

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~

~~Town~~

~~Village~~

of ERIE

Local Law No. 2 of the year 19 92

A local law establishing a Probation Administrative Fee in Erie County
(Insert Title)

Be it enacted by the ERIE COUNTY LEGISLATURE of the
(Name of Legislative Body)

County

~~City~~

~~Town~~

~~Village~~

of ERIE as follows:

SECTION 1. Pursuant to Section 257-c of New York State Executive Law, it is hereby required that all individuals currently serving or who shall be sentenced to a period of probation upon conviction of any crime under article thirty-one of the vehicle and traffic law (Reckless Driving and Driving While in an Intoxicated Condition) shall pay to the Erie County Probation Department an administrative fee of thirty dollars per month to help reimburse the cost of Probation supervision provided by the department.

SECTION 2. The Probation Department shall waive all or part of the fee where payment of said fee would present an unreasonable hardship on the person convicted, their immediate family, or any other person who is dependent on such person for financial support.

SECTION 3. Said fee shall not constitute nor be imposed as a condition of probation.

SECTION 4. In the event of non-payment of fees, the county may seek to enforce payment in any manner permitted by law for enforcement of a debt.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 5. Monies collected pursuant to this local law shall be utilized by the county probation department for probation purposes and shall not be considered by the New York State Division of Probation and Correctional Alternatives when determining state aid reimbursement pursuant to section two hundred forty-six of the executive law. Monies collected shall not be used to replace federal funds otherwise used for probation purposes.

SECTION 6. Collection of the administrative fee shall be governed by the provisions of subdivision six of 420.10 of the criminal procedure law.

SECTION 7. This local law shall be effective immediately.

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

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law. (Name of Legislative Body)~~

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1992 of the (County)(City)(Town)(Village) of ERIE was duly passed by the ERIE COUNTY LEGISLATURE on June 18 1992 and was (approved)(not disapproved)(repassed after disapproval) by the COUNTY EXECUTIVE (Elective Chief Executive Officer*) and was deemed duly adopted on July 2 1992, in accordance with the applicable provisions of law.

~~3. (Final adoption by referendum.)~~

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

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

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

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

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

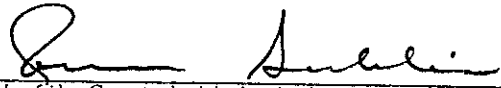
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.



Clerk of the County legislative body, City, Town or Village Clerk
~~an officer designated by local legislative body~~

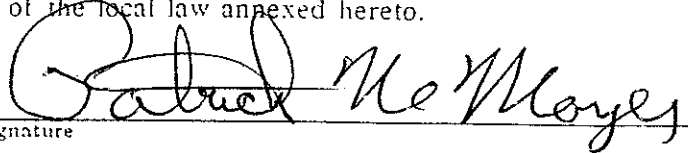
(Seal)

Date: July 7 1992

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

STATE OF NEW YORK
COUNTY OF ERIE

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



Signature

COUNTY ATTORNEY

Title

County

~~City~~ of ERIE

~~Town~~
~~Village~~

Date: July 6, 1992