

## **N.Y. speeding ticket changes concern town of Gates**

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Interstate 390, Interstate 490 and many of Monroe County's major routes go through Gates, which inevitably means the town's court is busy with speeding-ticket traffic.

Get caught speeding within town limits and you must answer to the town's court system.

According to a provision in the proposed state budget, New York wants to prohibit local courts from letting traffic offenders plea bargain a traffic ticket of more than 20 miles per hour over the speed limit down to a no-points violation, something the office of Gov. Andrew Cuomo says is a common practice. The proposal is part of the 2013-14 budget Cuomo submitted to the state Legislature.

It would also place an \$80 surcharge on the common plea-down violations that do not include point violations. This money would go to the state. However, local entities would get money from a mandatory \$50 fine for the first offense of using a cell phone or texting while driving.

The change worries Gates Town Supervisor Mark Assini. He fears that if people are not able to plea down their speeding tickets, they will contest them.

The town's court is already on the brink of needing a third justice, and this law could be a tipping point toward needing to take that costly step, Assini said. In the meantime, more speeding tickets being contested would also mean more overtime for court personnel and police. The Gates town court is already [the second busiest](#) in the county, next to Greece, according to the state comptroller.

While state organizations representing municipalities share Assini's concerns, other Monroe County town supervisors said they weren't as worried about the measure.

William Moehle, Brighton supervisor, said his town typically doesn't reduce a speeding ticket to a no-points violation. The practice has not made that town's courts busier, he said.

Michael Yudelson, Henrietta supervisor, said plea-downs are common in his town. He anticipates some loss of revenue due to the provision, but not an overwhelming amount.

"I wouldn't be too concerned about that overall," Yudelson said. "Our courts are busy, but not beyond capacity."

Cuomo's office sent organizations representing the state's cities, towns and counties a letter assuring them that the provision would not be harmful.

While sometimes the plea-downs are appropriate, overall they increase unsafe driving habits, according to Lawrence Schwartz, secretary to the governor, in the letter. If there is a good reason for the ticket being pleaded down, judges and prosecutors can still make the deal as long as they include said reason in the court record.

"Adding the state surcharge to 'parking on the pavement' violations does not diminish the court's authority to impose a fine of up to \$150 for such violations and thus does not take away any local revenue associated with such cases," Schwartz wrote.

Testifying before legislative committees, Michael McNulty, legal representative for the New York Association of

Towns, said: It “will lead to more trials before the town justice courts and consume a greater portion of the town’s resources,” according to a written copy of his remarks on the organization’s website. “As the courts that will be implementing these provisions will incur greater costs, the budget should provide funding to offset the costs associated with implementation.”

Peter Baynes, executive director of the New York Association of Mayors, supports the public safety goals of the legislation, but also worries about revenue.

“Local governments cannot afford even the smallest reduction in any one of their non-property tax revenue sources,” Baynes wrote in his legislative testimony.

Jim Napier, a local lawyer who represents clients on speeding tickets, also opposes the proposal.

“I don’t think the Legislature should interfere with the ability to plea bargain,” Napier said. “Plea bargaining plays a role in reducing the case load and promotes the efficient administration of justice. The local district attorney is in a better position to determine what reduction (is warranted).”