

OFFICE OF THE CLERK OF THE LEGISLATURE

Betsy Sherman-Saunders
Clerk of the Legislature
315-349-8230



46 East Bridge Street
Oswego, New York 13126
315-349-8237 fax

NOTICE OF ADOPTION

Per Section 214 of the County Law, you are hereby notified that on April 11, 2024, the Oswego County Legislature adopted the following:

“A LOCAL LAW AUTHORIZING ADMINISTRATIVE DWI SUPERVISION FEES AS PURSUANT TO NEW YORK STATE EXECUTIVE LAW §257-c”

Copies of Local Law #2 of 2024 are posted in the Oswego County Courthouse on East Oneida Street in Oswego, at the County Clerk’s Office at 46 E. Bridge Street in Oswego and available online at oswegocounty.com. Requests can also be e-mailed to betsy.saunders@oswegocounty.com

By Order of the Oswego County Legislature
April 11, 2024
Betsy Sherman-Saunders, Clerk

**COUNTY OF OSWEGO
LOCAL LAW 2 OF 2024
AUTHORIZING ADMINISTRATIVE DWI SUPERVISION FEES AS
PURSUANT TO NEW YORK STATE EXECUTIVE LAW §257-c**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF OSWEGO
LEGISLATURE AS FOLLOWS:

Section 1. TITLE

This local law shall be known as the “DWI Supervision Fee Local Law.”

Section 2. LEGISLATIVE INTENT

Pursuant to New York State Executive Law §257-c the County of Oswego has the power to collect a probation administrative fee from those individuals currently serving probation or who shall be sentenced to a period of probation upon conviction of any crime under Article 31 of the Vehicle and Traffic Law in relation to alcohol and drug-related motor vehicle matters to reimburse the costs of probation supervision provided by the Oswego County Department of Probation. The Oswego County Legislature finds it to be in the best interests of the County of Oswego to permit the Probation Department to collect such fees.

Section 3. ADMINISTRATIVE FEES

- A. An individual currently serving probation, including interim probation, or who shall be sentenced to a term of probation upon conviction of a crime under Article 31 of the Vehicle and Traffic Law shall pay to the Oswego County Probation Department an administrative fee of thirty dollars (\$30.00) per month.
- B. The Department of Probation, with the express approval of the Director of Probation, shall waive all or a portion of such fee where because of the indigence of the probationer, in the Director’s sole opinion, the payment of said fee during any given month or months would cause an unreasonable hardship upon the person on probation, their immediate family or any other person who is dependent upon the probationer for financial support. Within thirty (30) days of the adoption of this local law, the Director of Probation shall establish specific criteria (including what supporting documentation is necessary) for determining what constitutes indigence or unreasonable hardship for a probationer seeking a waiver of all or a portion of said fees under this local law.
- C. The administrative fee authorized by this local law shall not constitute nor be imposed as a condition of probation.
- D. In the event of non-payment of any fees which have not otherwise been waived, the County of Oswego may seek to enforce payments in any manner permitted by law

for enforcement of a debt. The provisions of subdivision 6 of §420.10 of the Criminal Procedure Law shall govern for purposes of collection of the administrative fee.

Section 4. FEE USAGE

Fees collected pursuant to this local law shall be utilized for probation services by the Oswego County Probation Department. Such monies shall not be considered by the Division of Criminal Justice Services when determining state aid pursuant to New York State Executive Law §246, and shall not be used to replace federal funds otherwise utilized for probation services.

Section 5. ACCOUNTING

- A. The Oswego County Probation Department shall collect and maintain data on a monthly basis regarding the number and amount of fees imposed hereunder, any delinquencies in payment, fees waived and fees collected.
- B. The Oswego County Probation Department shall submit all fees collected in accordance with general county accounting principles to the County Treasurer's Office at least once per month.

Section 6. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this local law or its application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this local law or its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. AUTOMATIC SUNSET

Should New York State Executive Law §257-c be amended to discontinue the state authorization for the fee authorized herein, or sunset on its own terms, this law shall sunset consistent therewith without further action by the Oswego County Legislature.

Section 8. LOCAL LAW NUMBER 7 OF 2002 SUPERSEDED BY THIS ENACTMENT

Local Law number 7 of the year 2002 regarding Probation Administrative Fees for DWI Supervision be and is hereby **SUPERSEDED** upon the enactment of this local law.

SECTION 9. SEQRA DETERMINATION

The County Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this local law constitutes a Type II action pursuant to Section 617.5(c)(26) and/or (33) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York State Environmental Conservation Law as constituting routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment and adoption of regulations, policies, procedures and local legislative decisions in connection with any action under 617.5. The Clerk of the Legislature is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance as, may be necessary, in accordance with this local law.

Section 10. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the New York State Secretary of State pursuant to Municipal Home Rule Law §27.

