

Intro No.

33

Date

4/21/16

Reviewed by
Co. Attorney

RLA

Date

4/21/16

RESOLUTION
BROOME COUNTY LEGISLATURE
BINGHAMTON, NEW YORK

Sponsored by: County Administration, Public Safety & Emergency Services and Finance Committees

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 5 OF 2016, ENTITLED: "A LOCAL LAW AMENDING CHAPTER 257 OF THE BROOME COUNTY CHARTER AND CODE"

WHEREAS, this County Legislature, by Resolution 477 of 2011, Local Law Intro 7 of 2011, established and adopted the Traffic Ticket Diversion Program for the Office of the District Attorney, and

WHEREAS, said program provides an alternative for the prosecution of certain violations of the Vehicle and Traffic Law, and

WHEREAS, it is necessary to authorize the amendment of said Program as follows:

- The fees and charges collected by the Program, and the violations eligible for the Program, shall be at the discretion of the District Attorney, provided however the fees and charges shall not exceed the amount of five hundred dollars (\$500) per violation, and
- the initial one hundred thousand dollars (\$100,000) collected by the Program in each calendar year, shall be deposited into the District Attorney's general operating fund, and
- any additional fees or charges collected by the Program, shall be deposited into the DA Diversion Trust Account, to be maintained by the Office of Management and Budget, and the funds shall be used as directed by the District Attorney for administration of the Program, aid to law enforcement, aid to prosecution, crime prevention programs, victim services, education and drug treatment programs, and

WHEREAS, the District Attorney has requested authorization for said amendments as approved by the Department of Law, now, therefore, be it

RESOLVED, that Local Law Intro. No. 5 of 2016, entitled: "A Local Law Amending Chapter 257 of the Broome County Charter and Code," be and the same hereby is adopted and approved in accordance with the Broome County Charter and Code and all the applicable statutes and laws pertaining thereto, and be it

FURTHER RESOLVED, that this County Legislature hereby authorizes the establishment of the DA Diversion Trust Account to be maintained by the Office of Management and Budget, to be used as Directed by the District Attorney for administration of the Program, aid to law enforcement, aid to prosecution, crime prevention programs, victim services, education and drug treatment programs.

LOCAL LAW INTRO. NO. 5 OF 2016

"A LOCAL LAW AMENDING CHAPTER 257 OF THE BROOME COUNTY CHARTER AND CODE"

BE IT ENACTED, by the County Legislature of the County of Broome as follows:

- Section 1. That Section 257-7 of the Broome County Charter and Code is repealed.
- Section 2. That a new Section 257-7 of the Broome County Charter and Code is hereby adopted to read as follows:
§257-7 Traffic Ticket Diversion Program
- A. The fees and charges collected by the Program, and the violations eligible for the Program, shall be at the discretion of the District Attorney, provided however the fees and charges shall not exceed the amount of five hundred dollars (\$500) per violation.
 - B. The initial one hundred thousand dollars (\$100,000) collected by the Program in each calendar year, shall be deposited into the District Attorney's general operating fund.
 - C. Any additional fees or charges collected by the Program, shall be deposited into the DA Diversion Trust Account, to be maintained by the Office of Management and Budget, and the funds shall be used as directed by the District Attorney for administration of the Program, aid to law enforcement, aid to prosecution, crime prevention programs, victim services, education and drug treatment programs.

Section 3. The District Attorney is required to report quarterly to the Broome County Finance Committee and shall file with the Clerk of the County Legislature a written report, including any and all receipts and expenditures for the Traffic Ticket Diversion Program. Such report shall become a public record in the office of the Clerk of the County Legislature, and copies thereof shall be made available by such Clerk for distribution.

Section 4. The Comptroller shall conduct an annual audit of the DA Diversion Trust Account.

Section [3] 5. This Local Law shall be effective upon filing with the Secretary of State and shall apply to traffic violations occurring on or after January 1, 2016 **and shall be repealed and expire on December 31, 2017.**