



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Passes Fuschillo Bill to Lower Counties' Public Defense Costs

CHARLES J. FUSCHILLO JR. June 21, 2011

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Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that the New York State Senate has passed legislation he sponsored to help counties save money in providing public defense services to individuals who cannot afford an attorney.

The legislation (S5474) would exempt legal aid societies from having to pay a fee to search DMV records in public defense cases. This exemption would provide savings to the counties who fund the services provided by legal aid societies.

“Counties are responsible for funding legal services to defendants who cannot afford an attorney; we should not be charging them fees and making it more expensive to do so. This legislation would help counties save money on their public defense costs, while ensuring that legal aid societies can still access necessary information to perform their duties,” said Senator Fuschillo.

Counties have the option of using a public defender’s office or legal aid society to provide free legal defenses to individuals who cannot afford an attorney. In both cases, counties subsidize the costs of these services. Current law exempts public defenders’ offices from paying a fee to search DMV records in a public defense case. However, legal aid societies, which perform the exact same function as a public defender’s office, must pay the search fee.

The legislation has also been approved by the State Assembly and will be sent to Governor Cuomo for consideration.

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