

MISCELLANEOUS OPINIONS RELATIVE TO PROBATION
ON
NATIONAL, STATE, AND COUNTY LEVEL

NYS Board of Elections - 8/15/83

Formal opinion on question of whether a person convicted of a felony and sentenced to either "Shock Probation or Intermittent Imprisonment" loses right to vote.

US Supreme Court - 6/24/76

Fair Labor Standards Act - court ruled the power to regulate public employees minimum wage and hours of employment should remain with the states and their political subdivisions.

NYS General Municipal Law Sec. 99-M-

This pertains to cash bail and partially secured bail bond; fee for deposit of money. In particular interest is the specific designation of 2% fee a local government is entitled of amount of money deposited as result of cash bail or partially secured bond and an additional 1% fee shall be collected and disbursed to local Alternative to Incarceration Programs.

NYS Office of the State Comptroller Letter to DPCA General Counsel - 6/26/90

Issue as to whether unclaimed restitution payments which were collected prior to November 1, 1984, may be transferred to County's General Fund. Based on statutes, reply is no.

NYS Civil Rights Law - 7/1/91

Chapter 251 of the Laws of 1991 was signed into law on 7/1/91 and became effective 30 days later. This attended the Civil Rights Law with respect to the right of privacy of victims of sex offenses under the age of 18. (Implication for Probation presentence investigations and supervision files).

Onondaga County Probation Enhanced Supervision Work Schedule - May 1, 1987

In the matter of the arbitration between the County and local CSEA Chapter 834, federal mediation and conciliation service found that probation management has the right to determine work schedules when such actions are not arbitrarily and capricious. This entailed work schedules providing evening, night and weekend visits as an integral part of probation.

DPCA Internal Memo - 7/8/85

The memo provides a historical perspective and evolution of petition preparation for the Family Court by local Probation Departments.

DCJS Deputy Commissioner Letter to Westchester County Probation Director - 5/27/97

The letter is in response to the matter regarding the ability of the Westchester County Probation Department to directly submit DCJS-2 Arrest Fingerprint Cards to DCJS Division's Office of Operations. Response was in the negative. Sections 160.10, 160.20, 160.30 and 160.40 of the C.P.L. reference police departments as the conduit through which Arrest Fingerprint Cards and associated responses must flow.

Monroe County Probation Letter to DPCA Staff - 1/11/96

The letter advised that on 11/14/95, Monroe County Legislature adopted an amendment to the 1992 DWI fee local law, expanding fee collections to all adult probationers. This raises and leaves undetermined the legality of such an amendment.

Broome County Court Judge Letter to Probation Director - 6/16/93

The Probation Director inquired whether or not, as a condition of Probation, a \$50.00 fee could be imposed whenever random urinalysis is ordered. Court, based on statute and case law advised in the negative.

Onondaga County Probation - DPCA Field Staff Memo to State Executive Director of Probation - 7/28/98

In regard to Onondaga County Probation supervision fee - in 1996, Local Law 10 was amended to expand its scope to include all probationers in the collection of a supervision fee. Onondaga County Supreme Court Judge proposes that such local law is not legitimate and provided two letters, 4/7/98 and 6/11/98, in which he cites statutes and rationale upholding his contention.