

Traffic ticket fines debated

Lawmaker calls for probe into speeding pleas

By JOEL STASHENKO *The Associated Press*

ALBANY — The apparently routine reduction of speeding tickets to lesser violations is a perversion of state Vehicle and Traffic laws that are designed to make drivers and roadways safer, the majority leader of the state Assembly said.

Assemblyman Paul Tokasz said he has asked the state Office of Court Administration, Attorney General Eliot Spitzer and the Assembly's Committee on Oversight, Analysis and Investigation to look into the downgrading of speeding tickets and other serious infractions by town and village courts to determine if changes are needed.

"Quite honestly, it encourages people to speed," said Tokasz, who once ran Erie County's Department of Motor Vehicles when he was deputy county clerk. "You plead them down to non-moving violations and there are no consequences."

Speeding tickets became an issue starting Aug. 11, when the state Legislature finally adopted a budget for fiscal 2004-05. It included a provision, first inserted in the budget by Gov. George Pataki, that the distribution of fine money must be based on the infraction drivers were originally charged with, not the one they pleaded to.

Practically speaking, that means that fines for speeding tickets written by state troopers must go to the state treasury instead of local governments. Localities are authorized to impose an additional \$10 surcharge on the tickets to cover the costs of adjudicating the cases.

State Comptroller Alan Hevesi estimated this week that the budget provision, which the state Budget Division estimates would result in the redirection of \$22 million a year from town, village and city governments to the state, would cause 95 percent of the local governments to lose revenue. The state Assembly this week voted to rescind the change in the distribution of fine money, but the state Senate is not expected to be back in Albany to follow suit until Nov. 18 or Nov. 19.

Also facing noisy complaints from local officials about the fine money, Pataki said he favors giving it back if the state can afford it.

"The question is how are we going to pay for it when the state doesn't have any money?" Pataki said this week. "I support giving the fines to the local governments if the state has the money to do it."

Traffic fine money typically goes to fund local police agencies and town and village courts, which are often referred to as "justice" courts.

Saying he was concerned about traffic safety, Tokasz cited a case he heard about from a western New York law enforcement official. One local driver had nine speeding tickets reduced to parking tickets over a 22-month period. The driver was fined \$600 for the last "parking" ticket, Tokasz said.

"Is this one example purely anecdotal or is this going on around the state?" Tokasz asked. "Have local jurisdictions found a cash cow? Are they circumventing the motor vehicle law?"

Edward Farrell, executive director of the state Conference of Mayors, said that calling justice courts "cash cows" is "an odd thing to say when every town and every village is receiving less state aid than they were a decade ago."

"If the Legislature was concerned that they are using speeding tickets to pad their budgets, the appropriate thing would be to step in and restore their aid to the level they used to be," Farrell said Friday.

He added that he is not aware of any studies showing that pleading to lesser counts in traffic cases is more frequent than in other kinds of prosecutions.

Police officers in New York wrote 2.3 million traffic tickets in 2002, the last year for which the state Institute for Traffic Safety Management and Research has statistics. More than a quarter of those tickets, 667,623, were for speeding, though it was not known how many were pleaded down to lesser offenses in local courts.

Larger towns complained that lost revenues from the fine distribution change would run into the hundreds of thousands of dollars.