parkway (Nassau)**

Bethpage State Park South to Southern State Parkway

#### **Heckscher State Parkway (Suffolk)**

Southern State Parkway South to Heckscher State Park

#### **Loop State Parkway (Nassau)**

Lido Boulevard East to Meadowbrook Parkway

## **Office of Parks, Recreation and Historic Preservation (continued)**

### **Meadowbrook Parkway and Causeway (Nassau)**

Northern State Parkway South to Ocean  
Parkway at Jones Beach State Park

### **Montauk State Parkway**

Northern State Parkway South to Montauk  
Point at Montauk Point State Park

### **Northern State Parkway (Nassau and Suffolk)**

New York City line East to NY 454

### **Ocean Parkway (Nassau and Suffolk)**

Meadowbrook Parkway at Jones Beach State  
Park East to Robert Moses Causeway at  
Captree State Park

### **Robert Moses Causeway at Captree State Park (Suffolk)**

Southern State Parkway South to Ocean  
Parkway

### **Sagtikos State Parkway (Suffolk)**

Northern State Parkway and Sunken Meadow  
State Parkway South to Southern State  
Parkway

### **Southern State Parkway (Nassau and Suffolk)**

New York City line East to Heckscher State  
Park

### **Sunken Meadow State Parkway (Suffolk)**

Sunken Meadow State Parkway South to  
Northern State Parkway and Sagtikos State  
Parkway

### **Wantagh State Parkway (Nassau)**

Northern State Parkway South to Ocean  
Parkway at Jones Beach State Park

## **Palisades Interstate Parkway Commission**

### **Lake Welch Parkway (Rockland)**

Seven Lakes Parkway East to Palisades  
Interstate Parkway

### **Long Mountain Parkway (Orange)**

NY 293 East to Palisades Interstate Parkway

### **Palisades Interstate Parkway (Orange and Rockland)**

US 9W South to New Jersey State line

### **Perkins Memorial Parkway (Orange and Rockland)**

Seven Lakes Parkway North to dead end at  
Bear Mountain State Park

### **Seven Lakes Parkway (Orange and Rockland)**

US 9W/US 202 South to NY 17

## **Westchester County**

### **Bronx River Parkway (Westchester)**

Taconic State Parkway South to New York  
City line

### **Central Westchester Parkway (Westchester)**

NY 22 South to IR 287

### **Playland Parkway (Westchester)**

IR 95 South to Forest Avenue



# Appendix 3 – Invoice Billing Procedure Certification Form

(Letterhead)

TO: Office of the State Comptroller  
Justice Court Fund  
110 State Street  
Albany, NY 12201-2110

This is to certify that my report for the month of (Insert Reporting Month) transmitted electronically to you on (Insert Date) is a true and complete record of the activity of the court for the period. A check for the amount of (Insert Amount) was sent to the Chief Fiscal Officer of the (Insert Town or Village) on (Insert Date).

Justice: (signature)

Justice Name: (typed)

Justice ID# (11 digit code)

Date:

# Appendix 4 – Accounting for Town and Village Justice Payments

## **Summary**

Legislation requested by the State Comptroller (Chapter 465, Laws of 1998) permits town and village courts who meet certain criteria to, among other things, transmit monthly receipts to the CFO without first sending them to the State for distribution (see State Finance Law §99-a). Previously, all town and village courts had to send the moneys they collected to the State Comptroller who, on a quarterly basis, sent the local share back to the municipalities. In 1996, legislation was adopted that created a temporary pilot program for up to 100 municipalities; however, as a result of the 1998 amendment, the program is now permanent and open to all municipalities who have the capacity to file reports electronically and meet the criteria for the program. Filing reports electronically gives localities access to revenues sooner and improves their cash flow.

## **Accounting Information**

CFOs will record payments from their justice courts in a liability account (A690 Overpayments and Clearing Account). The courts will file their monthly report electronically. The JCF will review the monthly reports to determine who the moneys should be distributed to and send a single distribution report to the CFO (each month) that covers all judges in the municipality. The CFO will then keep the locality's share, send a check to the State for the State and county share, make other payments if needed (for example if a town court collected fines that belong to a village), and reimburse the JCF for refunds paid (if any). When the distribution is made, the liability is liquidated and revenues recognized in the appropriate accounts. Amounts held for distribution may be invested, with the general fund recording the revenue in the account A2401 Interest and Earnings.

# Appendix 5 – Surcharges and Other Fines in New York State

## 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 <b>OR</b> 6% of fine, whichever is greater	N/A	N/A	\$75 <b>OR</b> 6% of Fine *** <b>whichever is greater</b> ***

\*\*\* **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)]	<b>NONE</b>			<b>NONE</b>
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)]. \*\*\*

**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)] (Offenses committed on or after 8/1/08)	Alcohol Fee (If Applicable) [VTL §1809-c]	Misc. Surcharge	TOTAL
§1192 Misdemeanors [VTL §1809(1)(b)(ii)]	\$175	\$25	\$5	\$170	\$25		\$400
<b>*** Cap on VTL Surcharges Applies to the M/S &amp; C.V.A. Only ***</b>							
§1192 (1) Infraction [VTL §1809(1)(c)]	\$55	\$5	\$5	\$170	\$25		\$260
All traffic infractions except standing, parking, pedestrians and bicyclists – <b>Including A.U.O. &amp; Reckless Driving</b> – [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)	X	X	X	\$20	N/A	\$20 = <b>\$435</b>

## COMBINATIONS AND VARIATIONS

<u>OFFENSE</u>	<u>SURCHARGE</u>	<u>AUTHORITY</u>
Multiple offenses, including a VTL offense(s) and at least one non-ECL offense(s).	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).	VTL § 1809(7)
Multiple offenses ( <u>non-VTL and non-ECL</u> ) with mutual elements or arising out of the same criminal transaction.	Courts shall impose the M/S and C.V.A for the offense with the highest criminal classification, and no other.	PL § 60.35(2)
Reparation or restitution made pursuant to PL § 60.27.	5% of entire restitution or reparation amount to an official or organization designated to receive payments.	PL § 60.27(8), CPL § 420.10(1), (7) & (8)
Mandatory surcharge for parking, stopping or standing in cities having a population of 100,000 or more.	There shall be levied, in addition to any other sentence, a mandatory surcharge of \$15.	VTL §1809-a
Additional Surcharge for VTL §1192 convictions.	There shall be levied, in addition to any sentence or other surcharge, an additional surcharge of \$25.	VTL §1809-c
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.	There shall be levied, in addition to any sentence or other surcharge, an additional surcharge of \$30.	VTL §§ 385(20-a), 401(19-a)

**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).

# Appendix 6 – Frequently Asked Questions

## Justice Court Accounting

### **Q. How is the local government’s share of the fines and surcharges computed?**

A. Uniform Justice Court Act §2021 along with other State and local laws determine what and how much of the court moneys received are returned to the local town or village government. The Justice Court Fund reviews each monthly justice report and determines the share of funds collected and fees earned to be distributed to the State, counties, towns and villages. The JCF then either bills the municipality for the State and county share (Invoice Billing Program participants) or distributes the local share on a quarterly basis (paper filers). The billing and quarterly distribution statements identify the revenues by unique distribution codes. The distribution code listing, along with the corresponding Statute and Section for the violations reported, is included on pages 64-66 of the Handbook.

### **Q. Should overpayments be deposited?**

A. Court policy may require that exact payment be made but, if policy allows and overpayments are accepted, the entire amount should be deposited intact along with all other court receipts. Amounts refunded by the court need to have sufficient documentation to support the refund. Overpayments should not be reported to the Justice Court Fund (see Handbook page 37 for additional guidance).

### **Q. How do I handle the discount on foreign currency?**

A. Stating “Paid in Full” on the receipt will prevent you from having recourse to collect the discount. A better practice is to note on the receipt that “Billing will be done for balance upon receipt of bank advice.” Do not report the payment on the monthly report to the JCF until you receive the bank advice. If you will not be billing for the discount, report the payment as final. If you expect to bill for the discount, indicate that the payment is “partial” on the Justice Court Fund report.

### **Q. I have a Canadian money order that states “U.S. Funds” on it, but my bank will not accept it. Why not?**

A. Generally, foreign currency should not be accepted for payment to your court. However, if your court does accept foreign currency, you should check with your bank representative to determine the bank’s policy for accepting foreign payments. Many banks require the money order to state “U.S. Funds” drawn on a U.S. bank. If the bank will not accept a Canadian money order, you can ask the payer to go cash the money order and return with U.S. currency.

### **Q. A defendant is fined \$200. \$100 is paid in January and \$100 in February. When does the money get deposited and when is the case closed?**

A. All moneys should be deposited within 72 hours of collection (exclusive of Sundays and holidays) regardless of whether they are payments in full or partial payments. The case should be closed

when the defendant has paid in full. Remember, for each case the justice should be maintaining a supplemental record showing the original amounts owed by the defendant, the amounts collected to date and the balance still owed. In addition, it should be noted on the receipt that it is a partial payment. All fines, penalties, fees, forfeitures and surcharges collected, including partial payments, must be reported to the Justice Court Fund within the first ten days of the month following collection.

Please refer to pages 36 and 60 of the Handbook.

**Q. How much are town and village courts allowed to charge for criminal searches? How do they record these fees on their monthly reports, and how should they list them in the cash receipts?**

- A. These fees do not get reported to the Justice Court Fund. These fees belong to the town or village so they should be turned over to the Chief Fiscal Officer (CFO) of the town or village. The money should be deposited in the justice's account first and then paid over to the CFO. The fees can be recorded in the "Other" column in the cash book. It would be recorded in the same "Other" column when the money is disbursed.

With respect to the amount that courts are allowed to charge for performing criminal searches, Judiciary Law §255 states that "A clerk of the court must, upon request, and upon payment of, or offer to pay, the fees allowed by law, or, if no fees are expressly allowed by law, fees at the rate allowed to a county clerk for a similar service, diligently search the files, papers, records, and dockets in his office; and either make one or more transcripts or certificates of change therefrom..." (emphasis added). CPLR §8020(g) covers search fees to be paid the county clerk as clerk of the court, at the rate of \$5.00 for each name searched.

**Q. I received notice that a defendant's check was dishonored because the account had insufficient funds. Since I have already issued a receipt, how should I handle this in my records?**

- A. Photocopy the bank memo and staple it to the receipt copy in the cashbook. When the dishonored check is returned to the court, the defendant should be contacted and payment arrangements should be made (preferably cash). In addition, the town or village board may provide for the imposition of a service charge not in excess of \$20.00 per check. If the case is closed, it should be reopened until final payment has been received by the court.

**Q. Should bail poundage be noted on the bail receipt?**

- A. Yes, bail poundage should be documented on the bail receipt so that the person who posted the bail knows that 3 percent may be withheld. Just remember that bail poundage is not an additional fee; it is subtracted from the bail posted and it should not be reported or remitted to the Justice Court Fund until final disposition of the case.

**Q. Can a signature stamp of the justice be used for the receipt?**

- A. No, the person receiving the money needs to sign the receipt. This provides accountability and identifies the person who actually accepted the money. However, it is not necessary for the person to sign their full name to the receipt; initialing the receipt is acceptable.



**Q. Our police department collects and receipts the bail received for defendants. How can we ensure that the receipt includes all relevant information?**

A. You may want to provide a receipt form for the police to use that includes all the information needed. Be sure to provide instruction so that the police department understands the process for receipting bail. When the bail is remitted to the court, a good practice is to issue a court receipt to record the bail in the cashbook. The court receipt should note who the money was received from (e.g., the police or sheriff's department), who paid the bail (e.g., the name and address of the person who posted the bail) and who the bail was paid for (e.g., case number and defendant's name).

**Q. Is a separate bail account required?**

A. No, bail money can be deposited into the justice's operating account as long as it is identified as a bail receipt in the cashbook. Remember, if bail is deposited into an interest-bearing account, the interest earned on the bail money is the property of the person posting the bail. This will require a separate accounting of the interest earned for each individual bail deposit. This can be avoided by depositing bail in a non-interest-bearing account.

**Q. A defendant who has posted bail does not appear in Court and the judge forfeits the bail. Four months later, the defendant comes to Court with a semiplausible explanation for his non-appearance and the judge decides to refund the bail. What is the proper procedure to follow in this instance? Who does the work, the defendant or the Court Clerk?**

A. First, bail forfeited because of nonappearance may be refunded only on the order of a superior court. If the defendant is successful in obtaining court action, it is the defendant's responsibility to request a refund in writing to the Justice Court Fund. Although the defendant does the work, the court of conviction must provide certain information to the defendant to support the refund request. The refund request must include:

- The month, page and line of the report conveying the funds to the Justice Court Fund
- The original or certified copy of the bail receipt, and
- The original or certified copy of the Superior court order, which must specify:
  - o Defendant name
  - o Court of conviction
  - o Amount to be refunded, and
  - o Payee name and address (the person who originally posted the bail).

Please refer to pages 69 and 73 of the Handbook.

**Q. A new Court Clerk finds that the bail account has not been reconciled in 20 years and the bank statement for the bail account shows more money in the account than the bail records show. This is old bail money and after months spent searching the old records, the clerk is**

**unable to find addresses for many of the people who posted bail and, in many instances, can't even determine who the bail rightly belongs to. After sending letters and getting no response, what do you do?**

A. This is a two-part question. Here are the answers:

1. Unclaimed exonerated bail – when you know who the bail should be returned to and cannot locate that person, the justice court should make a good faith effort for a reasonable period of time to locate the person who posted the cash bail (approximately six months). If unable to locate the person to return the bail, a court may transfer such moneys to the CFO of the town or village pending a claim. Cash bail still unclaimed six years after exoneration of the bail becomes the property of the town or village. Please refer to page 29 of the Handbook.
2. Unidentified moneys – even though the court knows this is bail money, they are unable to identify who it belongs to. In this case, unidentified money in a town or village justice's bank account should be reported and paid into the Justice Court Fund, where it will be retained by the State until the court can properly identify the funds. Should the court later determine the person who posted the bail, they should contact the Justice Court Fund and request a refund. Please refer to page 69 of the Handbook.

**Q. Bail is posted to secure the appearance in court of a defendant. When is the bail returned?**

A. When the case is disposed, the bail should be returned to the person who originally posted it less any bail poundage, if applicable (up to 3 percent). In cases where poundage is required, 2 percent will be returned by the Justice Court Fund to the town or village and the remaining 1 percent shall be disbursed to the county treasurer to fund the county's alternatives to incarceration service plan. If a county does not have an approved plan, towns and villages may not collect the additional 1 percent ( i.e., only 2 percent would be taken as bail poundage).

**Q. When is a town or village court entitled to charge bail poundage?**

A. A town or village court is entitled to charge bail poundage in connection with a criminal action or proceeding over which the court retains jurisdiction.

The courts are not entitled to charge bail poundage fees on:

- traffic infractions only
- bail transferred to a superior court
- bail transferred to another local court, and
- criminal actions or proceedings that are “terminated in favor of the accused.”

*In addition, if the original bail is reduced or returned (exonerated) prior to the disposition, poundage should be retained based upon the original amount of bail.*

Please refer to page 27 of this Handbook.

**Q. What is the proper way to record money for making copies and the proper way to report it on the monthly report?**

- A. General Municipal Law §99-1(1)(f) provides that the State will reimburse a town or village 25 cents per folio (page) for copies furnished by the court in any proceeding. Reimbursement will be made by the State directly to the Chief Fiscal Officer of the town or village; it does not go to the court.

The statute states that any copy made by the court that is furnished to another in any proceeding is reimbursable. This does not include the printing of hard copies of electronic tickets received by the court, since the copy printed is for court purposes and is not being furnished to anyone else. For good financial accountability, we suggest a log be maintained that includes the date the copies were furnished, a description of the type of copies, and the number of pages copied.

It's easy to record the request for reimbursement on the justice's monthly report. First, under the column entitled "Name," enter the word "Copies," and under the column entitled "Statute & Section," enter "GML-99-1(1)(f)". Next, in the "Offense" column, enter the number of copies that were furnished by the court. Lastly, enter the beginning and ending dates corresponding to the time period of the documents requested under the columns entitled "Arrest Date" and "Disposition Date," respectively. Please refer to page 30 of the Handbook for Town and Village Justices and Court Clerks.

If the court is making other copies not related to those described above, and it receives payment for those copies from the person for whom the copies were made, the money should be deposited into the justice's account and then paid over to the Chief Fiscal Officer of the town or village.

**Q. Can the court use receipts generated by the State-approved vendors' court program which automatically assigns the next sequential receipt number, or must the court use preprinted receipts that would be handwritten out?**

- A. General Municipal Law Section 99-b(1) requires that "Every public officer or employee who shall receive payment of money for or on behalf of any municipality, school district, public corporation or political subdivision of which he is an officer or employee shall, where no other evidence satisfactory for purpose of audit is available, issue a receipt to the person paying the same. He shall also retain a copy of such receipt, which receipt and copy or stub thereof shall be numbered consecutively. The receipt shall be in such form as the state comptroller, in the exercise of his supervision of municipal accounts, may approve."

That being said, if the software allows for a consecutive, unalterable numbered receipt, then electronic receipts are permissible. However, if the receipt numbers can be altered or are not consecutive, pre-numbered or press-numbered duplicate receipts must be used. Not only is the consecutive numbering requirement stated in the law, but preventing the possibility of changing the numbers is an internal control to track receipts as well as a safeguard against misuse or abuse of court money. Also, please refer to page 74 of the Handbook.

**Q. What does the Court do when the bank returns a counterfeit bill that was part of the Court's deposit?**

- A. In this scenario, the court actually has a cash shortage because the counterfeit money cannot be deposited. The justices are responsible for shortages that occur in their court. The total amount of moneys collected during the reporting period has to be reported to the Justice Court Fund regardless of the shortage.

Incidents involving counterfeit cash should be immediately reported to the police. Anyone accepting cash should take a few seconds to look over the bills, checking the texture of the paper, serial numbers and for the presence of security strips in the paper. The Court may also want to think about purchasing pens or some type of equipment that can help detect counterfeit money.

**Q. Our justice recently retired. Can the new justice use the same bank account?**

- A. No, each justice needs to establish their own official bank account to be used for the receipts and disbursements resulting from their court activity. All activity from the retiring justice needs to be accounted for as appropriate and the account closed. It is permissible, however, for all justices of a court to use one joint bank account for depositing bail.

**Q. Our justice prefers to do his/her own bank deposit. Is that a good practice?**

- A. The responsibility for deposit of court cash collections should be based on an analysis of the court's internal controls. A critical element of internal control is the segregation of duties; therefore, the responsibility for all duties relating to cash transactions should not be performed by the same person. Depending on the assignment of other responsibilities (e.g., issuance of receipts, maintenance of accounting records, bank reconciliations), it may be appropriate for the justice to make the bank deposits. Regardless of the system established, the justice(s) and court clerk(s) should understand and comply with their system.

**Q. Is the annual audit of the justice's records by the governing board still required if an independent audit of the Justice Court is performed?**

- A. No, the governing board can hire a certified public accountant or public accountant to perform the annual audit. There is no statutory requirement that both the governing board and an independent auditor audit the books and records of the justice court. However, if the governing board hires a certified public accountant or public accountant to perform an independent audit of the town or village's financial statements, this may not fulfill the annual audit of the justice court books and records unless they have included in the audit additional agreed-upon procedures. Note that in towns with a town comptroller, the annual audit is performed by the comptroller.

**Q. Should something be received from the board documenting the annual audit?**

- A. It is always a good idea to document the annual audit. A letter from the board stating that the audit has been completed can serve as documentation. In addition, OSC has developed a checklist that can be used by the governing board when performing the annual audit. The checklist is located in Appendix 10 of this handbook.

**Q. Does our computerized recordkeeping meet the requirements of a daily cash book?**

A. Yes, as long as all the required information is in the system and can be retrieved. The software must be such that receipt numbers can not be changed. It doesn't matter if the records are computerized or manual; they have to be complete and accurate, listing all receipts and all disbursements in a chronological manner. Also, please refer to page 74 of the Handbook.

**Q. How does one open the docket when it is now on the computer? Docket "books" are no longer in use.**

A. From the computer program, you can print a daily docket of all cases, then put it into a binder or book on a daily basis. In the program you can print any information needed on any case. Please contact your software vendor for assistance if necessary.

## **Reporting**

**Q. How do I report the Termination of License Suspension Fee?**

A. You report the amount of the fee collected in the column entitled "Civil Fees" on a separate line referencing VTL §503. You may report these cases individually or in lump sum (see Handbook page 49 for additional guidance). If you are using a commercial vendor reporting package, contact your vendor for instruction on how to report this fee properly.

**Q. When I file electronically and report my termination of license fees, why is there no money in the fee amount?**

A. You are not reporting the amount of the fee correctly. You are using the "other" feature in your vendor software to record the fees collected. The "other" feature leaves the money in the justices' bank account, similar to bail. If you are uncertain as how to report this fee, contact your vendor for specific instructions on reporting this fee.

**Q. How do I report the Sex Offender Registration Fee?**

A. You report the amount of the fee collected in the column entitled "Civil Fees" on a separate line referencing COR §168-a (2) or (3) (see Handbook, page 39 for additional guidance). If you are using a commercial vendor reporting package, contact your vendor for instruction on how to report this fee properly.

**Q. How do I report the special DWI surcharge of \$25?**

A. Include the amount of the special surcharge along with any other surcharges and crime victim assistance fees imposed in the "Surcharge" column (see Handbook page 46 for additional guidance).

**Q. How do I report the VTL Crime Victim Assistance Fee of \$5?**

A. Include the amount of the VTL crime victim assistance fee along with any other surcharge imposed in "Surcharge" column (see Handbook, page 45).

**Q. If the defendant is guilty of multiple charges, can more than one surcharge be imposed?**

A. In some instances, yes. For multiple violations of the Vehicle and Traffic Law, where a person is convicted of two or more crimes or traffic infractions committed through a single act or omission or that single act or omission, or through an act or omission which in itself also was a material element of the other, the court shall impose a mandatory surcharge and crime victim assistance fee for each conviction up to a maximum of \$180.00 (the \$180.00 cap is exclusive of the \$5.00 town and village fee that is required by VTL §1809(9), the additional \$25.00 surcharge on convictions of VTL §1192 violations required by VTL §1809-c(1), the \$50.00 surcharge for violations of maximum speed limits in work zones required by VTL §1809-d, and the additional \$20.00 or \$170.00 surcharge required by VTL §1809-e). If any of the offenses result in a misdemeanor conviction, other than those covered by VTL §1809, then the surcharge and crime victim assistance fee is determined by §60.35 of the Penal Law. Section 60.35 provides that only one mandatory surcharge and crime victim assistance fee may be imposed for two or more convictions based on a single act or omission. The surcharge is determined by the conviction which carries the highest classification (i.e., felony or misdemeanor).

**Q. Section 1809(2) of the VTL states the maximum surcharge and crime victim assistance fee on multiple convictions cannot exceed \$180.00. Can this maximum ever be exceeded?**

A. Yes. The \$180.00 maximum does not apply to the \$5.00 town and village fee that is required by VTL §1809(9), the additional \$25.00 surcharge on convictions of VTL §1192 violations required by VTL §1809-c(1), the \$50.00 surcharge for violations of maximum speed limits in work zones required by VTL §1809-d, or the additional \$20.00 or \$170.00 surcharge required by VTL §1809-e. You should determine the amount of the surcharge subject to the \$180.00 maximum before adding in the fees and surcharges, if applicable, that are not subject to the \$180.00 cap.

**Q. When reporting errors that result in the court overpaying the JCF (e.g., incorrect check amount, bounced checks, duplicate cases, etc.) are discovered subsequent to the filing of the report with the JCF, what should be done to correct these errors?**

A. If the total of these reporting errors results in overpayment to the JCF of less than \$250.00 for the month, you may offset this in the next month. If the errors result in an overpayment to the JCF of more than \$250.00, you must request a refund in writing that includes a brief explanation, the month, page, and line of the report, and the justice's signature (see Handbook, pages 68 - 71 for additional guidance).

**Q. What is exonerated bail and how do we handle it?**

A. When a case is concluded, the bail is "exonerated" (released) to the person who originally posted the bail, so long as it was not previously forfeited. If the justice cannot locate the person after a reasonable period of time, send the bail to the chief fiscal officer of your municipality pending a claim and retain all documentation for future claims. Exonerated bail is NOT reported to the JCF. Cash bail still unclaimed six years after exonerated of the bail becomes the property of the town or village.



**Q. How do we report forfeited bail?**

- A. Where bail has been posted and the defendant, without sufficient excuse, fails to appear in court when required, the bail may be forfeited (see Criminal Procedure Law §540.10). Report forfeited bail to the JCF on your monthly report and include the statute, section, and a brief description of the original charge. Forfeited bail should be reported net of bail poundage, and bail poundage should be reported on a separate line in the “Civil Fees” column (see Handbook page 28 for additional guidance).

**Q. How do we handle overpayments of fines to the court that have not been claimed?**

- A. Send any overpayments to the fiscal officer of your municipality pending a claim and retain all documentation for future claims.

**Q. What should we do when a matter is vacated or amended by the local court?**

- A. Send us an order signed by the judge and we will amend the report. If a refund is due to the court or defendant, see Handbook, page 69.

**Q. If bail that was previously forfeited is now to be refunded, where do I go?**

- A. Generally a Superior Court Order is required for us to refund bail that has been previously forfeited (Criminal Procedure Law §540.30); however, in rare situations where the bail was forfeited solely due to a clerical error, it may be refunded with a letter from the local court (see Ops St Comp No. 93-22; see also Handbook page 69).

**Q. How do we report civil penalties under the Zero Tolerance Law?**

- A. You should not collect civil penalties under the Zero Tolerance Law. The \$125.00 civil penalty is imposed by the Department of Motor Vehicles (DMV) and must be paid by the defendant directly to DMV. However, you must report the case as VTL §1192-a, with the disposition of civil penalty.

**Q. How are credit card payments reported on the monthly report? How long will it take to receive the moneys from the credit card submissions? Will moneys received by cash and money orders be separated from credit cards when the courts make the check out to the town/village?**

- A. Once the credit card transaction is processed, the money is deposited into the justice’s bank account as cash within 24 to 48 hours. For reporting purposes, you would report the transaction as you would a cash transaction; there is no difference. Since the credit card transaction is converted to cash, there is no need to separate the payment to the town or village. There should only be one check for the total due the town or village.

## **Electronic Filing/Invoice Billing**

**Q. What is the status of Electronic Filing?**



A. Electronic Filing is available to all courts. If you wish to participate, give us a call at (518) 473-6438 and we will guide you through the necessary steps to get started.

**Q. When filing my report electronically using the Internet, how do I know it was received?**

A. Scroll to the bottom of the page prior to clicking the “Submit” button. If you see your report(s) on the page (ACYMMXX.999 format) and click submit, then we got it. The format is AC and YY (report year), MM (report month), XX (two-digit county code) and 999 (the last three numeric digits of the justice ID).

**Q. Why do I get the error message “Page Cannot Be Displayed” when trying to connect to the electronic filing website?**

A. The security feature of the Comptroller’s electronic filing website requires 128 bit security. Older versions of Microsoft’s Internet Explorer do not have this. You can find out what version you have by clicking on the “Help” option from Internet Explorer’s menu bar and then selecting “About Internet Explorer.” If the Cipher Strength is anything less than 128 bit, you will need to download the latest version from Microsoft’s website. The good news is that the download is free.

**Q. When filing my report electronically, where do I enter the indicators on my report?**

A. The indicators such as Town/Village Ordinance, Parkways, Termination of License Suspension Fee, etc., are added to the report by the computer software you are using to produce your report. You should contact your software vendor to determine what, if any, special entries you might need to make to ensure the indicators are executed.

**Q. Can we electronically file if we do not have access to the Internet?**

A. Yes. Although the Internet is the preferred method and the most reliable, on a case-by-case basis we will allow courts to file via email.

**Q. When do we fax or mail the certifications?**

A. For those filing electronically and participating in the Invoice Billing Program: on the day your file is sent electronically, fax the certification to (518) 486-9899 and send a check to your fiscal officer.

For electronic filers who do not participate in the Invoice Billing Program: Mail check and certification for each justice to the following address:

**Office of the State Comptroller  
Justice Court Fund  
PO Box 22110  
Albany, NY 12201-2110**

# Appendix 7 – Monthly Report Checklist

To facilitate accurate auditing of your reports, please ensure that all information for each line is complete and accurate, for example:

## PAPER REPORTS

- Handwritten reports are legible using black or blue ink only
- The entire header information section is completed on the first page
- The correct Justice ID number is entered on each page of the report (see Handbook, page 10)
- The statute, section, and description of the offense agree
- TO or VO is noted for violations of town or village laws (including violations of local speed ordinances) (see Handbook, page 60)
- When reporting violations that occur on State Parkway or State Parks, you should cite the appropriate section of the NYCRR (NYR) or the Vehicle and Traffic and note Park or Parkway in the statute description field
- (VO) is noted when towns are reporting violations of village laws; if the town has more than one village, the name of the appropriate village should be provided
- Amended charges are reported on the line directly below the original charge (see Handbook, page 57)
- The report adds correctly; and the report amount and check amount agree
- The last page of the report contains an original signature by the justice.\*
- Monthly reports/checks should be mailed to:

**Office of the State Comptroller  
Justice Court Fund  
P.O. Box 22110 Albany, NY 12201-2110**

\*NOTE: The justice must sign the last page of the monthly report. Reports certified by someone other than the justice will not be accepted. If more than one report is sent at a time, PLEASE DO NOT STAPLE THEM TOGETHER.

## **ELECTRONIC REPORTS**

- The correct statute abbreviation is used as listed in the Handbook “Table of Abbreviations,” (e.g., Transportation Law s/b TL (pages18-19)).
- The section of law is cited correctly with the spacing or punctuation between section and subsection: (e.g., 511-2 (A)-ii or 511-2-A-2 instead of 5112A2).
- Make certain all indicators (town or village local ordinance, Felony and Parkway, State Fees) are used. If you are unsure about how to use these indicators, contact your software vendor for instructions.
- Certifications with an original signature by the judge should be faxed or mailed out the day the report is transferred electronically. Reports certified by someone other than the justice will not be accepted. Send the Certification by fax to (518) 486-9899.

If you are sending your Certification by mail, please use the following address:

**Office of the State Comptroller  
Justice Court Fund  
110 State Street  
Albany, NY 12236**

# Appendix 8 – General Recordkeeping Requirements for Town and Village Justice Courts

Generally, governing boards should first gain an understanding of how the court operates, what the general rules and requirements are for financial accountability and reporting, and what types of financial records should be maintained to meet these responsibilities. The first step is to reach out to the justices and court clerks, other more experienced board members, and/or the Office of the State Comptroller. The second step is to read this Handbook; it provides guidance as well as requirements for Justice Court transactions (please see pages 26-53).

Court personnel are required to maintain various records and documents pertaining to the cases handled in their respective courts. They are also required to perform certain finance related duties to account for and report all transactions. Some of these recordkeeping requirements are as follows:

1. Each court is required to maintain individual case files containing all papers and other documents pertaining to each case (22 NYCRR 214.11).
2. Each court is required to maintain an index of all cases with a unique number assigned to each case when filed. If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address (22 NYCRR 214.11).
3. Each court is required to maintain a cashbook, which chronologically identifies all receipts and disbursements (22 NYCRR 214.11).
4. Each justice is required to maintain an official bank account in his/her name as judicial officer (22 NYCRR 214.9).
5. Each officer or employee receiving money is required to issue acceptable receipt forms for all moneys collected (GML § 99-b).
6. Each justice is required to deposit all moneys received in his/her judicial capacity in their official bank account within 72 hours of collection, exclusive of Sundays and holidays (22 NYCRR 214.9).
7. Make all disbursements by check and signed by the Justice except for acceptable petty cash transactions.

8. Each justice must, within 10 days after the end of month in which collected, submit a monthly report and remittance to the Justice Court Fund. If your court participates in the Invoice Billing Program, then each justice will electronically file their report with the Justice Court Fund and will issue a check to the Chief Fiscal Officer instead of the Justice Court Fund.

The following minimum records should be maintained by court personnel receiving and disbursing moneys (manual or computerized records):

1. Cash receipts records and supporting documents
2. Cash disbursement records and supporting documents
3. Bank statements and supporting documents
4. Cash book reconciliations (determining accountability)
5. Reports to applicable governmental agencies.

In preparation for the required annual audit, it is a good practice to utilize the monthly checklist included in Appendix 9 to ensure compliance with the above referenced requirements and good accounting practices. This checklist should enable you to discover any irregularities early and minimize the time it takes to investigate these issues. It should also minimize the time it takes the Town or Village board to review these records.

Board members are supplied with the “General Recordkeeping Requirements for Town and Village Justices” referenced above and an annual checklist that provides them with the general tools to properly perform the annual audit and provide reasonable assurance that work performed by those individuals who handle moneys as part of their duties are properly monitored and reviewed. We have provided a copy of the general recordkeeping requirements and annual checklist for you to better understand the board’s expectations (see Appendices 9 and 10).

# Appendix 9 – Monthly Checklist for Review of Justice Court Records

Name of Municipality:

Period Reviewed:

 Through 

Name of Justice:


Review Performed By:


Date


# Monthly Checklist for Review of Justice Court Records

Month of \_\_\_\_\_

Cash Book Reconciliation (Accountability) at End of Month

The amounts on deposit in the court bank accounts (adjusted bank balance) are the following:

Bank Balance – End of Month \_\_\_\_\_

Add: Cash on Hand- deposited 1st day of  
Next Month (deposit in transit) \_\_\_\_\_

Deduct: Outstanding Checks – Month End \_\_\_\_\_

Adjusted Bank Balance – Month End \*\*\* \_\_\_\_\_

Cash Book Balance at Month End is determined as follows:

Amount Due to the State Comptroller (or CFO) \_\_\_\_\_

Bail \_\_\_\_\_

Other - Identify \_\_\_\_\_

Total Cash Book Balance- Month End \*\*\* \_\_\_\_\_

**\*\*\* Adjusted Bank Balance should agree with total Cash Book Balance at month end.**



# Monthly Checklist for Review of Justice Court Records

Yes No

## Cash Book Summary

- ▶ Does the Amount Due to the State Comptroller (or to the Chief Fiscal Officer) agree with the Monthly Report to be submitted?  Yes  No
- ▶ Does the amount shown as bail agree with the list of bail held for pending cases?  Yes  No
- ▶ Does the amount shown for other categories agree with the supporting information?  Yes  No

## Issuance of Receipts

What was the beginning receipt number for this month? \_\_\_\_\_

What was the ending receipt number for the previous month? \_\_\_\_\_

Receipts should be issued in numerical sequence. The ending receipt number from the previous month should be one number lower than the beginning receipt number for this month. For example, if the ending receipt number for the previous month is 256 then the beginning receipt number for this month should be 257. If they are out of sequence, please explain.

- ▶ Were receipts issued in numerical sequence during the month?  Yes  No

## Bank Deposits

Review the bank statements, canceled checks and deposit slips for month and compare with accounting records.

- ▶ Do deposits agree with cash collections shown in the accounting records?  Yes  No
- ▶ Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?  Yes  No

## Disbursements

- ▶ Does the check to the State Comptroller (or to the Chief Fiscal Officer) agree with the Monthly Report?  Yes  No
- ▶ If invoice billing is used, do checks agree with the supporting information?  Yes  No
- ▶ Do bail return checks agree with supporting case information?  Yes  No

## Overall Evaluation

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# Appendix 10 – Annual Checklist for Review of Justice Court Records

Name of Municipality:

Month Reviewed:

Through

Name of Justice:


Review Performed By:


Date


# Annual Checklist for Review of Justice Court Records

Yes No

## Cash Receipts Book

- ▶ Are pre-numbered receipt forms issued for all collections?  Yes  No
- ▶ Are duplicate receipts kept for court records?  Yes  No
- ▶ Are receipts recorded up-to-date?  Yes  No  
*Last recorded receipt:*  
# \_\_\_\_\_ Date \_\_\_\_\_ Amount \_\_\_\_\_
- ▶ Is the receipt book maintained in a manner to identify date received, payer, and the amount of fines, fees, bail and other categories of collection?  Yes  No
- ▶ Are deposits identified?  Yes  No
- ▶ Are duplicate deposit slips kept for court records?  Yes  No
- ▶ Are deposits made within 72 hours of collection (exclusive of Sundays and holidays)?  Yes  No
- ▶ Are deposits recorded up-to-date?  Yes  No  
*Last recorded deposit:*  
Date \_\_\_\_\_ Amount \_\_\_\_\_
- ▶ Is the receipt book totaled and summarized at the end of each month?  Yes  No  
*Last Month Totaled and Summarized* \_\_\_\_\_

## Cash Disbursements Book

- ▶ Are pre-numbered checks used for all disbursements other than petty cash?  Yes  No
- ▶ Are all checks signed by the Justice?  Yes  No
- ▶ Are canceled checks (or check images) returned with bank statements and kept for court records?  Yes  No
- ▶ Are checks recorded up-to-date?  Yes  No  
*Last recorded check:*  
# \_\_\_\_\_ Date \_\_\_\_\_ Amount \_\_\_\_\_

## Bank Reconciliations

- ▶ Are bank accounts reconciled promptly after bank statements are received?  Yes  No  
*Last Bank Reconciliation for Each Bank Account:*  
Date Performed \_\_\_\_\_ Month Ending \_\_\_\_\_

## Additional Supporting Records

- ▶ Is a list of bail maintained?  Yes  No
- ▶ Is a record of uncollected installment payments maintained?  Yes  No

# Annual Checklist for Review of Justice Court Records

**Yes    No**

## **Dockets and Case Files**

- ▶ Are separate dockets maintained for various classifications of cases, such as Vehicle and Traffic, Criminal, Civil and Small Claims?
- ▶ Are case files maintained for all cases? If manual, an index is an alphabetical list of cases with case numbers as a cross-reference. This will assist in locating cases since case files are filed by disposition date. If computerized, the index is maintained in the system and can be accessed at any time by name, ticket number or address.
- ▶ Do dockets for disposed cases appear to be complete?
- ▶ Do dockets for disposed cases agree with amounts reported?

## **Cash Book Reconciliation**

- ▶ Is the cash book reconciled to the adjusted bank balances at the end of each month?
- ▶ Does the cash book total agree with the bank reconciliation and supporting information?

*Last Cash Reconciliation:*

*Date Performed* \_\_\_\_\_ *Month Ending* \_\_\_\_\_

## **Reports to the Division of Criminal Justice Services**

- ▶ Are reports made timely to the Division of Criminal Justice Services?
- ▶ Has the court received any notices regarding late reporting?       
 If yes, why were the reports late and what corrective actions were taken? \_\_\_\_\_

## **Reports to the Justice Court Fund**

- ▶ Are reports made timely to the Justice Court Fund?
- ▶ Do reported amounts agree with docket dispositions and case files?
- ▶ Do reported amounts agree with cash receipt and disbursement books?       
 Last report submitted: Month Ending \_\_\_\_\_ Date \_\_\_\_\_ Amount \_\_\_\_\_
- ▶ Has the court received any notices regarding late reporting?       
 If yes, why were the reports late and what corrective actions were taken? \_\_\_\_\_

# Annual Checklist for Review of Justice Court Records

Yes No

## Reporting to the Department of Motor Vehicles - TSLED Program

- ▶ Has the court received any notices regarding pending cases?  
If yes, why were the cases pending and what corrective actions were taken, if any \_\_\_\_\_

\_\_\_\_\_

Note: Cases over 60 days are eligible to be Scofflawed. TSLED sends a monthly listing of pending cases to the Court. The court should respond either manually or electronically to TSLED with the outcome of these pending cases.

- ▶ Are reports from TSLED to the court maintained and utilized?  
*Last TSLED Report Available: Date* \_\_\_\_\_

**Note:** Courts can access reports on-line from TSLED at any time.

- ▶ How many cases are shown as pending in the last TSLED report? \_\_\_\_\_
- Is the number of pending cases reasonable?
  - How many cases are shown as pending for more than 90 days? \_\_\_\_\_
  - What actions have been taken to dispose of these cases? \_\_\_\_\_

\_\_\_\_\_

## Overall Evaluation

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# Appendix 11 – Justice Court Fund Distribution of Court Receipts Statement

## Office of the State Comptroller Justice Court Fund Distribution of Receipts Comparative Summary by State Fiscal Year

TOWN AND VILLAGE COURT RECEIPTS PAID TO:	2009/2010	2008/2009	2007/2008	2006/2007
<b>A. THE STATE:</b>				
General Fund:				
General Fund - Miscellaneous (fines, fees and DWI special surcharges)	26,640,650	31,040,292	30,998,140	30,843,288
General Fund - Environmental Conservation - fines	326,928	389,443	380,257	469,566
General Fund - Environmental Conservation -surcharges	(1) 81,880			
General Fund - V&T 1809 Surcharges	(2) 32,310,182	34,850,367	33,026,734	33,116,641
General Fund - V&T 1809e Surcharges	(3) 16,664,849	2,067,868	-	-
General Fund - Termination of Suspension Fees	(4) 751,116			
Special Revenue Fund/Accounts:				
Criminal Justice Improvement Account - Penal Surcharges	4,244,709	4,003,687	3,914,441	3,958,446
Criminal Justice Improvement Account - Victims Assistance Fee	5,876,537	5,990,337	5,873,397	5,712,195
Criminal Justice Improvement Account - Sex Offender Victim Fee	17,260	13,728	9,868	17,758
Patron Services (PRHPL Surcharges) Account	42,155	37,818	42,111	42,720
Boating Noise/Boating Safety Account	60,284	76,394	66,797	68,347
Snowmobile Trail Development & Maintenance Account	34,582	40,689	34,741	16,231
Commercial Vehicle Safety Account	2,223,823	2,645,963	2,601,996	2,741,152
Conservation Fund/Marine Resource Account	581,342	537,498	507,522	535,222
Highway Const/Maintenance Safety Account	203,452	231,142	210,755	114,895
Worker's Compensation Account	2,770	1,600	5,990	2,080
Indigent Legal Services Fund:	(5)			
Termination of Suspension Fees	5,076,807	4,950,883	4,389,107	3,694,116
Annual Transfer of V&T Surcharges	20,551,739	14,817,905	14,609,174	13,260,946
State Funds Sub-Total	\$115,691,063	\$101,695,612	\$96,671,029	\$94,593,604
<b>B. COUNTIES</b>				
DWI and Aggravated Unlicensed Operation (AUO)	10,772,849	11,539,302	11,183,167	11,221,404
Other (Total less AUO and Felony Payments)	(6) 217,134	223,916	219,717	222,102
Less: Felony Fee Payments	-282,980	-296,750	-287,500	-277,170
Counties Sub-Total	\$10,707,003	\$11,466,468	\$11,115,384	\$11,166,336
<b>C. TOWN AND VILLAGES</b>				
Distributed by Justice Court Fund (non-electronic filing courts)	1,475,117	5,965,843	8,762,126	9,469,190
Retained by Municipalities (electronic filing courts)	118,412,085	111,005,479	100,861,798	96,653,822
Town & Village Sub-Total	\$119,887,201	\$116,971,323	\$109,623,924	\$106,123,013
<b>TOTAL TOWN AND VILLAGE COURT RECEIPTS</b>	<b>\$246,285,267</b>	<b>\$230,133,402</b>	<b>\$217,410,338</b>	<b>\$211,882,953</b>

- (1) Chapter 59, Laws of 2009, required the imposition of a mandatory surcharge on violations of the Environmental Conservation Law. The new surcharge became effective April 7, 2009 for offenses that were committed on or after April 1, 2009.
- (2) Total is net of the annual transfer to the Indigent Legal Services Fund, 2006-\$13.2 million, 2007-\$14.6 million, 2008-\$14.8 million, 2009-\$20.6 million.
- (3) Included in the SFY 2008 - 2009 budget, the Legislature enacted a new provision, VTL §1809-e, which requires an additional surcharge to be added to certain vehicle and traffic violations occurring on or after August 1, 2008.
- (4) Chapter 59 of the Laws of 2009 increased the termination of suspension fee contained in VTL Section 503 (2)(j-1)(i) from \$35 to \$70 for suspensions occurring on or after July 6, 2009. The statute provides that 50% be paid into the General Fund to support State operations and 50% be paid into the Indigent Legal Services Fund.
- (5) The Indigent Legal Services Fund was established in 2003 to support indigent legal defense services. A significant portion of the revenue collected will be paid annually to the counties to offset the increased costs of the higher rates for assigned counsel, as well as support indigent legal defense service generally.
- (6) The "Other" category includes the county share of bail poundage, and handicapped parking surcharges. Also included are violations of the Agriculture and Markets Law and County Building Codes.

# **Appendix 12 – Unified Court System’s Records Retention Schedule**

## **RECORDS RETENTION AND DISPOSITION SCHEDULE**



### **FISCAL RECORDS**

**DIVISION OF COURT OPERATIONS  
OFFICE OF RECORDS MANAGEMENT**

**Rev. April 2005**



## FISCAL RECORDS

### RECORDS RETENTION AND DISPOSITION SCHEDULE

This schedule includes **fiscal records** created for and by the New York State Unified Court System. The retention of these records is based on the appraisal of their administrative, legal, fiscal and/or historical value. Based on these values, the records were divided into two categories: “**office of record**” and “**non-record copy**”.

The “**office of record**” is the court or department which maintains the “**record copy**” for records listed in this schedule. The record copy is the official copy of the record. The “**non-record copy**” is the copy which is retained by the courts and offices other than the “**office of record**”.

Due to the requirements of the State Comptroller’s Office, County Clerks outside New York City and Town and Village Courts are required to retain some of their records for a different period of time than other courts/agencies. In addition, Towns and Villages need the approval of the State Comptroller’s Office prior to destruction of their records.

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R.S. #	RECORD SERIES TITLE	RETENTION*
<p><b>ACCOUNTING</b>  <b>Records created to record the acquisition of and payment for goods and services of the Unified Court System.</b></p>		
<p><b>FS1.</b></p>	<p><b>ACCOUNTS PAYABLE RECORDS</b></p> <p><b>a) PURCHASING RECORDS</b></p> <p>Records created to document, verify, balance and reconcile the purchase of goods and services rendered to the Unified Court System.</p> <p>Records include, but are not limited to:  Approved Purchase Plans, Contract Encumbrance Requests (AC 340), Invoice Requests, Legal Reference Purchase Requests, Receipts for Items Purchased, Receipts for Repairs and Services Rendered, Maintenance Agreements, Merchandise Receipts, Purchase Orders (AC 130), Purchase Order Change Notices (AC 902), Purchase Requisitions (SC 321, M-1646), Service Reports, Vendor Contact Sheets, Vendor Files, Vendor History Reports, Vendor Invoices, Vendor Register Logs, Purchase Order Logs, Requisition Logs, Maintenance/Repair In-house Log Books, Encumbrance Reports, Miscellaneous Logs, Registers and Listings.</p>	

*\*The retention period for fiscal records commences on the last day of the fiscal year.*

FISCAL RECORDS

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R.S. #	RECORD SERIES	RETENTION*
<b>FS-1.</b>	<p><b>ACCOUNTS PAYABLE RECORDS</b></p> <p><b>a) PURCHASING RECORDS</b></p> <p><b>1. <u>CONTRACT RELATED</u></b> <b><u>UNIFIED COURT SYSTEM CONTRACTS</u></b></p> <p>OFFICES OF RECORD:</p> <p>a) County Clerks Outside NYC Town and Village Courts</p> <p>b) All Other Courts and Agencies that enter <i>accounts payable records</i> into the New York State Comptroller's Central Accounting System. These currently include: Appellate Divisions, Court of Appeals, Court of Claims, District Offices, New York City Budget Office and O.C.A. Accounts Unit</p> <p>NON RECORD COPIES: All Other Courts and Agencies</p>	<p>Retain for six years after expiration of contract or final payment, whichever is later, then destroy.</p> <p>Retain for six years after expiration of contract or final payment, whichever is later, then destroy.</p> <p>Retain for three years or until no longer needed, whichever is shorter, then destroy.</p>

\*The retention period for fiscal records commences on the last day of the fiscal year.

FISCAL RECORDS

R.S. #	RECORD SERIES	RETENTION*
FS-1.	<p><b>ACCOUNTS PAYABLE RECORDS</b> (continued)</p> <p><b>a) PURCHASING RECORDS</b> (continued)</p> <p><b>2. <u>CONTRACT RELATED</u></b> <b><u>OFFICE OF GENERAL SERVICES and</u></b> <b><u>STATE CONTRACTS</u></b></p> <p>OFFICES OF RECORD:</p> <p>a) County Clerks Outside NYC Town and Village Courts</p> <p>b) All Other Courts and Agencies that enter <i>accounts payable records</i> into the New York State Comptroller's Central Accounting System. These currently include: Appellate Divisions, Court of Appeals, Court of Claims, District Offices, New York City Budget Office and O.C.A. Accounts Unit</p> <p>NON RECORD COPIES: All Other Courts and Agencies</p>	<p>Retain for six years after expiration of contract or final payment, whichever is later, then destroy.</p> <p>Retain for three years after final payment, then destroy.</p> <p>Retain for three years or until no longer needed, whichever is shorter, then destroy.</p>

\*The retention period for fiscal records commences on the last day of the fiscal year.

R.S. #	RECORD SERIES	RETENTION*
FS-1.	<p><b>ACCOUNTS PAYABLE RECORDS</b> (continued)</p> <p><b>a) PURCHASING RECORDS</b> (continued)</p> <p><b>3. <u>NON CONTRACT RELATED</u></b></p> <p>OFFICES OF RECORD:</p> <p>a) County Clerks Outside NYC Town and Village Courts</p> <p>b) All Other Courts and Agencies that enter <i>accounts payable records</i> into the New York State Comptroller's Central Accounting System. These currently include: Appellate Divisions, Court of Appeals, Court of Claims, District Offices, New York City Budget Office and O.C.A. Accounts Unit</p> <p>NON RECORD COPIES: All Other Courts and Agencies</p>	<p>Retain for six years after final payment, then destroy.</p> <p>Retain for three years after final payment, then destroy.</p> <p>Retain for three years or until no longer needed, whichever is shorter, then destroy.</p>

\*The retention period for fiscal records commences on the last day of the fiscal year.

FISCAL RECORDS

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R.S. #	RECORD SERIES	RETENTION*
FS-1.	<p><b>ACCOUNTS PAYABLE RECORDS</b> (continued)</p> <p><b>b) PAYMENT RECORDS</b></p> <p>Vouchers and supporting materials that document, verify, balance and reconcile the payment for goods and services received.</p> <p>Records include, but are not limited to:  Cash Advance Vouchers (AC 874), Charge Back By Agency, Charges By Other Agencies, Cost Center Journal Vouchers (AC 1316), Credit Card Journal Vouchers, Expenditure Warrants, Overtime Meal Vouchers (AC 13), Payee Continuations (AC 2395), Refunds of Appropriations - Expenditures, Quick Pay Vouchers (AC 3031), Quick Pay Invoice Continuations, Special Charge Vouchers (AC 916), Standard Vouchers - Invoice Continuations (AC 2373), Standard Vouchers - Continuation Sheets (AC 93), Standard Vouchers (AC 92), Petty Cash Vouchers, Travel Vouchers (AC 132), Lodging Requests (LR or AC 276), Travel Requests (TR or AC 281, AC 276), Tax Exemption Certificates (AC 946), Transportation Requests (AC 281), Detail Sheets (AC 148), Travel Authorizations (OBF TR-1), and Statements of Automobile Travel (AC 160).</p>	

\*The retention period for fiscal records commences on the last day of the fiscal year.

FISCAL RECORDS

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R.S. #	RECORD SERIES	RETENTION*
FS-1.	<p><b>ACCOUNTS PAYABLE RECORDS</b> (continued)</p> <p><b>b) PAYMENT RECORDS</b> (continued)</p> <p><b>1. <u>CONTRACT RELATED</u></b> <b><u>UNIFIED COURT SYSTEM CONTRACTS</u></b></p> <p>OFFICES OF RECORD:</p> <p>a) County Clerks Outside NYC Town and Village Courts</p> <p>b) All Other Courts and Agencies that enter <i>accounts payable records</i> into the New York State Comptroller's Central Accounting System. These currently include: Appellate Divisions, Court of Appeals, Court of Claims, District Offices, New York City Budget Office and O.C.A. Accounts Unit</p> <p>NON RECORD COPIES: All Other Courts and Agencies</p>	<p>Retain for six years after expiration of contract or final payment, whichever is later, then destroy.</p> <p>Retain for six years after expiration of contract or final payment, whichever is later, then destroy.</p> <p>Retain for three years or until no longer needed, whichever is shorter, then destroy.</p>

\*The retention period for fiscal records commences on the last day of the fiscal year.  
FISCAL RECORDS



R.S. #	RECORD SERIES	RETENTION*
<b>FS-1.</b>	<p><b>ACCOUNTS PAYABLE RECORDS</b> (continued)</p> <p><b>b) PAYMENT RECORDS</b> (continued)</p> <p><b>2. <u>CONTRACT RELATED</u></b> <b><u>OFFICE OF GENERAL SERVICES and</u></b> <b><u>STATE CONTRACTS</u></b></p> <p>OFFICES OF RECORD:</p> <p>a) County Clerks Outside NYC Town and Village Courts</p> <p>b) All Other Courts and Agencies that enter <i>accounts payable records</i> into the New York State Comptroller's Central Accounting System. These currently include: Appellate Divisions, Court of Appeals, Court of Claims, District Offices, New York City Budget Office and O.C.A. Accounts Unit</p> <p>NON RECORD COPIES: All Other Courts and Agencies</p>	<p>Retain for six years after expiration of contract or final payment, whichever is later, then destroy.</p> <p>Retain for three years after final payment, then destroy.</p> <p>Retain for three years or until no longer needed, whichever is shorter, then destroy.</p>

\*The retention period for fiscal records commences on the last day of the fiscal year.  
FISCAL RECORDS

R.S. #	RECORD SERIES	RETENTION*
<b>FS-1.</b>	<p><b>ACCOUNTS PAYABLE RECORDS</b> (continued)</p> <p><b>b) PAYMENT RECORDS</b> (continued)</p> <p><b>3. <u>NON CONTRACT RELATED</u></b></p> <p>OFFICES OF RECORD:</p> <p>a) County Clerks Outside NYC Town and Village Courts</p> <p>b) All Other Courts and Agencies that enter <i>accounts payable records</i> into the New York State Comptroller's Central Accounting System. These currently include: Appellate Divisions, Court of Appeals, Court of Claims, District Offices, New York City Budget Office and O.C.A. Accounts Unit</p> <p>NON RECORD COPIES: All Other Courts and Agencies</p>	<p>Retain for six years after final payment, then destroy.</p> <p>Retain for three years after final payment, then destroy.</p> <p>Retain until no longer needed, then destroy.</p>

\*The retention period for fiscal records commences on the last day of the fiscal year.

R.S. #	RECORD SERIES	RETENTION*
<b>FS-2.</b>	<p><b>ACCOUNTS RECEIVABLE (REVENUE) RECORDS</b></p> <p>Records that document, verify, balance and reconcile accounts related to fines and fees and other monies collected by the Unified Court System.</p> <p>Records include, but are not limited to: Bills/Invoices, Cash Disbursements, Cash Receipts, Cashier's End of Month Reports, Cashier's Register Tapes, Cashier's Reports, Cashier's Weekly Receipts, Daily Cash Receipt Journals, Daily Cash Receipt Ledgers (Criminal, Civil, Traffic), Journal Vouchers, Master Control Records, Overnight Monies, Refunds of Appropriations, Shortage/Overage Memorandums, Printouts Showing Receipt of Funds, Logs, Registers and Listings.</p> <p><b>OFFICES OF RECORD:</b></p> <ul style="list-style-type: none"> <li>a) County Clerks Outside NYC Town and Village Courts</li> <li>b) All Other Courts, NYC County Clerks, and O.C.A. Divisions/Offices when they are the originating agencies</li> </ul> <p><b>NON RECORD COPIES:</b> District Offices and O.C.A. Divisions/Offices when they are not the originating agencies</p>	<p>Retain for six years, then destroy.</p> <p>Retain for three years, then destroy.</p> <p>Retain until no longer needed, then destroy.</p>

*\*The retention period for fiscal records commences on the last day of the fiscal year.*

R.S. #	RECORD SERIES	RETENTION*
<b>FS-3.</b>	<p><b>DATA SET RECORDS</b> also known as <b>ACCOUNTING MASTER FILE</b></p> <p>Data collected from the courts reflecting accounting transactions and entered into the UCS accounting system. Information is used to manage funds. <i>(DOES NOT INCLUDE PAYROLL DATA.)</i></p> <p><b>OFFICE OF RECORD:</b> O.C.A. Division of Financial Management</p> <p><b>NON RECORD COPIES:</b> Courts, District Offices and O.C.A. Divisions/Offices</p>	<p>Retain for ten years, then destroy.</p> <p>Retain until no longer needed, then destroy.</p>

\*The retention period for fiscal records commences on the last day of the fiscal year.

FISCAL RECORDS

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Rev. APRIL 2005

R.S. #	RECORD SERIES	RETENTION*
<b>BANKING</b> <b>Records created to manage the administration of banking transactions/activities of the Unified Court System.</b>		
<b>FS-4.</b>	<p><b>BANKING RECORDS</b></p> <p>Records created to document bank transactions including deposits, withdrawals and status reports of monies received/collected by the Unified Court System.</p> <p>Records include, but are not limited to: Account Summaries, Bad Check Advices, Balance of Funds, Bank Statements, Bank Reconciliations, Canceled Checks, Cancellations of Payment, Check Stubs, Deposit Slips, Listings of Deposits, Schedules of Outstanding Checks, Uncollectible Checks and Wire Transfers.</p> <p><b>OFFICES OF RECORD:</b></p> <p>a) County Clerks Outside NYC Town and Village Courts</p> <p>b) All Other Courts, NYC County Clerks, District Offices and O.C.A. Divisions/Offices when they are the originating agencies</p> <p><b>NON RECORD COPIES:</b> District Offices and O.C.A. Divisions/Offices when they are not the originating agencies</p>	<p>Retain for six years, then destroy.</p> <p>Retain for three years, then destroy.</p> <p>Retain for one year, then destroy.</p>

*\*The retention period for fiscal records commences on the last day of the fiscal year.*

FISCAL RECORDS

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Rev. APRIL 2005

R.S. #	RECORD SERIES	RETENTION*
<b>BUDGET PREPARATION</b> <b>Records created to document the request for funds from the Legislature to support the activities of the Unified Court System.</b>		
<b>FS-5.</b>	<b>BUDGET POLICY COORDINATOR FILES</b>  Files containing copies of budget analyses and commentaries on specific portions of the REVIEW AGENCY BUDGET REQUESTS.  OFFICE OF RECORD: O.C.A. Division of Financial Management  NON RECORD COPIES: O.C.A. Budget Policy Coordinators	Retain for three years, then destroy.  Retain for three years or until no longer needed, whichever is shorter, then destroy.
<b>FS-6.</b>	<b>BUDGET PREPARATION FILES</b>  Files containing background and reference materials for budget preparation.  OFFICES OF RECORD: Originating Courts and Agencies  NON RECORD COPIES: District Offices, O.C.A. Divisions/Offices and O.C.A. Division of Financial Management when they are not the originating agencies	Retain for three years, then destroy.  Retain for three years or until no longer needed, whichever is shorter, then destroy.

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<b>R.S. #</b>	<b>RECORD SERIES</b>	<b>RETENTION*</b>
<b>FS-7.</b>	<p><b>BUDGET REQUESTS</b></p> <p>Formal requests made by originating courts/agencies for allocations for the next fiscal year. Two step process includes:</p> <p><b>a) COURTS AND AGENCIES</b></p> <p>Copies of the courts' and agencies' budget requests submitted to District Offices, New York City Budget Office and Administrative Judges' Offices for review.</p> <p><b>OFFICES OF RECORD:</b> Originating Courts and Agencies</p> <p><b>NON RECORD COPIES:</b> District Offices, O.C.A. Divisions/Offices and O.C.A. Division of Financial Management</p> <p><b>b) REVIEW AGENCY BUDGET RECOMMENDATIONS</b></p> <p>Revised and adjusted court and agency budget requests, prepared by District Offices, NYC Budget Office and other administrative offices acting as Review Agencies, submitted to the O.C.A. Division of Financial Management.</p> <p><b>OFFICES OF RECORD:</b> District Offices and O.C.A. Divisions/Offices</p> <p><b>NON RECORD COPIES:</b> O.C.A. Division of Financial Management</p>	<p>Retain for three years, then destroy.</p> <p>Retain for one year or until no longer needed, whichever is shorter, then destroy.</p> <p>Retain for three years, then destroy.</p> <p>Retain for three years or until no longer needed, whichever is shorter, then destroy.</p>

*\*The retention period for fiscal records commences on the last day of the fiscal year.*

R.S. #	RECORD SERIES	RETENTION*
<b>FISCAL ADMINISTRATION RECORDS</b> <b>Records created to document the administration of fiscal transactions.</b>		
<b>FS-8.</b>	<p><b>AUDIT REPORT FILES</b></p> <p>File containing reports documenting the audit findings of internal and external agencies.</p> <p><b>OFFICES OF RECORD:</b></p> <p style="padding-left: 20px;">a) O.C.A. Office of Internal Affairs</p> <p style="padding-left: 20px;">b) N.Y.S. Office of the State Comptroller</p> <p><b>NON RECORD COPIES:</b>  Courts, County Clerks, District Offices and O.C.A. Divisions/Offices</p>	<p>a) Retain until a subsequent audit of the same program has been conducted, then destroy. If no subsequent audit of the same program is conducted, retain for ten years, then destroy.</p> <p>b) To be determined by the N.Y.S. Office of the State Comptroller.</p> <p>Retain until no longer needed, then destroy.</p>

*\*The retention period for fiscal records commences on the last day of the fiscal year.*



<b>R.S. #</b>	<b>RECORD SERIES</b>	<b>RETENTION*</b>
<b>FS-9.</b>	<p><b>CONTRACT FILES</b></p> <p>Files containing materials related to the purchase of goods and services which require a contract. Materials may include: Contracts, Leases, Bonds, Bid Proposals, Specifications, and other supporting documentation. Records include contracts with Legal Aid Societies, Community Dispute Resolution Centers and One-Write Accounting System.</p> <p><b>OFFICE OF RECORD:</b>  O.C.A. Office of Administrative Services  Contract and Procurement Administration Unit</p> <p><b>NON RECORD COPIES:</b>  Courts,  District Offices and  O.C.A. Divisions/Offices</p>	<p>Retain for six years after expiration of contract or final payment, whichever is later, then destroy.</p> <p>Retain for three years or until no longer needed, whichever is shorter, then destroy.</p>

*\*The retention period for fiscal records commences on the last day of the fiscal year.*  
**FISCAL RECORDS**

R.S. #	RECORD SERIES	RETENTION*
<b>FS-10.</b>	<p><b>FINANCIAL PLANNING AND CONTROL MANUAL</b></p> <p>Procedures manual outlining actions related to financial controls. Includes Budget Bulletins and new Accounting Procedure Bulletins.</p> <p><b>OFFICE OF RECORD:</b> O.C.A. Division of Financial Management</p> <p><b>NON RECORD COPIES:</b> Courts, District Offices and O.C.A. Divisions/Offices</p>	<p>Retain one master copy (original and all subsequent updates) permanently for research purposes.</p> <p>Retain until updated, then destroy.</p>

\*The retention period for fiscal records commences on the last day of the fiscal year.  
**FISCAL RECORDS**

R.S. #	RECORD SERIES	RETENTION*
<b>FS-11.</b>	<p><b>REPORTS AND STUDIES</b></p> <p>Reports and studies created by fiscal offices for management analysis, planning and documentation.</p> <p><b>a) NON ROUTINE REPORTS</b></p> <p><b>OFFICES OF RECORD:</b>  Originating Courts,  District Offices and  O.C.A. Divisions/Offices</p> <p><b>NON RECORD COPIES:</b>  Courts,  District Offices and  O.C.A. Divisions/Offices when they are not the originating agencies</p> <p><b>b) ROUTINE REPORTS</b></p> <p><b>OFFICES OF RECORD:</b>  Originating Courts,  District Offices and  O.C.A. Divisions/Offices</p> <p><b>NON RECORD COPIES:</b>  Courts,  District Offices and  O.C.A. Divisions/Offices when they are not the originating agencies</p>	<p>Retain for three years, then destroy.</p> <p>Retain until no longer needed, then destroy.</p> <p>Retain until updated, then destroy.</p> <p>Retain until no longer needed, then destroy.</p>

*\*The retention period for fiscal records commences on the last day of the fiscal year.*

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## Office of the State Comptroller (OSC) - Justice Court Fund

Manager .....	(518) 473-6438
Reporting Questions	
Paper .....	(518) 473-6438
Electronic/Invoice Billing .....	(518) 473-6438
Refund Questions .....	(518) 408-3964
Supply Requests .....	(518) 486-3152
Freedom of Information (FOIL) Requests .....	(518) 474-4015
Bingo and Games of Chance .....	(518) 408-2933
Other Questions .....	(518) 473-6438
Fax .....	(518) 486-9899
Email .....	courtfund@osc.state.ny.us
Web .....	www.osc.state.ny.us/localgov

## Office of Court Administration (OCA)

Education and Administration for Town and Village Justices and Court Clerks .....	(866) 632-2123 ..... (518) 285-8799
Justice Court Assistance Program Grants .....	(800) 232-0630
Records Management/Retention .....	(212) 428-2875 or www.nycourts.gov/admin/recordsmanagement
Bank Account Reporting .....	(800) 232-0630
Credit Card Information .....	(800) 232-0630
OCA-City, Town and Village Court Resource Center	
Interpretation of Law, Judicial Procedures, Sentencing .....	(800) 232-0630 ..... (518) 238-4339
Fax .....	(518) 438-3518
Email .....	resourcecenter@courts.state.ny.us
Web .....	www.nycourts.gov/ea

## Department of Motor Vehicles

TSLE&D .....	(518) 474-3255
Counsel .....	(518) 474-0871
Email .....	tsledsupport@dmv.state.ny.us

## Division of Criminal Justice Services

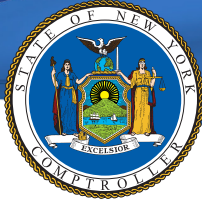
Disposition Information .....	(800) 262-3257
Grant Funding .....	(518) 457-8462
Web .....	www.criminaljustice.state.ny.us

## New York State Magistrates Assoc., Inc. .... (800) 669-6247

Fax .....	(518) 439-1204
Email .....	nysma@juno.com
Web .....	www.nysmagassoc.homestead.com

## New York State Assoc. of Magistrates Court Clerks, Inc

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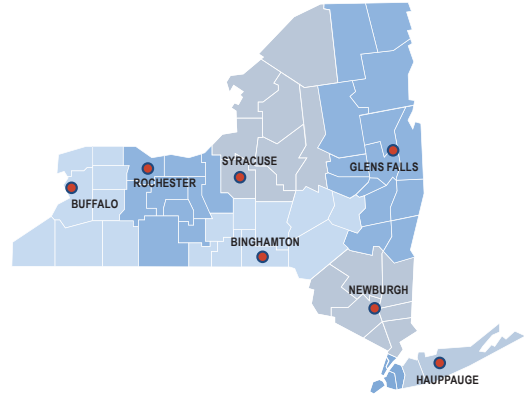
Office of the NEW YORK STATE  
**COMPTROLLER**

New York State Comptroller  
**THOMAS P. DiNAPOLI**

## Division of Local Government and School Accountability

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**New York State & Local Retirement System  
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Counties: Nassau, Suffolk

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Original Release February 2010  
Updated January 2019