



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Governor Approves Fuschillo Bill to Lower Counties' Public Defense Costs

CHARLES J. FUSCHILLO JR. August 4, 2011

| ISSUE: **LOCAL GOVERNMENT**

Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that Governor Andrew Cuomo has approved legislation (S5474) he sponsored to help counties save money in providing public defense services to individuals who cannot afford an attorney.

The law exempts legal aid societies from having to pay a fee to search DMV records in public defense cases. This exemption will provide savings to counties who fund the services provided by legal aid societies.

“Counties are required to provide legal services to defendants who cannot afford an attorney; the State shouldn’t make it more expensive by charging county legal aid societies a fee to access DMV records as part of their duties. This new law will help lower public defense costs for counties, while still ensuring that legal aid societies have access to the information they need 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. Prior to the new law, only public defenders’ offices were exempted from paying a fee to search DMV records in a public defense case; legal aid societies had to pay the search fee, even though they perform the exact same function as a public defender’s office.

“This legislation will save the counties money. Counties shouldn’t be forced to pay a fee to search DMV records. That is a cost that is ultimately passed onto the taxpayers so eliminating it makes sense. I want to thank Senator Fuschillo for sponsoring the legislation and for taking the lead on it,” said Senator Jack M. Martins (R-Mineola), Chairman of the Senate’s Local Government Committee.

#####