

County of Putnam County  
Local Law #9 of 2014  
(Passed at September 2, 2014 Regular Meeting)

**APPROVAL/LOCAL LAW/AMEND CHAPTER 83/CODE OF PUTNAM COUNTY ENTITLED  
“DEPARTMENT OF PROBATION”**

**A Local Law to Amend Chapter 83 of the Code of Putnam County entitled “Department of Probation”**

**BE IT ENACTED by the Legislature of the County of Putnam, New York as follows:**

**Section 1.**

**A new Article IV entitled “Fees for Drug and/or Alcohol Testing” is hereby added to Chapter 83 of the Code of Putnam County to read as follows:**

**Section 83-16. Legislative Intent and Objectives:**

**The Putnam County Legislature hereby determines that the costs associated with the administration of drug and/or alcohol testing services provided by the County of Putnam, by and through its Probation Department, should be defrayed by requiring drug and/or alcohol testing fees established by the Putnam County Probation Department be paid by adult individuals who have been convicted of a crime, who may be ordered to serve a sentence of probation supervision or diversion, as defined under New York State Penal Law, the Family Court Act of the State of New York, and including Treatment Court participants, and any adult person who is subject to a term of interim probation, or a sentence of Conditional Discharge, where, as a condition of supervision or probation, such person is required to submit to drug and/or alcohol testing.**

**Section 83-17. Authorization to Charge and Enforcement of Drug and Alcohol Testing Fees:**

**(a) Every person who has been sentenced to a period of adult probation supervision, as that term is defined under New York State Penal Law, upon conviction of a crime, who is subject to supervision by the Probation Department under other conditional probation terms with drug and/or alcohol testing requirements, including adults placed on probation supervision in Family Court, and Treatment Court participants, shall pay to the Probation Department such fees as established by the Probation Department for the administration of such drug and/or alcohol testing.**

**(b) The Probation Department may waive part or all of the drug and/or alcohol testing fee where, because of the indigence of the offender, the payment of such fee would work an unreasonable hardship on such offender, his or her immediate family, or any other person who is dependent on such offender for financial support.**

**(c) Monies collected pursuant to this Article IV shall be deposited with the Commissioner of Finance and shall be utilized for such purposes as contemplated under this Article IV.**

(d) In the event of non-payment of any testing fees which have not been waived by the Probation Department, the County may seek to enforce payment of such fees in any manner permitted by law for the enforcement of a debt.

**Section 83-18. Agreement:**

Every person liable to pay a drug and/or alcohol testing fee under this Article IV shall be informed of and be required to review a Payment Notification and Agreement in such form and substance as the Probation Department prescribes. The individual assessed such testing fee(s) may, but not be required to, sign the Payment Notification and Agreement form.

**Section 83-19. Rules and Regulations.**

The Director of Probation is empowered to adopt departmental policies and procedures necessary to implement this Article IV, including, as may, from time to time, be required, the testing fees established by the Probation Department, and any other portion of this Article IV.

**Section 83-20. Aid and Reimbursement.**

All drug and/or alcohol testing fees collected hereunder shall be excluded from consideration by the Division of Probation when it determines state aid reimbursement pursuant to Section 246 of the Executive Law.

**Section 83-21. Severability.**

If any section, subsection, sentence, clause, phrase or other portion of this amendment to Chapter 83 Local Law Article IV is, for any reason, declared unconstitutional, invalid and/or unenforceable, in whole or in part, by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or other portion shall be deemed severable and such unconstitutionality, invalidity and/or unenforceability shall not affect the remaining portions of this Local Law Article IV, which shall remain in full force and effect.

**Section 83-22. Applicability.**

This article shall only be applicable on or after the effective date of this Article IV to those individuals set forth in Section 83-17 hereof.

**Section 2.**

This Local Law shall take effect immediately.