

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO and DIXON**

Re: Opposing Implementation of Certain New Fees in the Governor's Proposed 2013 New York State Budget

WHEREAS, as part of his proposed budget, the Governor has proposed an additional \$80 fee when a violation is cited for driving greater than 20 miles per hour over the speed limit; and

WHEREAS, in addition, any plea to such a violation would be limited to some sort of "point carrying" violation; and

WHEREAS, the Governor has made the dubious claim that this proposal is made to improve public safety; and

WHEREAS, by limiting the options available to the judicial branch of government, the Governor's proposal could actually have a negative impact on public safety; and

WHEREAS, knowing the minimum outcome of such a violation, a law enforcement officer may consider not issuing a citation, or writing a citation for a lesser offense, diminishing the punitive and rehabilitative effects available from the judicial system; and

WHEREAS, such a decision would be made without benefit of a full investigative process; and

WHEREAS, further, for those violations that do make it before a court, the judge and prosecutor have less ability to craft a resolution that best suits the People and the defendant; and

WHEREAS, in reality, the additional surcharge is a "cash grab" to be used as an alternative to spending cuts; and

WHEREAS, however, this "cash grab" has the potential effect of serving as yet another unfunded mandate and cost shift to local municipalities; and

WHEREAS, even anticipating less citations being written, there will likely be more trials to challenge the citations to avoid the increased fees and associated costs of additional points on a driver's license; and

WHEREAS, additional trials mean more expenses to municipalities, more expenses to county clerks' offices, and longer wait times for conclusion of the judicial process; and

WHEREAS, the Governor's budget proposal does not include funds for these additional fees; and

WHEREAS, because the additional fee is a cost shifting unfunded mandate with a negative impact on public safety, it should be given thoughtful consideration before being rejected.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby opposes the additional fee for speeding violations as proposed by the Governor in his budget; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.

Fiscal Impact: None.