

**BOARD OF SUPERVISORS
WAYNE COUNTY**

RESOLUTION NO. 195-03: ADOPT LOCAL LAW AUTHORIZING THE WAYNE COUNTY DEPARTMENT OF PROBATION AND CORRECTIONAL ALTERNATIVES TO COLLECT FEES FOR ADMINISTRATION OF PROBATION SERVICES

Mr. DeSanto presented the following:

WHEREAS, a proposed local law in relation to authorizing the Wayne County Department of Probation and Correctional Alternatives to collect fees for administration of probation services was presented to the Board of Supervisors on February 20, 2003; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on March 18, 2003, in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore, be it

RESOLVED, that said local law is hereby adopted to read as follows:

**COUNTY OF WAYNE - STATE OF NEW YORK
LOCAL LAW NO. 3-2003**

A local law authorizing the Wayne County Department of Probation and Correctional Alternatives to collect fees for administration of probation services.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows

Section 1. Preamble and Legislative Intent

In accordance with the provisions of Municipal Home Rule §10, every local government shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law relating to its property, affairs or government; and

In accordance with the provisions of Chapter 55 of the Laws of 1992, any County in the State of New York may, at its option, adopt a local law requiring individuals who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law, or who are currently serving a period of probation for a conviction under that Article of the Vehicle and Traffic Law, to pay an administrative fee of thirty dollars (\$30.00) per month.

The Wayne County Board of Supervisors finds, after public hearing, that it is in the best interest of the County of Wayne to authorize the Wayne County Department of Probation and Correctional Alternatives to collect such fees from all persons sentenced to Probation.

Therefore, pursuant to such findings, this local law is enacted.

Section 2. Fees for Administration of Probation Services.

a. All persons convicted of any crime committed in this County and currently on probation shall pay an administrative fee of thirty dollars (\$30.00) per month commencing on the 1st day of May 2003 and thereafter until their probation is terminated. Such persons shall pay these administrative fees to the Wayne County Department of Probation and Correctional Alternatives.

b. All persons who shall, after the effective date of this Local Law, be sentenced to a period of probation shall pay an administrative fee of thirty dollars (\$30.00) per month for probation services from the time they commence their probation period, and thereafter, until their probation is terminated.

c. The Wayne County Department of Probation and Correctional Alternatives shall have power to waive all, or any part, of this administrative fee, whenever, because of the indigence of the offender, payment thereof would work an unreasonable hardship on the person convicted or adjudicated, or on his or her immediate family or on any other person dependent on or liable to such offender/probationer for his or her financial support.

Section 3. Fees Collected by the Wayne County Department of Probation and Correctional Alternatives

a. All fees collected pursuant to this Local Law shall be excluded from consideration by the Wayne County Department of Probation and Correctional Alternatives whenever it determines state aid reimbursement pursuant to Section 246 of the Executive Law.

Section 4. Reports.

The Director of the Wayne County Department of Probation and Correctional Alternatives shall make all reports which the State Director of the Division of Probation requires in respect to the fees collected under the provisions of this Local Law.

Section 5. Severability.

If any sentence, paragraph, subdivision, section or any part of this title shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair or invalidate the remainder thereof.

Section 6. This Local Law shall take effect upon filing with the Secretary of State.
and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to number the local law in conformance with the filing requirements of the Secretary of State and to file the local law with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

Mr. Wetherell moved the adoption of the resolution. Seconded by Mr. Jenkins. Upon roll call, all Supervisors voted Aye. Absent – Supervisor Clark. The Chairman declared the Resolution adopted.

Clerk of the Board of Supervisors,
County of Wayne

I, hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Board at a session held on the 18th day of March 2003 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said Board, this 19th day of March 2003.

Deputy Clerk