

Local Law #9 of 2018
Resolution #165
(passed at Regular Full Mtg. 07/03/2018)

RESOLUTION #165

**A LOCAL LAW AMENDING CHAPTER 83 OF THE PUTNAM COUNTY CODE BY
CREATING A TREATMENT COURT PARTICIPANT ADMINISTRATIVE FEE**

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

A new Article V entitled Treatment Court Participant Administrative Fee is hereby added to Chapter 83 of the Putnam County Code to read as follows:

Article V

Treatment Court Participant Administrative Fee

§ 83-23. Legislative findings

The Putnam County Legislature hereby determines that the costs of probation services for Treatment Court Program participants should be defrayed by requiring any and all persons who qualify and choose to participate in the voluntary Treatment Court Program to pay a fee to offset the administrative costs of such probation services.

§ 83-24. Authorization to charge; enforcement.

A. The Putnam County Department of Probation is hereby authorized to charge an administrative fee of \$30.00 (thirty dollars) per month to each person who begins participating in the Treatment Court Program after this Article V becomes effective and for the duration of that person's participation in the Program.

B. Monies collected pursuant to this Article V shall be deposited with the Commissioner of Finance and shall be utilized for such purposes as contemplated under this Article V.

C. In the event of nonpayment of any administrative fee which has not been waived pursuant to § 83-25 below, the County of Putnam may seek to enforce payment of such fee in any manner permitted by law for the enforcement of a debt.

§ 83-25. Waiver.

The Putnam County Department of Probation may waive all or part of the administrative fee where, because of the indigence of the participant, the payment of such fee would work an unreasonable hardship on such participant, his or her immediate family or any other person who is dependent on such participant for financial support.

§ 83-26. Agreement

Every person liable to pay the administrative fee for the Treatment Court Program under this Article V shall be informed of and be required to review a payment notification and agreement in such form and substance as the Probation Department prescribes. Each person assessed such administrative fee may, but is not required to, sign the payment notification and agreement form.

§ 83-27. Rules and regulations

The Putnam County Director of Probation is empowered to adopt departmental policies and procedures necessary to implement any and all portions of this Article V, including, as may be required from time to time, the amount of the administrative fee.

§ 83-28. Aid and reimbursement

All administrative 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.

§ 83-29. Severability

If any section, subsection, sentence, clause, phrase or other portion of this amendment to Chapter 83, Article V 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 Article V, which shall remain in full force and effect.

§ 83-30. Applicability

This article shall only be applicable on or after the effective date of this Article V to those individuals set forth in § 83-24(A) hereof.

Section 2. Effective Date

This law shall take effect immediately upon filing with the New York Secretary of State.