

## 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  *** <i>whichever is greater</i> ***

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

**All Other Laws Except Penal Law, VTL & ECL**

Grade/Type of Offense	M/S	C.V.A.	Town & Village Fee [PL §60.35 (9)]	TOTAL
Misdemeanor [PL §60.35(1)(a)(ii)]	\$175	\$25	\$5	\$205
Violation [PL §60.35(7)]	NONE			NONE
Parks, Rec. & Hist. Preservation Law: All violations and traffic infractions, except for parking or standing [PRHPL §27.12]	\$15		N/A	\$15

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

**Mandatory Surcharge Schedule – *continued***

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

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

**Vehicle & Traffic Law Surcharges**

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

**\*\*\* 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	\$20	N/A	\$85
			§1180(b)	\$55	\$5	\$20 N/A \$85
§1120(a)	\$0	\$0	\$0	\$20	N/A	\$20 = <b>\$275</b>

**COMBINATIONS AND VARIATIONS**

**OFFENSE SURCHARGE AUTHORITY**

Multiple offenses, including a Where a M/S and C.V.A are imposed VTL § 1809(7)

VTL offense(s) and at least one pursuant to PL §60.35(2), the court shall

non-ECL offense(s). not impose a M.S. or C.V.A. on any

VTL offense(s).

Multiple offenses (non-VTL and non-ECL) Courts shall impose the M/S and C.V.A PL § 60.35(2)

with mutual elements or arising out of the same for the offense with the highest criminal

criminal transaction. classification, and no other.

Reparation or restitution made pursuant 5% of entire restitution or PL § 60.27(8),

to PL § 60.27. reparation amount to an official CPL § 420.10(1),

or organization designated to (7) & (8)

receive payments.

Mandatory surcharge for parking, stopping There shall be levied, in addition VTL §1809-a

or standing in cities having a population of to any other sentence, a mandatory

100,000 or more. surcharge of \$15.

Additional Surcharge for VTL §1192 There shall be levied, in addition VTL §1809-c

convictions. to any sentence or other surcharge,

an additional surcharge of \$25.

When the registrant of the vehicle, rather There shall be levied, in addition to VTL §§ 385(20-a),

Than the operator, is convicted of VTL § any sentence or other surcharge, an 401(19-a)

385(8)(9) or (10), or section 401, and the additional surcharge of \$30

non-registrant operator was served and the

registrant did not respond to the original

summons and court mail notice.

**Termination of Suspension Fee: Effective July 6 2009**, when a defendant's license has been suspended for failure to appear or failure to pay a fine penalty or mandatory surcharge, the suspension shall remain in effect until the defendant pays to the court a termination of suspension fee of \$70. In no event may the aggregate of the fees imposed by an individual court for the termination of all suspensions that may be terminated as a result of the person's answers, appearances or payments made in cases pending before an individual court exceed \$400.

**Sex Offender Registration Fee:** A person convicted of a sex offense as defined by subdivision 2 of section 168-a of the correction law or a sexually violent offense as defined by subdivision 3 of section 168-a of the correction law shall, in addition to a mandatory surcharge and crime victim assistance fee, pay a sex offender registration fee of \$50.

**Youthful Offenders:** While a Youthful Offender, as defined by Article 720 of the Criminal Procedure Law, is still subject to the mandatory surcharge(s) issued pursuant to PL §60.35(10), subdivision 3 of section 60.02 of the Penal Law mandates that courts **SHALL NOT** impose the sex offender registration fee, the DNA databank fee or the supplemental sex offender victim fee as would otherwise be imposed pursuant to Penal Law §60.35(a)(iv),(v) and (b).