

STATE OF NEW YORK

S. 7505--A

A. 9505--A

SENATE - ASSEMBLY

January 18, 2018

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the criminal procedure law, in relation to a waiver and time limits for a speedy trial (Part A); to amend the judiciary law, in relation to additional functions of the chief administrator of the courts (Part B); to amend the criminal procedure law, in relation to the issuance of securing orders and in relation to making conforming changes; and to amend the insurance law, in relation to the deposit of bail money by charitable bail organizations (Part C); to amend the criminal procedure law, the penal law and the executive law, in relation to discovery reform and intimidating or tampering with a victim or witness; and to repeal certain provisions of the criminal procedure law relating thereto (Part D); to amend the civil practice law and rules, in relation to the forfeiture of the proceeds of a crime, and reporting certain demographic data; to amend the criminal procedure law and the penal law, in relation to reporting certain demographic data; and to repeal certain provisions of the civil practice law and rules relating thereto (Part E); to amend part H of chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); to amend the correction law, in relation to eliminating reimbursements to counties for personal service expenses related to the transportation of state ready inmates (Part G); to amend the correction law, in relation to programmatic accomplishments for merit and limited credit time (Part H); to repeal subdivision 9 of section 201 of the correction law, in relation to supervision fees (Part I); to authorize two pilot temporary release programs for certain inmates whose offenses and disciplinary records would render them eligible to

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD12670-02-8

receive a limited credit time allowance (Part J); to amend the banking law, in relation to licensing considerations for check cashers (Subpart A); to amend the education law, in relation to eligibility for serving on a New York city community district education council and city-wide council (Subpart B); to amend the executive law, in relation to licensing considerations for bingo suppliers (Subpart C); to amend the executive law, in relation to licensing considerations for notary publics (Subpart D); to amend the general municipal law, in relation to licensing considerations for suppliers of games of chance, for games of chance licensees, for bingo licensees, and for lessors of premises to bingo licensees (Subpart E); to amend the insurance law, in relation to licensing considerations for insurer adjusters and for employment with insurance adjusters; and to repeal certain provisions of such law relating thereto (Subpart F); to amend the real property law, in relation to licensing considerations for real estate brokers or real estate salesmen (Subpart G); to amend the social services law, in relation to participation as employer in subsidized employer programs (Subpart H); and to amend the vehicle and traffic law, in relation to eligibility for employment by a driver's school (Subpart I) (Part K); to amend the executive law, in relation to allowing for geriatric parole (Part L); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part M); to amend the executive law, in relation to administrative subpoenas (Part N); to amend the state finance law and the military law, in relation to establishing the armory rental account fund; and to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof (Part O); to amend the criminal procedure law, in relation to eliminating the statute of limitations for any sexually related offense committed against a child; to amend the general municipal law, the court of claims act and the education law, in relation to removing the requirement of filing a notice of claim for a claim for injury suffered from a sexually related offense committed against a child; to amend the civil practice law and rules, in relation to extending the statute of limitations for civil cases for any claim for injury suffered from a sexually related offense against a child to fifty years; to amend the civil practice law and rules, in relation to reviving any time-barred claim for injury suffered from a sexually related offense committed against a child for a period of one year; and to amend the civil practice law and rules, in relation to giving trial preference to certain child sexual abuse cases (Part P); to amend the alcoholic beverage control law, in relation to hotel tavern licenses (Part Q); to amend the alcoholic beverage control law, in relation to the production and sale of mead; and to repeal certain provisions of such law relating thereto (Part R); to amend the alcoholic beverage control law, in relation to creating a license to export New York alcoholic beverages (Part S); to amend chapter 303 of the laws of 1988 relating to the extension of the state commission on the restoration of the capitol, in relation to extending such provisions for an additional five years (Part T); to amend the public lands law, in relation to the transfer of unappropriated state lands (Part U); to amend the state finance law, in relation to establishing the parking services fund, the solid waste fund, and the special events fund (Part V); to amend the civil service law, in relation to term appointments in information technology; and providing for the

repeal of such provisions upon expiration thereof (Part W); to amend the state finance law, in relation to establishing the New York state secure choice savings program, the New York state secure choice savings program fund and the New York state secure choice administrative fund (Part X); to amend the workers' compensation law, in relation to the investment of surplus funds of the state insurance fund (Part Y); to amend the civil service law, in relation to capping the standard medicare premium charge (Part Z); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part AA); to amend the civil practice law and rules, in relation to the rate of interest (Part BB); to amend the state finance law, in relation to the citizen empowerment tax credit (Part CC); to amend the uniform justice court act, in relation to the election of one or more town justices for two or more adjacent towns (Subpart A); and to amend the general municipal law and the statute of local governments, in relation to authorizing counties to regulate, administer, and enforce planning, zoning, and other land use regulations at the option of and in accordance with a request from a city, town, or village (Subpart B) (Part DD); to amend the general municipal law, in relation to county-wide shared services panels (Part EE); to amend the public authorities law, in relation to the town of Islip resource recovery agency (Part FF); to provide for the administration of certain funds and accounts related to the 2018-19 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund, the debt reduction reserve fund and to payments, transfers and deposits; to amend the state finance law, in relation to reductions to enacted appropriations; to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program and increasing the bonding limit for certain state and municipal facilities; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital



projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to increasing the bonding limit for certain public protection facilities; to amend the state finance law and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; to amend chapter 59 of the laws of 2017 relating to providing for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers, in relation to the effectiveness thereof; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to increasing the amount of bonds authorized to be issued; to amend the facilities development corporation act, in relation to authorizing the issuance of bonds in relation to grants made to voluntary agencies; and providing for the repeal of certain provisions upon expiration thereof (Part GG); to amend the penal law, in relation to prohibiting a sexual orientation panic defense (Part HH); to amend the social services law, the executive law, and the penal law, in relation to prohibiting sex offenders from being placed in shelters used by families with children and from entering within one thousand feet of a kindergarten or pre-kindergarten facility or institution (Part II); to amend the penal law, in relationship to establishing incapacity to consent when a person is under arrest, in detention, or otherwise in actual custody (Part JJ); to amend the correction law and the civil service law, in relation to employee safety and employee discipline for misconduct; and to repeal certain provisions of the correction law relating to the appointment of correction and parole officers (Part KK); and to amend the public authorities law, in relation to authorizing the dormitory authority to construct and finance certain juvenile detention facilities (Part LL)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act enacts into law major components of legislation
 2 which are necessary to implement the state fiscal plan for the 2018-2019
 3 state fiscal year. Each component is wholly contained within a Part
 4 identified as Parts A through LL. The effective date for each particular
 5 provision contained within such Part is set forth in the last section of
 6 such Part. Any provision in any section contained within a Part, includ-
 7 ing the effective date of the Part, which makes a reference to a section
 8 "of this act", when used in connection with that particular component,
 9 shall be deemed to mean and refer to the corresponding section of the
 10 Part in which it is found. Section three of this act sets forth the
 11 general effective date of this act.

12

PART A

1 Section 1. Section 30.30 of the criminal procedure law, as added by
2 chapter 184 of the laws of 1972, paragraph (a) of subdivision 3 as
3 amended by chapter 93 of the laws of 2006, paragraph (a) of subdivision
4 4 as amended by chapter 558 of the laws of 1982, paragraph (c) of subdi-
5 vision 4 as amended by chapter 631 of the laws of 1996, paragraph (h) of
6 subdivision 4 as added by chapter 837 of the laws of 1986, paragraph (i)
7 of subdivision 4 as added by chapter 446 of the laws of 1993, paragraph
8 (j) of subdivision 4 as added by chapter 222 of the laws of 1994, para-
9 graph (b) of subdivision 5 as amended by chapter 109 of the laws of
10 1982, paragraphs (e) and (f) of subdivision 5 as added by chapter 209 of
11 the laws of 1990, is amended to read as follows:

12 § 30.30 Speedy trial; time limitations.

13 1. Except as otherwise provided in subdivision [three] four of this
14 section, a motion made pursuant to paragraph (e) of subdivision one of
15 section 170.30 of this chapter or paragraph (g) of subdivision one of
16 section 210.20 of this chapter must be granted where the people are not
17 ready for trial within:

18 (a) six months of the commencement of a criminal action wherein a
19 defendant is accused of one or more offenses, at least one of which is a
20 felony;

21 (b) ninety days of the commencement of a criminal action wherein a
22 defendant is accused of one or more offenses, at least one of which is a
23 misdemeanor punishable by a sentence of imprisonment of more than three
24 months and none of which is a felony;

25 (c) sixty days of the commencement of a criminal action wherein the
26 defendant is accused of one or more offenses, at least one of which is a
27 misdemeanor punishable by a sentence of imprisonment of not more than
28 three months and none of which is a crime punishable by a sentence of
29 imprisonment of more than three months;

30 (d) thirty days of the commencement of a criminal action wherein the
31 defendant is accused of one or more offenses, at least one of which is a
32 violation and none of which is a crime.

33 [2. Except as provided in subdivision three, where a defendant has
34 been committed to the custody of the sheriff in a criminal action he
35 must be released on bail or on his own recognizance, upon such condi-
36 tions as may be just and reasonable, if the people are not ready for
37 trial in that criminal action within:

38 (a) ninety days from the commencement of his commitment to the custody
39 of the sheriff in a criminal action wherein the defendant is accused of
40 one or more offenses, at least one of which is a felony;

41 (b) thirty days from the commencement of his commitment to the custody
42 of the sheriff in a criminal action wherein the defendant is accused of
43 one or more offenses, at least one of which is a misdemeanor punishable
44 by a sentence of imprisonment of more than three months and none of
45 which is a felony;

46 (c) fifteen days from the commencement of his commitment to the custo-
47 dy of the sheriff in a criminal action wherein the defendant is accused
48 of one or more offenses, at least one of which is a misdemeanor punisha-
49 ble by a sentence of imprisonment of not more than three months and none
50 of which is a crime punishable by a sentence of imprisonment of more
51 than three months;

52 (d) five days from the commencement of his commitment to the custody
53 of the sheriff in a criminal action wherein the defendant is accused of
54 one or more offenses, at least one of which is a violation and none of
55 which is a crime.]

1 2. The defendant, subject to the provisions of subdivisions three and
2 four of this section, may waive his or her right to a speedy trial
3 pursuant to this section at any time prior to trial.

4 2-a. Such waiver must be in writing with the consent of the defendant
5 personally and signed by the defendant. If the defendant is being held
6 in custody for any reason at the time he or she makes a waiver pursuant
7 to this section, the waiver shall be made in person, in open court, in
8 the presence of the court, and with the approval of the court. In every
9 case, such written waiver must make reference to a specific matter for
10 which the defendant is charged.

11 2-b. The waiver period, except for exceptional circumstances approved
12 by the court or for defendants engaged in a judicial diversion program
13 for certain felony offenders pursuant to article two hundred sixteen of
14 this chapter, shall not exceed:

15 (a) three months where a defendant is accused of one or more offenses,
16 at least one of which is a felony;

17 (b) forty-five days where a defendant is accused of one or more
18 offenses, at least one of which is a misdemeanor punishable by a
19 sentence of imprisonment of more than three months and none of which is
20 a felony;

21 (c) thirty days where the defendant is accused of one or more
22 offenses, at least one of which is a misdemeanor punishable by a
23 sentence of imprisonment of not more than three months and none of which
24 is a crime punishable by a sentence of imprisonment of more than three
25 months; or

26 (d) fifteen days where the defendant is accused of one or more
27 offenses, at least one of which is a violation and none of which is a
28 crime.

29 2-c. Absent extraordinary circumstances, no more than two waivers may
30 be executed pursuant to this section for a single case. If the court
31 finds extraordinary circumstances warranting more than two waivers
32 pursuant to this section, the court must state upon the record the
33 extraordinary circumstances before granting additional waivers pursuant
34 to this section.

35 2-d. A waiver executed pursuant to this section shall not preclude the
36 court from excluding the periods described in subdivision four of this
37 section when computing the time within which the people must be ready
38 for trial.

39 3. Whenever pursuant to this section a prosecutor states or otherwise
40 provides notice that the people are ready for trial, the court may make
41 inquiry on the record as to their actual readiness. If, after conducting
42 its inquiry, the court determines that the people are not ready to
43 proceed to trial, the prosecutor's statement or notice of readiness
44 shall not be valid for purposes of this section.

45 4. (a) [Subdivisions] Subdivision one [and two do] does not apply to a
46 criminal action wherein the defendant is accused of an offense defined
47 in sections 125.10, 125.15, 125.20, 125.25, 125.26 and 125.27 of the
48 penal law.

49 (b) A motion made pursuant to [subdivisions] subdivision one [or two]
50 of this section upon expiration of the specified period may be denied
51 where the people are not ready for trial if the people were ready for
52 trial prior to the expiration of the specified period and their present
53 unreadiness is due to some exceptional fact or circumstance, including,
54 but not limited to, the sudden unavailability of evidence material to
55 the people's case, when the district attorney has exercised due dili-

1 gence to obtain such evidence and there are reasonable grounds to
2 believe that such evidence will become available in a reasonable period.

3 [(c) A motion made pursuant to subdivision two shall not:

4 (i) apply to any defendant who is serving a term of imprisonment for
5 another offense;

6 (ii) require the release from custody of any defendant who is also
7 being held in custody pending trial of another criminal charge as to
8 which the applicable period has not yet elapsed;

9 (iii) prevent the redetention of or otherwise apply to any defendant
10 who, after being released from custody pursuant to this section or
11 otherwise, is charged with another crime or violates the conditions on
12 which he has been released, by failing to appear at a judicial proceed-
13 ing at which his presence is required or otherwise.]

14 (c) Any motion made pursuant to subdivision one of this section must
15 be filed at least twenty days before commencement of the trial, but for
16 good cause may be made thereafter. The motion papers must include sworn
17 allegations of fact specifying the time periods that should be charged
18 against the people and the legal basis to charge those time periods to
19 the people. The court may summarily deny the motion if the motion papers
20 do not contain sworn allegations of fact or the legal basis to charge
21 those time periods to the people. The court may reserve decision on any
22 motion made pursuant to subdivision.

23 [4.] 5. In computing the time within which the people must be ready
24 for trial pursuant to subdivisions one and two of this section, the
25 following periods must be excluded:

26 (a) a reasonable period of delay resulting from other proceedings
27 concerning the defendant, including but not limited to: proceedings for
28 the determination of competency and the period during which defendant is
29 incompetent to stand trial; demand to produce; request for a bill of
30 particulars; pre-trial motions; appeals; trial of other charges; and the
31 period during which such matters are under consideration by the court;
32 or

33 (b) the period of delay resulting from a continuance granted by the
34 court at the request of, or with the consent of, the defendant or his or
35 her counsel. The court [must] may grant such a continuance only if it is
36 satisfied that postponement is in the interest of justice, taking into
37 account the public interest in the prompt dispositions of criminal
38 charges. A defendant without counsel must not be deemed to have
39 consented to a continuance unless he or she has been advised by the
40 court of his or her rights under these rules and the effect of his or
41 her consent, which must be done on the record in open court if the
42 defendant is in custody; or

43 (c) (i) the period of delay resulting from the absence or unavailabil-
44 ity of the defendant. A defendant must be considered absent whenever his
45 or her location is unknown and he or she is attempting to avoid appre-
46 hension or prosecution, or his or her location cannot be determined by
47 due diligence. A defendant must be considered unavailable whenever his
48 or her location is known but his or her presence for trial cannot be
49 obtained by due diligence; or

50 (ii) where the defendant has either escaped from custody or has failed
51 to appear when required after having previously been released on bail or
52 on his or her own recognizance, and provided the defendant is not in
53 custody on another matter, the period extending from the day the court
54 issues a bench warrant pursuant to section 530.70 of this chapter
55 because of the defendant's failure to appear in court when required, to

1 the day the defendant subsequently appears in the court pursuant to a
2 bench warrant or voluntarily or otherwise; or

3 (d) a reasonable period of delay when the defendant is joined for
4 trial with a co-defendant as to whom the time for trial pursuant to this
5 section has not run and good cause is not shown for granting a sever-
6 ance; or

7 (e) the period of delay resulting from detention of the defendant in
8 another jurisdiction provided the district attorney is aware of such
9 detention and has been diligent and has made reasonable efforts to
10 obtain the presence of the defendant for trial; or

11 (f) the period during which the defendant is without counsel through
12 no fault of the court; except when the defendant is proceeding as his or
13 her own attorney with the permission of the court; or

14 (g) other periods of delay occasioned by exceptional circumstances,
15 including but not limited to, the period of delay resulting from a
16 continuance granted at the request of a district attorney if: (i) the
17 continuance is granted because of the unavailability of evidence materi-
18 al to the people's case, when the district attorney has exercised due
19 diligence to obtain such evidence and there are reasonable grounds to
20 believe that such evidence will become available in a reasonable period;
21 or (ii) the continuance is granted to allow the district attorney addi-
22 tional time to prepare the people's case and additional time is justi-
23 fied by the exceptional circumstances of the case. Any such exclusion
24 when a statement of unreadiness has followed a statement of readiness
25 made by the people must be accompanied by supporting facts and approved
26 by the court. The court shall inquire on the record as to the reasons
27 for the people's unreadiness; or

28 (h) the period during which an action has been adjourned in contem-
29 plation of dismissal pursuant to sections 170.55, 170.56 and 215.10 of
30 this chapter[.]; or

31 (i) [The] the period prior to the defendant's actual appearance for
32 arraignment in a situation in which the defendant has been directed to
33 appear by the district attorney pursuant to subdivision three of section
34 120.20 or subdivision three of section 210.10[.] of this chapter; or

35 (j) the period during which a family offense is before a family court
36 until such time as an accusatory instrument or indictment is filed
37 against the defendant alleging a crime constituting a family offense, as
38 such term is defined in section 530.11 of this chapter.

39 [5.] 6. For purposes of this section, (a) where the defendant is to be
40 tried following the withdrawal of the plea of guilty or is to be retried
41 following a mistrial, an order for a new trial or an appeal or collat-
42 eral attack, the criminal action and the commitment to the custody of
43 the sheriff, if any, must be deemed to have commenced on the date the
44 withdrawal of the plea of guilty or the date the order occasioning a
45 retrial becomes final;

46 (b) where a defendant has been served with an appearance ticket, the
47 criminal action must be deemed to have commenced on the date the defend-
48 ant first appears in a local criminal court in response to the ticket;

49 (c) where a criminal action is commenced by the filing of a felony
50 complaint, and thereafter, in the course of the same criminal action
51 either the felony complaint is replaced with or converted to an informa-
52 tion, prosecutor's information or misdemeanor complaint pursuant to
53 article 180 or a prosecutor's information is filed pursuant to section
54 190.70, the period applicable for the purposes of subdivision one must
55 be the period applicable to the charges in the new accusatory instru-
56 ment, calculated from the date of the filing of such new accusatory

1 instrument; provided, however, that when the aggregate of such period
2 and the period of time, excluding the periods provided in subdivision
3 four, already elapsed from the date of the filing of the felony
4 complaint to the date of the filing of the new accusatory instrument
5 exceeds six months, the period applicable to the charges in the felony
6 complaint must remain applicable and continue as if the new accusatory
7 instrument had not been filed;

8 (d) where a criminal action is commenced by the filing of a felony
9 complaint, and thereafter, in the course of the same criminal action
10 either the felony complaint is replaced with or converted to an informa-
11 tion, prosecutor's information or misdemeanor complaint pursuant to
12 article 180 or a prosecutor's information is filed pursuant to section
13 190.70, the period applicable for the purposes of subdivision two must
14 be the period applicable to the charges in the new accusatory instru-
15 ment, calculated from the date of the filing of such new accusatory
16 instrument; provided, however, that when the aggregate of such period
17 and the period of time, excluding the periods provided in subdivision
18 four, already elapsed from the date of the filing of the felony
19 complaint to the date of the filing of the new accusatory instrument
20 exceeds ninety days, the period applicable to the charges in the felony
21 complaint must remain applicable and continue as if the new accusatory
22 instrument had not been filed.

23 (e) where a count of an indictment is reduced to charge only a misde-
24 meanor or petty offense and a reduced indictment or a prosecutor's
25 information is filed pursuant to subdivisions one-a and six of section
26 210.20, the period applicable for the purposes of subdivision one of
27 this section must be the period applicable to the charges in the new
28 accusatory instrument, calculated from the date of the filing of such
29 new accusatory instrument; provided, however, that when the aggregate of
30 such period and the period of time, excluding the periods provided in
31 subdivision four of this section, already elapsed from the date of the
32 filing of the indictment to the date of the filing of the new accusatory
33 instrument exceeds six months, the period applicable to the charges in
34 the indictment must remain applicable and continue as if the new accusa-
35 tory instrument had not been filed;

36 (f) where a count of an indictment is reduced to charge only a misde-
37 meanor or petty offense and a reduced indictment or a prosecutor's
38 information is filed pursuant to subdivisions one-a and six of section
39 210.20, the period applicable for the purposes of subdivision two of
40 this section must be the period applicable to the charges in the new
41 accusatory instrument, calculated from the date of the filing of such
42 new accusatory instrument; provided, however, that when the aggregate of
43 such period and the period of time, excluding the periods provided in
44 subdivision four of this section, already elapsed from the date of the
45 filing of the indictment to the date of the filing of the new accusatory
46 instrument exceeds ninety days, the period applicable to the charges in
47 the indictment must remain applicable and continue as if the new accusa-
48 tory instrument had not been filed.

49 [6.] 7. The procedural rules prescribed in subdivisions one through
50 seven of section 210.45 of this chapter with respect to a motion to
51 dismiss an indictment are also applicable to a motion made pursuant to
52 subdivision two of this section.

53 § 2. Subdivision 6 of section 180.85 of the criminal procedure law, as
54 added by chapter 518 of the laws of 2004, is amended to read as follows:

55 6. The period from the filing of a motion pursuant to this section
56 until entry of an order disposing of such motion shall not, by reason of

1 such motion, be considered a period of delay for purposes of subdivision
2 [four] five of section 30.30 of this chapter, nor shall such period, by
3 reason of such motion, be excluded in computing the time within which
4 the people must be ready for trial pursuant to such section 30.30.

5 § 3. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law.

7

PART B

8 Section 1. Subdivision 2 of section 212 of the judiciary law is
9 amended by adding a new paragraph (w) to read as follows:

10 (w) (i) Ensure that each state-paid judge or justice assigned to a
11 trial court of the unified court system shall certify monthly, in a
12 statement attesting to the truth of the facts therein, that on each
13 workday of the preceding month, he or she performed judicial duties at
14 an assigned court location for the full daily period of at least eight
15 hours established by the chief administrator for the disposition of
16 court business, or performed authorized duties in an authorized court-
17 related activity at an assigned location, or was on authorized leave.

18 (ii) The comptroller shall conduct a periodic review and audit of
19 submitted judicial certifications in order to ensure that the state is
20 responsibly authorizing state dollars for judicial salaries and the
21 operation of state trial courts. The comptroller's review and audit
22 shall evaluate the accuracy of the judicial certifications and the
23 effectiveness of the certification system as a whole.

24 § 2. This act shall take effect immediately.

25

PART C

26 Section 1. Legislative findings. The legislature finds and declares
27 that there is a present need to revise New York's procedures regulating
28 release of persons charged with criminal offenses pending trial, set
29 forth in title P of the criminal procedure law, so that fewer presumed-
30 innocent people are held behind bars pretrial. The bill breaks the link
31 between paying money and earning freedom in cases involving misdemeanors
32 and non-violent felonies, so that defendants are either released on
33 their own recognizance or, failing that, released under non-monetary
34 conditions. The bill also revises the existing process of remanding
35 individuals in jail before trial, so that pretrial detention is used in
36 limited cases involving high risk of flight or a current risk to the
37 physical safety of a reasonably identifiable person or persons, and
38 comports with Supreme Court jurisprudence regarding required substantive
39 and procedural due process before detention.

40 § 2. Subdivisions 1, 2, 4, 5, 6, 7, 8 and 9 of section 500.10 of the
41 criminal procedure law are amended and a new subdivision 3-a is added to
42 read as follows:

43 1. "Principal" means a defendant in a criminal action or proceeding,
44 or a person adjudged a material witness therein, or any other person so
45 involved therein that [he] the principal may by law be compelled to
46 appear before a court for the purpose of having such court exercise
47 control over [his] the principal's person to secure [his] the princi-
48 pal's future attendance at the action or proceeding when required, and
49 who in fact either is before the court for such purpose or has been
50 before it and been subjected to such control.

51 2. "Release on own recognizance." A court releases a principal on
52 [his] the principal's own recognizance when, having acquired control

1 over [his] the principal's person, it permits [him] the principal to be
2 at liberty during the pendency of the criminal action or proceeding
3 involved upon condition that [he] the principal will appear thereat
4 whenever [his] the principal's attendance may be required and will at
5 all times render [himself] the principal amenable to the orders and
6 processes of the court.

7 3-a. "Release under non-monetary conditions". A court releases a prin-
8 cipal under non-monetary conditions when, having acquired control over a
9 person, it permits the person to be at liberty during the pendency of
10 the criminal action under conditions set by the court, which shall be
11 the least restrictive that will reasonably assure the principal's
12 appearance in court. Such conditions may include, among others, that the
13 principal shall be in contact with a pretrial services agency serving
14 principals in that county; that the principal shall abide by specified
15 restrictions on association or travel; that the principal shall refrain
16 from possessing a firearm, destructive device or other dangerous weapon;
17 that the person be placed in pretrial supervision with a pretrial
18 services agency serving principals in that county; that the person be
19 monitored with an approved electronic monitoring device.

20 4. "Commit to the custody of the sheriff." A court commits a principal
21 to the custody of the sheriff when, having acquired control over his
22 person, it orders that he be confined in the custody of the sheriff
23 [during the pendency of the criminal action or proceeding involved]
24 pending payment of bail that is fixed, or pending the outcome of a hear-
25 ing as to whether the individual shall be ordered into pretrial
26 detention.

27 5. "Securing order" means an order of a court [committing a principal
28 to the custody of the sheriff, or fixing bail, or releasing him on his
29 own recognizance] that either releases a principal under personal recog-
30 nizance, releases the principal under non-monetary conditions, or fixes
31 bail, all with the direction that the principal return to court for
32 future court appearances and to be at all times amendable to the orders
33 and processes of the court.

34 6. ["Order of recognizance or bail" means a securing order releasing a
35 principal on his own recognizance or fixing bail] "Pretrial detention".
36 A court may commit a principal to pretrial detention if, after a hearing
37 and making such findings as specified in article five hundred forty-five
38 of this title, a judge so orders detention.

39 7. ["Application for recognizance or bail" means an application by a
40 principal that the court, instead of committing him to or retaining him
41 in the custody of the sheriff, either release him on his own recogni-
42 zance or fix bail.

43 8.] "Post bail" means to deposit bail in the amount and form fixed by
44 the court, with the court or with some other authorized public servant
45 or agency.

46 [9.] 8. "Bail" means cash bail [or], a bail bond or money paid with a
47 credit card.

48 § 3. Section 510.10 of the criminal procedure law, as amended by chap-
49 ter 459 of the laws of 1984, is amended to read as follows:

50 § 510.10 Securing order; when required; alternatives available; standard
51 to be applied.

52 When a principal, whose future court attendance at a criminal action
53 or proceeding is or may be required, initially comes under the control
54 of a court, such court [must] shall, by a securing order[, either
55 release him on his own recognizance, fix bail or commit him to the
56 custody of the sheriff.]:

1 1. In cases where the most serious charge facing the defendant in the
2 case before the court or a pending case is a misdemeanor or a felony
3 other than that enumerated in section 70.02 of the penal law or a class
4 A felony offense defined in the penal law, release the principal pending
5 trial on the principal's personal recognizance, unless the court finds
6 on the record that release on recognizance will not reasonably assure
7 the individual's court attendance. In such instances, the court will
8 release the individual under non-monetary conditions, selecting the
9 least restrictive alternative that will reasonably assure the princi-
10 pal's court attendance. The court will support its choice of alterna-
11 tive on the record. A principal shall not be required to pay for any
12 part of the cost of release under non-monetary conditions, except that a
13 principal may be required to pay for all or a portion of the cost of
14 electronic monitoring unless the principal is indigent and cannot pay
15 all or a portion of the cost of such monitoring;

16 2. In cases where the most serious charge facing the defendant in the
17 case before the court or a pending case is a felony enumerated in
18 section 70.02 of the penal law or a class A felony offense defined in
19 the penal law, release the principal pending trial on the principal's
20 personal recognizance, or release the principal under non-monetary
21 conditions, or fix bail, selecting the least restrictive alternative
22 that will reasonably assure the principal's court appearance when
23 required. The court will support its choice of alternative on the
24 record.

25 3. Notwithstanding the above, in cases where the prosecutor indicates
26 that it intends to move for pretrial detention as set out in article
27 five hundred forty-five of this title, the court shall commit the
28 defendant to the custody of the sheriff.

29 4. When a securing order is revoked or otherwise terminated in the
30 course of an uncompleted action or proceeding but the principal's future
31 court attendance still is or may be required and [he] the principal is
32 still under the control of a court, a new securing order must be issued.
33 When the court revokes or otherwise terminates a securing order which
34 committed the principal to the custody of the sheriff, the court shall
35 give written notification to the sheriff of such revocation or termi-
36 nation of the securing order.

37 § 4. Section 510.20 of the criminal procedure law is amended to read
38 as follows:

39 § 510.20 [Application for recognizance or bail; making and determination
40 thereof in general] Application for a change in securing
41 order based on a material change of circumstances.

42 1. Upon any occasion when a court [is required to issue] has issued a
43 securing order with respect to a principal, [or at any time when a prin-
44 cipal is confined in the custody of the sheriff as a result of a previ-
45 ously issued securing order, he] the defendant or the people may make an
46 application for [recognizance or bail] a different securing order due to
47 a material change of circumstances:

48 (a) in cases for which the most serious charge before the court or in
49 a pending case is a misdemeanor or felony other than that enumerated in
50 section 70.02 of the penal law or a class A felony offense defined in
51 the penal law for a different non-monetary securing order; or

52 (b) in cases for which the most serious charge is a felony enumerated
53 in section 70.02 of the penal law or a class A felony offense defined in
54 the penal law for a different securing order.

55 2. Upon such application, the principal or the people must be
56 accorded an opportunity to be heard and to contend that [an order of

1 recognizance or bail] a different securing order must or should issue[,
2 that the court should release him on his own recognizance rather than
3 fix bail, and that if bail is fixed it should be in a suggested amount
4 and form] because, due to a material change in circumstances, the
5 current order is either too restrictive or not restrictive enough to
6 reasonably ensure a defendant's appearance in court.

7 § 5. The criminal procedure law is amended by adding a new section
8 510.25 to read as follows:

9 § 510.25 Rehearing on bail after five days in custody after bail is
10 fixed.

11 In addition to any other available motion or procedure available under
12 this part, a principal for whom bail was fixed and who is still in
13 custody five days after bail was fixed shall be brought before the court
14 the next business day for a rehearing on the securing order. The court
15 shall examine the principal's financial circumstances and order a new
16 securing order. If the court chooses to fix bail, it shall do so at an
17 amount that will both reasonably assure the defendant's appearance in
18 court and that the defendant is reasonably able to pay.

19 § 6. Section 510.30 of the criminal procedure law, subparagraph (v) of
20 paragraph (a) of subdivision 2 as amended by chapter 920 of the laws of
21 1982, subparagraph (vi) of paragraph (a) of subdivision 2 as renumbered
22 by chapter 447 of the laws of 1977, subparagraph (vii) of paragraph (a)
23 of subdivision 2 as added and subparagraphs (viii) and (ix) of paragraph
24 (a) of subdivision 2 as renumbered by section 1 of part D of chapter 491
25 of the laws of 2012, and subdivision 3 as added by chapter 788 of the
26 laws of 1981, is amended to read as follows:

27 § 510.30 Application for [recognizance or bail] securing order; rules of
28 law and criteria controlling determination.

29 [1. Determinations of applications for recognizance or bail are not in
30 all cases discretionary but are subject to rules, prescribed in article
31 five hundred thirty and other provisions of law relating to specific
32 kinds of criminal actions and proceedings, providing (a) that in some
33 circumstances such an application must as a matter of law be granted,
34 (b) that in others it must as a matter of law be denied and the princi-
35 pal committed to or retained in the custody of the sheriff, and (c) that
36 in others the granting or denial thereof is a matter of judicial
37 discretion.

38 2. To the extent that the issuance of an order of recognizance or bail
39 and the terms thereof are matters of discretion rather than of law, an
40 application is determined on the basis of the following factors and
41 criteria:

42 (a)] With respect to any principal, the court must [consider the]
43 impose the least restrictive kind and degree of control or restriction
44 that is necessary to secure [his] the principal's court attendance when
45 required. In determining that matter, the court must, on the basis of
46 available information, consider and take into account:

47 [(i) The principal's character, reputation, habits and mental condi-
48 tion;

49 (ii) His employment and financial resources; and

50 (iii) His family ties and the length of his residence if any in the
51 community; and

52 (iv) His] 1. information about the principal that is relevant to court
53 appearance, including, but not limited to, the principal's activities,
54 history and community ties;

55 2. if the principal is a defendant, the charges facing the principal;

56 3. the principal's criminal record if any; [and

1 (v)] 4. His record of previous adjudication as a juvenile delinquent,
2 as retained pursuant to section 354.2 of the family court act, or, of
3 pending cases where fingerprints are retained pursuant to section 306.1
4 of such act, or a youthful offender, if any; [and

5 (vi) His] 5. the principal's previous record if any in responding to
6 court appearances when required or with respect to flight to avoid crim-
7 inal prosecution; [and

8 (vii)] 6. if monetary bail is permitted, according to the restrictions
9 set forth in section 510.10 of this title, the principal's financial
10 circumstances;

11 7. Where the principal is charged with a crime or crimes against a
12 member or members of the same family or household as that term is
13 defined in subdivision one of section 530.11 of this title, the follow-
14 ing factors:

15 [(A)] (i) any violation by the principal of an order of protection
16 issued by any court for the protection of a member or members of the
17 same family or household as that term is defined in subdivision one of
18 section 530.11 of this title, whether or not such order of protection is
19 currently in effect; and

20 [(B)] (ii) the principal's history of use or possession of a firearm;
21 [and

22 (viii)] 8. If [he] the principal is a defendant, the weight of the
23 evidence against [him] the principal in the pending criminal action and
24 any other factor indicating probability or improbability of conviction;
25 or, in the case of an application for [bail or recognizance] securing
26 order pending appeal, the merit or lack of merit of the appeal; and

27 [(ix)] 9. If [he] the principal is a defendant, the sentence which may
28 be or has been imposed upon conviction[.

29 (b) Where the principal is a defendant-appellant in a pending appeal
30 from a judgment of conviction, the court must also consider the likeli-
31 hood of ultimate reversal of the judgment. A determination that the
32 appeal is palpably without merit alone justifies, but does not require,
33 a denial of the application, regardless of any determination made with
34 respect to the factors specified in paragraph (a).

35 3. When bail or recognizance is ordered, the court shall inform the
36 principal, if he is a defendant charged with the commission of a felony,
37 that the release is conditional and that the court may revoke the order
38 of release and commit the principal to the custody of the sheriff in
39 accordance with the provisions of subdivision two of section 530.60 of
40 this chapter if he commits a subsequent felony while at liberty upon
41 such order.]; and

42 10. if the principal is a defendant-appellant in a pending appeal from
43 a judgment of conviction, the court must also consider the likelihood of
44 ultimate reversal of the judgment. A determination that the appeal is
45 palpably without merit alone justifies, but does not require, a denial
46 of the application, regardless of any determination made with respect to
47 the factors specified in this paragraph.

48 § 7. Section 510.40 of the criminal procedure law is amended to read
49 as follows:

50 § 510.40 [Application for recognizance or bail; determination thereof,
51 form of securing order and execution thereof] Notification
52 to principal by court of conditions of release and penal-
53 ties for violations of release.

54 1. [An application for recognizance or bail must be determined by a
55 securing order which either:

1 (a) Grants the application and releases the principal on his own
2 recognizance; or

3 (b) Grants the application and fixes bail; or

4 (c) Denies the application and commits the principal to, or retains
5 him in, the custody of the sheriff.

6 2.] Upon ordering that a principal be released on [his] the princi-
7 pal's own recognizance, or released under non-monetary conditions, or,
8 if bail has been fixed, upon the posting of bail and successful examina-
9 tion that the bail complies with the order the court must direct [him]
10 the principal to appear in the criminal action or proceeding involved
11 whenever [his] the principal's attendance may be required and to [render
12 himself] be at all times amenable to the orders and processes of the
13 court. If the principal is a defendant, the court shall also direct the
14 defendant not to commit a crime while at liberty upon the court's secur-
15 ing order. If such principal is in the custody of the sheriff or at
16 liberty upon bail at the time of the order, the court must direct that
17 [he] the principal be discharged from such custody [or, as the case may
18 be, that his bail be exonerated].

19 [3. Upon the issuance of an order fixing bail, and upon the posting
20 thereof, the court must examine the bail to determine whether it
21 complies with the order. If it does, the court must, in the absence of
22 some factor or circumstance which in law requires or authorizes disap-
23 proval thereof, approve the bail and must issue a certificate of
24 release, authorizing the principal to be at liberty, and, if he is in
25 the custody of the sheriff at the time, directing the sheriff to
26 discharge him therefrom. If the bail fixed is not posted, or is not
27 approved after being posted, the court must order that the principal be
28 committed to the custody of the sheriff.]

29 2. If the principal is released under non-monetary conditions, the
30 court shall, in the document authorizing the principal's release, notify
31 the principal of:

32 (a) any of the conditions under which the principal is subject, in
33 addition to the directions in subdivision one of this section, in a
34 manner sufficiently clear and specific to serve as a guide for the prin-
35 cipal's conduct; and

36 (b) the consequences for violation of those conditions, which could
37 include revoking of the securing order, setting of a more restrictive
38 securing order, or, after the hearing prescribed in article five hundred
39 forty-five of this title, pretrial detention.

40 § 8. The criminal procedure law is amended by adding a new section
41 510.45 to read as follows:

42 § 510.45 Pretrial service agencies.

43 The office of court administration shall certify a pretrial services
44 agency or agencies in each county to monitor principals released under
45 conditions of non-monetary release.

46 § 9. Section 510.50 of the criminal procedure law is amended to read
47 as follows:

48 § 510.50 Enforcement of securing order.

49 When the attendance of a principal confined in the custody of the
50 sheriff is required at the criminal action or proceeding at a particular
51 time and place, the court may compel such attendance by directing the
52 sheriff to produce him or her at such time and place. If the principal
53 is at liberty on [his] the principal's own recognizance or non-monetary
54 conditions or on bail, [his] the principal's attendance may be achieved
55 or compelled by various methods, including notification and the issuance
56 of a bench warrant, prescribed by law in provisions governing such

1 matters with respect to the particular kind of action or proceeding
2 involved.

3 § 10. Paragraph (b) of subdivision 2 of section 520.10 of the criminal
4 procedure law, as amended by chapter 784 of the laws of 1972, is amended
5 to read as follows:

6 (b) The court [may] shall direct that the bail be posted in any one of
7 [two] three or more of the forms specified in subdivision one, desig-
8 nated in the alternative, and may designate different amounts varying
9 with the forms[;], except that one of the forms shall be either an unse-
10 cured or partially secured surety bond, as selected by the court.

11 § 11. The article heading of article 530 of the criminal procedure law
12 is amended to read as follows:

13 [ORDERS OF RECOGNIZANCE OR BAIL WITH
14 RESPECT TO DEFENDANTS IN CRIMINAL ACTIONS
15 AND PROCEEDINGS--WHEN AND BY WHAT
16 COURTS AUTHORIZED] SECURING ORDERS WITH
17 RESPECT TO DEFENDANTS IN CRIMINAL ACTIONS AND
18 PROCEEDINGS - WHEN AND BY WHAT COURTS AUTHORIZED

19 § 12. Section 530.10 of the criminal procedure law is amended to read
20 as follows:

21 § 530.10 Order of recognizance or bail; in general.

22 Under circumstances prescribed in this article, a court, upon applica-
23 tion of a defendant charged with or convicted of an offense, is
24 [required or authorized to order bail or recognizance] to issue a secur-
25 ing order for the release or prospective release of such defendant
26 during the pendency of either:

- 27 1. A criminal action based upon such charge; or
- 28 2. An appeal taken by the defendant from a judgment of conviction or
29 a sentence or from an order of an intermediate appellate court affirming
30 or modifying a judgment of conviction or a sentence.

31 § 13. Subdivision 4 of section 530.11 of the criminal procedure law,
32 as added by chapter 186 of the laws of 1997, is amended to read as
33 follows:

34 4. When a person is arrested for an alleged family offense or an
35 alleged violation of an order of protection or temporary order of
36 protection or arrested pursuant to a warrant issued by the supreme or
37 family court, and the supreme or family court, as applicable, is not in
38 session, such person shall be brought before a local criminal court in
39 the county of arrest or in the county in which such warrant is return-
40 able pursuant to article one hundred twenty of this chapter. Such local
41 criminal court may issue any order authorized under subdivision eleven
42 of section 530.12 of this article, section one hundred fifty-four-d or
43 one hundred fifty-five of the family court act or subdivision three-b of
44 section two hundred forty or subdivision two-a of section two hundred
45 fifty-two of the domestic relations law, in addition to discharging
46 other arraignment responsibilities as set forth in this chapter. In
47 making such order, the local criminal court shall consider the [bail
48 recommendation] securing order, if any, made by the supreme or family
49 court as indicated on the warrant or certificate of warrant. Unless the
50 petitioner or complainant requests otherwise, the court, in addition to
51 scheduling further criminal proceedings, if any, regarding such alleged
52 family offense or violation allegation, shall make such matter return-
53 able in the supreme or family court, as applicable, on the next day such
54 court is in session.

1 § 14. Paragraph (a) of subdivision 8 of section 530.13 of the criminal
2 procedure law, as added by chapter 388 of the laws of 1984, is amended
3 to read as follows:

4 (a) revoke [an order of recognizance or bail] a securing order and
5 commit the defendant to custody; or

6 § 15. The opening paragraph of subdivision 1 of section 530.13 of the
7 criminal procedure law, as amended by chapter 137 of the laws of 2007,
8 is amended to read as follows:

9 When any criminal action is pending, and the court has not issued a
10 temporary order of protection pursuant to section 530.12 of this arti-
11 cle, the court, in addition to the other powers conferred upon it by
12 this chapter, may for good cause shown issue a temporary order of
13 protection in conjunction with any securing order [committing the
14 defendant to the custody of the sheriff or as a condition of a pre-trial
15 release, or as a condition of release on bail or an adjournment in
16 contemplation of dismissal]. In addition to any other conditions, such
17 an order may require that the defendant:

18 § 16. Subdivisions 9 and 11 of section 530.12 of the criminal proce-
19 dure law, subdivision 9 as amended by section 81 of subpart B of part C
20 of chapter 62 of the laws of 2011, subdivision 11 as amended by chapter
21 498 of the laws of 1993, the opening paragraph of subdivision 11 as
22 amended by chapter 597 of the laws of 1998, paragraph (a) of subdivision
23 11 as amended by chapter 222 of the laws of 1994, paragraph (d) of
24 subdivision 11 as amended by chapter 644 of the laws of 1996, are
25 amended to read as follows:

26 9. If no warrant, order or temporary order of protection has been
27 issued by the court, and an act alleged to be a family offense as
28 defined in section 530.11 of this [chapter] article is the basis of the
29 arrest, the magistrate shall permit the complainant to file a petition,
30 information or accusatory instrument and for reasonable cause shown,
31 shall thereupon hold such respondent or defendant, [admit to, fix or
32 accept bail,] establish a securing order or parole him or her for hear-
33 ing before the family court or appropriate criminal court as the
34 complainant shall choose in accordance with the provisions of section
35 530.11 of this [chapter] article.

36 11. If a defendant is brought before the court for failure to obey any
37 lawful order issued under this section, or an order of protection issued
38 by a court of competent jurisdiction in another state, territorial or
39 tribal jurisdiction, and if, after hearing, the court is satisfied by
40 competent proof that the defendant has willfully failed to obey any such
41 order, the court may:

42 (a) revoke [an order of recognizance or revoke an order of bail or
43 order forfeiture of such bail] a securing order and commit the defendant
44 to custody; or

45 (b) restore the case to the calendar when there has been an adjourn-
46 ment in contemplation of dismissal and commit the defendant to custody;
47 or

48 (c) revoke a conditional discharge in accordance with section 410.70
49 of this chapter and impose probation supervision or impose a sentence of
50 imprisonment in accordance with the penal law based on the original
51 conviction; or

52 (d) revoke probation in accordance with section 410.70 of this chapter
53 and impose a sentence of imprisonment in accordance with the penal law
54 based on the original conviction. In addition, if the act which consti-
55 tutes the violation of the order of protection or temporary order of

1 protection is a crime or a violation the defendant may be charged with
2 and tried for that crime or violation.

3 § 17. Section 530.20 of the criminal procedure law, as amended by
4 chapter 531 of the laws of 1975, subparagraph (ii) of paragraph (b) of
5 subdivision 2 as amended by chapter 218 of the laws of 1979, is amended
6 to read as follows:

7 § 530.20 [Order of recognizance or bail;] Securing order by local crimi-
8 nal court when action is pending therein.

9 When a criminal action is pending in a local criminal court, such
10 court, upon application of a defendant, must [or may order recognizance
11 or bail] issue a securing order as follows:

12 1. [When the defendant is charged, by information, simplified informa-
13 tion, prosecutor's information or misdemeanor complaint, with an offense
14 or offenses of less than felony grade only, the court must order recog-
15 nizance or bail.] In cases where the most serious charge facing the
16 defendant in the case before the court or a pending case is a misdemea-
17 nor or a felony other than that enumerated in section 70.02 of the penal
18 law or a class A felony offense defined in the penal law, release the
19 principal pending trial on the principal's personal recognizance, unless
20 the court finds on the record that release on recognizance will not
21 reasonably assure the individual's court attendance. In such instances,
22 the court will release the individual under non-monetary conditions,
23 selecting the least restrictive alternative that will reasonably assure
24 the principal's court attendance. The court will support its choice of
25 alternative on the record. The principal shall not be required to pay
26 for any part of the cost of release under non-monetary conditions,
27 except that a principal may be required to pay for all or a portion of
28 the cost of electronic monitoring unless the principal is indigent and
29 cannot pay all or a portion of the cost of such monitoring.

30 2. [When the defendant is charged, by felony complaint, with a felony,
31 the court may, in its discretion, order recognizance or bail except as
32 otherwise provided in this subdivision:

33 (a) A city court, a town court or a village court may not order
34 recognizance or bail when (i) the defendant is charged with a class A
35 felony, or (ii) it appears that the defendant has two previous felony
36 convictions;

37 (b) In cases where the most serious charge facing the defendant in
38 the case before the court or a pending case is a felony enumerated in
39 section 70.02 of the penal law or a class A felony offense defined in
40 the penal law, release the principal pending trial on the principal's
41 personal recognizance, or release the principal under non-monetary
42 conditions, or fix bail, selecting the least restrictive alternative
43 that will reasonably assure the principal's court appearance when
44 required. The court will support its choice of alternative on the
45 record.

46 3. Notwithstanding the above, in cases where the people indicate that
47 they intend to move for pretrial detention as set forth in article five
48 hundred forty-five of this title, the court shall commit the defendant
49 to the custody of the sheriff.

50 4. Notwithstanding the above, a city court, a town court or a village
51 court may not issue a securing order when the defendant is charged by
52 felony complaint with a felony when: (a) the defendant is charged with a
53 class A felony or (b) it appears that the defendant has two previous
54 felony convictions within the meaning of subdivision one of section
55 70.08 or 70.10 of the penal law. In these instances the court shall
56 commit the defendant to the custody of the sheriff for the county or

1 superior court to make a determination about a securing order within
2 three days.

3 5. No local criminal court may order [recognizance or bail] a securing
4 order with respect to a defendant charged with a felony unless and
5 until[:

6 (i) The district attorney has been heard in the matter or, after
7 knowledge or notice of the application and reasonable opportunity to be
8 heard, has failed to appear at the proceeding or has otherwise waived
9 his right to do so; and

10 (ii) The] the court [has], and counsel for the defense, have been
11 furnished with a report of the division of criminal justice services
12 concerning the defendant's criminal record, if any, or with a police
13 department report with respect to the defendant's prior arrest and
14 conviction record, if any. If neither report is available, the court,
15 with the consent of the district attorney, may dispense with this
16 requirement; provided, however, that in an emergency, including but not
17 limited to a substantial impairment in the ability of such division or
18 police department to timely furnish such report, such consent shall not
19 be required if, for reasons stated on the record, the court deems it
20 unnecessary. [When the court has been furnished with any such report or
21 record, it shall furnish a copy thereof to counsel for the defendant or,
22 if the defendant is not represented by counsel, to the defendant.]

23 § 18. The section heading, subdivision 1 and subdivision 2 of section
24 530.30 of the criminal procedure law, subdivision 2 as amended by chap-
25 ter 762 of the laws of 1971, are amended to read as follows:

26 [Order of recognizance or bail; by superior court judge when action is
27 pending in local criminal court] Securing order by superior
28 court judge when action is pending in local criminal court.

29 1. When a criminal action is pending in a local criminal court, other
30 than one consisting of a superior court judge sitting as such, a judge
31 of a superior court holding a term thereof in the county, upon applica-
32 tion of a defendant, may order [recognizance or bail] a securing order
33 when such local criminal court:

34 (a) Lacks authority to issue such an order, pursuant to [paragraph
35 (a) of] subdivision [two] four of section 530.20; or

36 (b) Has denied an application for recognizance or bail; or

37 (c) Has fixed bail which is excessive; or

38 (d) Has set a securing order of release under non-monetary conditions
39 which are more restrictive than necessary to reasonably ensure court
40 attendance.

41 In such case, such superior court judge may vacate the order of such
42 local criminal court and release the defendant on [his own] recognizance
43 or under release with conditions, or fix bail in a lesser amount or in a
44 less burdensome form, whichever is the least restrictive alternative
45 that will reasonably assure defendant's appearance in court. The court
46 will support its choice of alternative on the record.

47 2. Notwithstanding the provisions of subdivision one, when the
48 defendant is charged with a felony in a local criminal court, a superior
49 court judge may not order recognizance or bail unless and until the
50 district attorney has had an opportunity to be heard in the matter and
51 such judge has been furnished with a report as described in [subpara-
52 graph (ii) of paragraph (b) of] subdivision [two] five of section
53 530.20.

54 § 19. Section 530.40 of the criminal procedure law, subdivision 3 as
55 amended by chapter 264 of the laws of 2003, and subdivision 4 as amended
56 by chapter 762 of the laws of 1971, is amended to read as follows:

1 § 530.40 [Order of recognizance or bail;] Securing order by superior
2 court when action is pending therein.

3 When a criminal action is pending in a superior court, such court,
4 upon application of a defendant, must or may order recognizance or bail
5 as follows:

6 1. [When the defendant is charged with an offense or offenses of less
7 than felony grade only, the court must order recognizance or bail.

8 2. When the defendant is charged with a felony, the court may, in its
9 discretion, order recognizance or bail. In any such case in which an
10 indictment (a) has resulted from an order of a local criminal court
11 holding the defendant for the action of the grand jury, or (b) was filed
12 at a time when a felony complaint charging the same conduct was pending
13 in a local criminal court, and in which such local criminal court or a
14 superior court judge has issued an order of recognizance or bail which
15 is still effective, the superior court's order may be in the form of a
16 direction continuing the effectiveness of the previous order.] In cases
17 where the most serious charge facing the defendant in the case before
18 the court or a pending case is a misdemeanor or a felony other than that
19 enumerated in section 70.02 of the penal law or a class A felony offense
20 defined in the penal law, release the principal pending trial on the
21 principal's personal recognizance, unless the court finds on the record
22 that release on recognizance will not reasonably assure the individual's
23 court attendance. In such instances, the court will release the individ-
24 ual under non-monetary conditions, selecting the least restrictive
25 alternative that will reasonably assure the principal's court attend-
26 ance. The court will support its choice of alternative on the record.
27 The principal shall not be required to pay for any part of the cost of
28 release under non-monetary conditions, except that a principal may be
29 required to pay for all or a portion of the cost of electronic monitor-
30 ing unless the principal is indigent and cannot pay all or a portion of
31 the cost of such monitoring.

32 2. In cases where the most serious charge facing the defendant in the
33 case before the court or a pending case is a felony enumerated in
34 section 70.02 of the penal law or a class A felony offense defined in
35 the penal law, release the principal pending trial on the principal's
36 personal recognizance, or release the principal under non-monetary
37 conditions, or fix bail, selecting the least restrictive alternative
38 that will reasonably assure the principal's court appearance when
39 required. The court will support its choice of alternative on the
40 record.

41 3. Notwithstanding the above, in cases where the people indicate that
42 they intend to move for pretrial detention as set out in article five
43 hundred forty-five of this title, the court shall commit the defendant
44 to the custody of the sheriff.

45 4. Notwithstanding the provisions of [subdivision] subdivisions one
46 and two, a superior court may not [order recognizance or bail] issue a
47 securing order, or permit a defendant to remain at liberty pursuant to
48 an existing order, after [he] the defendant has been convicted of
49 either: (a) a class A felony or (b) any class B or class C felony
50 defined in article one hundred thirty of the penal law committed or
51 attempted to be committed by a person eighteen years of age or older
52 against a person less than eighteen years of age. In either case the
53 court must commit or remand the defendant to the custody of the sheriff.

54 [4.] 5. Notwithstanding the provisions of [subdivision] subdivisions
55 one and two, a superior court may not [order recognizance or bail] issue
56 a securing order when the defendant is charged with a felony unless and

1 until the district attorney has had an opportunity to be heard in the
2 matter and such court [has] and counsel for the defense have been
3 furnished with a report as described in subparagraph (ii) of paragraph
4 (b) of subdivision two of section 530.20 of this article.

5 § 20. Subdivision 1 of section 530.45 of the criminal procedure law,
6 as amended by chapter 264 of the laws of 2003, is amended to read as
7 follows:

8 1. When the defendant is at liberty in the course of a criminal action
9 as a result of a prior [order of recognizance or bail] securing order
10 and the court revokes such order and then [either fixes no bail or fixes
11 bail in a greater amount or in a more burdensome form than was previous-
12 ly fixed and remands or commits defendant to the custody of the sheriff,
13 a judge designated in subdivision two, upon application of the defendant
14 following conviction of an offense other than a class A felony or a
15 class B or class C felony offense defined in article one hundred thirty
16 of the penal law committed or attempted to be committed by a person
17 eighteen years of age or older against a person less than eighteen years
18 of age, and before sentencing, may issue a securing order and either
19 release defendant on his own recognizance, or fix bail, or fix bail in a
20 lesser amount or] issues a more restrictive securing order in a less
21 [burdensome] restrictive form than fixed by the court in which the
22 conviction was entered.

23 § 21. Section 530.60 of the criminal procedure law, subdivision 1 as
24 amended by chapter 565 of the laws of 2011, subdivision 2 as added by
25 chapter 788 of the laws of 1981 and paragraph (a) of subdivision 2 as
26 amended by chapter 794 of the laws of 1986, is amended to read as
27 follows:

28 § 530.60 [Order of recognizance or bail; revocation thereof] Securing
29 order; modification thereof upon court's own action.

30 [1.] Whenever in the course of a criminal action or proceeding a
31 defendant is at liberty as a result of [an order of recognizance or
32 bail] a securing order issued pursuant to this chapter, and the court
33 considers it necessary to review such order, it may, and by a bench
34 warrant if necessary, require the defendant to appear before the court.
35 Upon such appearance, the court, for good cause shown, may revoke [the
36 order of recognizance or bail. If the defendant is entitled to recogni-
37 zance or bail as a matter of right, the court must issue another such
38 order. If he or she is not, the court may either issue such an order or
39 commit the defendant to the custody of the sheriff. Where the defendant
40 is committed to the custody of the sheriff and is held on a felony
41 complaint, a new period as provided in section 180.80 of this chapter
42 shall commence to run from the time of the defendant's commitment under
43 this subdivision] and modify the securing order, selecting the least
44 restrictive alternative that will reasonably assure court appearance. If
45 the most serious charge facing the defendant in the case before the
46 court or a pending case is a misdemeanor or felony other than that
47 enumerated in section 70.02 of the penal law or a class A felony defined
48 in the penal law, the court must release the defendant on personal
49 recognizance or set release with non-monetary conditions. Notwithstand-
50 ing the foregoing, the people may move at any time for consideration of
51 pretrial detention under article five hundred forty-five of this title
52 if the defendant's alleged actions render the defendant eligible under
53 for a hearing under that section.

54 [2. (a) Whenever in the course of a criminal action or proceeding a
55 defendant charged with the commission of a felony is at liberty as a
56 result of an order of recognizance or bail issued pursuant to this arti-

1 cle it shall be grounds for revoking such order that the court finds
2 reasonable cause to believe the defendant committed one or more speci-
3 fied class A or violent felony offenses or intimidated a victim or
4 witness in violation of sections 215.15, 215.16 or 215.17 of the penal
5 law while at liberty. Before revoking an order of recognizance or bail
6 pursuant to this subdivision, the court must hold a hearing and shall
7 receive any relevant, admissible evidence not legally privileged. The
8 defendant may cross-examine witnesses and may present relevant, admissi-
9 ble evidence on his own behalf. Such hearing may be consolidated with,
10 and conducted at the same time as, a felony hearing conducted pursuant
11 to article one hundred eighty of this chapter. A transcript of testimony
12 taken before the grand jury upon presentation of the subsequent offense
13 shall be admissible as evidence during the hearing. The district attor-
14 ney may move to introduce grand jury testimony of a witness in lieu of
15 that witness' appearance at the hearing.

16 (b) Revocation of an order of recognizance or bail and commitment
17 pursuant to this subdivision shall be for the following periods, either:

18 (i) For a period not to exceed ninety days exclusive of any periods of
19 adjournment requested by the defendant; or

20 (ii) Until the charges contained within the accusatory instrument have
21 been reduced or dismissed such that no count remains which charges the
22 defendant with commission of a felony; or

23 (iii) Until reduction or dismissal of the charges contained within the
24 accusatory instrument charging the subsequent offense such that no count
25 remains which charges the defendant with commission of a class A or
26 violent felony offense.

27 Upon expiration of any of the three periods specified within this
28 paragraph, whichever is shortest, the court may grant or deny release
29 upon an order of bail or recognizance in accordance with the provisions
30 of this article. Upon conviction to an offense the provisions of article
31 five hundred thirty of this chapter shall apply.

32 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-
33 sion a defendant, against whom a felony complaint has been filed which
34 charges the defendant with commission of a class A or violent felony
35 offense committed while he was at liberty as specified therein, may be
36 committed to the custody of the sheriff pending a revocation hearing for
37 a period not to exceed seventy-two hours. An additional period not to
38 exceed seventy-two hours may be granted by the court upon application of
39 the district attorney upon a showing of good cause or where the failure
40 to commence the hearing was due to the defendant's request or occurred
41 with his consent. Such good cause must consist of some compelling fact
42 or circumstance which precluded conducting the hearing within the
43 initial prescribed period.]

44 § 22. The criminal procedure law is amended by adding a new section
45 530.65 to read as follows:

46 § 530.65 Violation of a condition of release, remedies available.

47 When a principal is released under non-monetary conditions, the court,
48 upon motion by the people, may revoke and modify the securing order due
49 to violations of those release conditions. In determining whether to
50 revoke and modify the securing order, the court must consider the
51 nature, the willfulness, and the seriousness of the violation and may
52 only set a more restrictive condition or conditions or release if it
53 finds that such conditions are necessary to reasonably assure the
54 defendant's appearance in court. Notwithstanding the foregoing, the
55 people may move at any time for consideration of pretrial detention
56 under article five hundred forty-five of this title if the defendant's

1 alleged actions render the defendant eligible under for a hearing under
2 that section.

3 § 23. Title P of part 3 of the criminal procedure law is amended by
4 adding a new article 545 to read as follows:

5 ARTICLE 545--PRETRIAL DETENTION

6 Section 545.10 Pretrial detention; when ordered.

7 545.20 Eligibility for a pretrial detention hearing.

8 545.30 Pretrial detention hearing.

9 545.40 Order for pretrial detention.

10 545.50 Reopening of pretrial hearing.

11 545.60 Length of detention for defendant held under a pretrial
12 detention order.

13 § 545.10 Pretrial detention; when ordered.

14 A county or superior court may order, before trial, the detention of a
15 defendant if the people seek detention of the defendant under section
16 545.20 of this article, and, after a hearing pursuant to section 545.30
17 of this article, the court finds clear and convincing evidence that the
18 defendant poses a high risk of flight before trial, or that defendant
19 poses a current threat to the physical safety of a reasonably identifi-
20 able person or persons, and that no conditions or combination of condi-
21 tions in the community will suffice to contain the aforesaid risk or
22 threat.

23 § 545.20 Eligibility for a pretrial detention hearing.

24 1. The people may make a motion with the court at any time seeking the
25 pretrial detention of a defendant:

26 (a) charged with offenses involving domestic violence, or crimes
27 involving serious violence or a class A felony defined in the penal law;

28 (b) charged with offenses involving witness intimidation under section
29 215.15, 215.16 or 215.17 of the penal law;

30 (c) charged with committing a new crime while in the community on
31 recognizance, or non-monetary-conditions, or bail; or

32 (d) who willfully failed to appear in court.

33 2. Upon such motion by the people, the defendant shall be committed to
34 the custody of the sheriff. If the person is at liberty, a warrant shall
35 issue and the defendant brought into custody of the sheriff.

36 § 545.30 Pretrial detention hearing.

37 1. A hearing shall be held within five working days from the people's
38 motion. At the hearing, the defendant shall have the right to be
39 represented by counsel, and, if financially unable to obtain counsel, to
40 have counsel assigned. The defendant shall be afforded an opportunity to
41 testify, to present witnesses, to cross-examine witnesses who appear at
42 the hearing, and to present information by proffer or otherwise. The
43 rules concerning the admissibility of evidence in criminal trials do not
44 apply to the presentation and consideration of information during the
45 hearing.

46 2. Discovery shall be afforded in accordance with pretrial hearings,
47 as set out in criminal procedure law section 240.44.

48 3. In hearings in cases for which there is no indictment, the people
49 shall establish probable cause that the eligible defendant committed the
50 charged offense. The people must establish by clear and convincing
51 evidence that defendant poses a high risk of flight or a current threat
52 of physical danger to a reasonably identifiable person or persons and
53 that no conditions or combination of conditions in the community will
54 suffice to contain the aforesaid risk or threat. There shall be a
55 rebuttable presumption, which the defendant may overcome by a preponder-
56 ance of the evidence, that no conditions or combination of conditions in

1 the community will suffice to contain a current threat to the physical
2 safety of a reasonably identifiable person or persons if the court finds
3 probable cause that the defendant:

4 (a) committed a crime for which the defendant would be subject to a
5 term of life imprisonment;

6 (b) committed a crime involving domestic violence or a crime involving
7 serious violence or a class A felony offense defined in the penal law
8 while the defendant was in the community on recognizance, or non-mone-
9 tary conditions, or bail while charged with a crime enumerated in
10 section 70.02 of the penal law or a class A felony offense;

11 (c) threatened, injured, intimidated, or attempted to threaten, injure
12 or intimidate a prospective witness or juror in an criminal investi-
13 gation or judicial proceeding; or

14 (d) committed a crime involving domestic violence or a crime involving
15 serious violence or a class A felony offense defined in the penal law
16 while armed with a firearm.

17 4. In determining whether the defendant presents a high risk of flight
18 or a current threat of physical danger to a reasonably identifiable
19 person or persons and whether no conditions or combinations of condi-
20 tions in the community will suffice to contain such risk or threat, the
21 court may take into account the following information:

22 (a) the nature and circumstances of the charged offense;

23 (b) the weight of the evidence against the defendant, except that the
24 court may consider the admissibility of any evidence sought to be
25 excluded;

26 (c) the defendant's current and prior history of failure to appear in
27 court whether such failures to appear were willful;

28 (d) the nature and the credibility of the threat to the physical
29 danger of a reasonably identifiable person or persons, if applicable;
30 and

31 (e) whether, at the time of the current offense or arrest, the defend-
32 ant was on probation, parole, or on release pending trial, sentencing or
33 completion of a sentence in this state or other jurisdictions.

34 § 545.40 Order for pretrial detention.

35 In a pretrial detention order issued pursuant to section 545.10 of
36 this article, the court shall:

37 1. include written findings of fact and a written statement of the
38 reasons for the detention; and

39 2. direct that the eligible defendant be afforded reasonable opportu-
40 nity for private consultation with counsel.

41 § 545.50 Reopening of pretrial hearing.

42 A pretrial detention hearing may be opened, before or after issuance
43 of a pretrial detention order by the court, by motion of the people or
44 the defendant, at any time before trial, if the court finds either a
45 change of circumstances or that information exists that was not known to
46 the people or to the defendant at the time of the hearing, that has a
47 material bearing on the issue of whether defendant presents a high risk
48 of failure to appear or a current threat to the physical safety of a
49 reasonably identifiable person or persons and whether no conditions or
50 combination of conditions will suffice to contain such risk or threat.

51 § 545.60 Length of detention for defendant held under a pretrial
52 detention order.

53 1. If a pretrial detention order is issued, a defendant shall not
54 remain detained in jail for more than one hundred eighty days after the
55 return of the indictment, if applicable, until the start of trial. In

1 cases where no indictment is required, the one hundred eighty days shall
2 run from the pretrial detention order.

3 2. (a) The time within which the trial of the case commences may be
4 extended for one or more additional periods not to exceed twenty days
5 each on the basis of a motion submitted by the people and approved by
6 the court. The additional period or periods of detention may be granted
7 only on the basis of good cause shown, and shall be granted only for the
8 additional time required to prepare for the trial of the person. Good
9 cause may include, but not be limited to, the unavailability of an
10 essential witness, the necessity for forensic analysis of evidence, the
11 ability to conduct a joint trial with a co-defendant or co-defendants,
12 severance of co-defendants which permits only one trial to commence
13 within the time period, complex or major investigations, scheduling
14 conflicts which arise shortly before the trial date, the inability to
15 proceed to trial because of action taken by or at the behest of the
16 defendant, the breakdown of a plea agreement on or immediately before
17 the trial date, and allowing reasonable time to prepare for a trial
18 after the circumstances giving rise to a tolling or extension of the one
19 hundred eighty day period no longer exists.

20 (b) In computing the one hundred eighty days from indictment, if
21 applicable, or the date of pretrial order, to commencement of trial, the
22 following periods shall be excluded:

23 (i) any period from the filing of the notice of appeal to the issuance
24 of the mandate in an interlocutory appeal;

25 (ii) any period attributable to any examination to determine the
26 defendant's sanity or lack thereof or his or her mental or physical
27 competency to stand trial;

28 (iii) any period attributable to the inability of the defendant to
29 participate in the defendant's defense because of mental incompetency or
30 physical incapacity; and

31 (iv) any period in which the defendant is otherwise unavailable for
32 trial.

33 3. If a trial has not commenced within one hundred eighty days from
34 indictment, if applicable, or pretrial detention order, as calculated
35 above, and the defendant remains in custody, the defendant shall be
36 released on recognizance or under non-monetary conditions of release
37 pending trial on the underlying charge, unless:

38 (a) the trial is in progress,

39 (b) the trial has been delayed by the timely filing of motions,
40 excluding motions for continuances;

41 (c) the trial has been delayed at the request of the defendant; or

42 (d) upon motion of the people, the court finds that a substantial and
43 unjustifiable risk to the physical safety of a reasonably identifiable
44 person would result from the defendant's release from custody, and that
45 no appropriate conditions for the defendant's release would reasonably
46 address that risk, and also finds that the failure to commence trial in
47 accordance with the time requirements set forth in this section was not
48 due to unreasonable delay by the people. If the court makes such a find-
49 ing, the court may set an additional period of time in which the defend-
50 ant's trial must commence.

51 § 24. Subsection (b) of section 6805 of the insurance law, as added by
52 chapter 181 of the laws of 2012, is amended to read as follows:

53 (b) A charitable bail organization shall:

54 (1) only deposit money as bail in the amount of [two] five thousand
55 dollars or less for a defendant charged with one or more [misdemeanors]
56 offenses as defined in subdivision one of section 10.00 of the penal

1 law, provided, however, that such organization shall not execute as
2 surety any bond for any defendant;

3 (2) only deposit money as bail on behalf of a person who is financial-
4 ly unable to post bail, which may constitute a portion or the whole
5 amount of such bail; and

6 (3) [only deposit money as bail in one county in this state. Provided,
7 however, that a charitable bail organization whose principal place of
8 business is located within a city of a million or more may deposit money
9 as bail in the five counties comprising such city; and

10 (4)] not charge a premium or receive compensation for acting as a
11 charitable bail organization.

12 § 25. Paragraph (a) of subdivision 9 of section 216.05 of the criminal
13 procedure law, as amended by chapter 258 of the laws of 2015, is amended
14 to read as follows:

15 (a) If at any time during the defendant's participation in the judi-
16 cial diversion program, the court has reasonable grounds to believe that
17 the defendant has violated a release condition or has failed to appear
18 before the court as requested, the court shall direct the defendant to
19 appear or issue a bench warrant to a police officer or an appropriate
20 peace officer directing him or her to take the defendant into custody
21 and bring the defendant before the court without unnecessary delay;
22 provided, however, that under no circumstances shall a defendant who
23 requires treatment for opioid abuse or dependence be deemed to have
24 violated a release condition on the basis of his or her participation in
25 medically prescribed drug treatments under the care of a health care
26 professional licensed or certified under title eight of the education
27 law, acting within his or her lawful scope of practice. The provisions
28 of [subdivision one of] section 530.60 of this chapter relating to
29 [revocation of recognizance or bail] issuance of securing orders shall
30 apply to such proceedings under this subdivision.

31 § 26. Subdivision 3 of section 620.50 of the criminal procedure law is
32 amended to read as follows:

33 3. A material witness order must be executed as follows:

34 (a) If the bail is posted and approved by the court, the witness
35 must[, as provided in subdivision three of section 510.40,] be released
36 and be permitted to remain at liberty; provided that, where the bail is
37 posted by a person other than the witness himself, he may not be so
38 released except upon his signed written consent thereto;

39 (b) If the bail is not posted, or if though posted it is not approved
40 by the court, the witness must[, as provided in subdivision three of
41 section 510.40,] be committed to the custody of the sheriff.

42 § 27. This act shall take effect November 1, 2019.

43

PART D

44 Section 1. Section 240.10 of the criminal procedure law, as added by
45 chapter 412 of the laws of 1979, is amended to read as follows:

46 § 240.10 Discovery; definition of terms.

47 The following definitions are applicable to this article:

48 1. ["Demand to produce" means a written notice served by and on a
49 party to a criminal action, without leave of the court, demanding to
50 inspect property pursuant to this article and giving reasonable notice
51 of the time at which the demanding party wishes to inspect the property
52 designated.

1 2.] "Attorneys' work product" means [property] material to the extent
2 that it contains the opinions, theories or conclusions of the prosecu-
3 tor, defense counsel or members of their legal staffs.

4 [3.] 2. "Property" or "material" means any existing tangible personal
5 or real property, including, but not limited to, books, records,
6 reports, memoranda, papers, photographs, tapes or other electronic
7 recordings, articles of clothing, fingerprints, blood samples, finger-
8 nail scrapings or handwriting specimens, but excluding attorneys' work
9 product.

10 [4.] 3. "At the trial" means as part of the [people's] prosecutor's
11 or the defendant's direct case.

12 § 2. Section 240.20 of the criminal procedure law, as added by chapter
13 412 of the laws of 1979, the opening paragraph of subdivision 1 as
14 amended by chapter 317 of the laws of 1983, paragraphs (c), (d) and (g)
15 of subdivision 1 as amended and paragraph (i) as added by chapter 558 of
16 the laws of 1982, paragraph (e) of subdivision 1 as added and paragraphs
17 (f), (g), (h) and (i) as relettered by chapter 795 of the laws of 1984,
18 paragraph (j) of subdivision 1 as added by chapter 514 of the laws of
19 1986, and paragraph (k) of subdivision 1 as added by chapter 536 of the
20 laws 1989, is amended to read as follows:

21 § 240.20 Discovery; [upon demand of] automatic disclosure to defendant.

22 1. Except to the extent protected by court order[, upon a demand to
23 produce by a defendant against whom] or right to redaction pursuant to
24 this article, within fifteen days of arraignment on an indictment, supe-
25 rior court information, prosecutor's information, information, or
26 simplified information charging a misdemeanor is pending, the prosecutor
27 shall disclose to the defendant and make available for inspection,
28 photographing, copying or testing, the following property:

29 (a) Any written, recorded or oral statement of the defendant, and of
30 a co-defendant to be tried jointly, made, other than in the course of
31 the criminal transaction, to a public servant engaged in law enforcement
32 activity or to a person then acting under [his] the direction of, or in
33 cooperation with [him] such public servant;

34 (b) Any transcript of testimony relating to the criminal action or
35 proceeding pending against the defendant, given by the defendant, or by
36 a co-defendant to be tried jointly, before any grand jury;

37 (c) Any written report or document, or portion thereof, concerning a
38 physical or mental examination, or scientific test or experiment, relat-
39 ing to the criminal action or proceeding which was made by, or at the
40 request or direction of a public servant engaged in law enforcement
41 activity, or which was made by a person whom the prosecutor intends to
42 call as a witness at trial, or which the [people intend] prosecutor
43 intends to introduce at trial;

44 (d) Any photograph or drawing relating to the criminal action or
45 proceeding which was made or completed by a public servant engaged in
46 law enforcement activity, or which was made by a person whom the prose-
47 cutor intends to call as a witness at trial, or which the [people
48 intend] prosecutor intends to introduce at trial;

49 (e) Any photograph, photocopy or other reproduction made by or at the
50 direction of a police officer, peace officer or prosecutor of any prop-
51 erty prior to its release pursuant to the provisions of section 450.10
52 of the penal law, irrespective of whether the people intend to introduce
53 at trial the property or the photograph, photocopy or other reprod-
54 uction[.];

55 (f) Any other property obtained from the defendant, or a co-defendant
56 to be tried jointly;

1 (g) Any tapes or other electronic recordings which the prosecutor
2 intends to introduce at trial, irrespective of whether such recording
3 was made during the course of the criminal transaction;

4 (h) [Anything] Any other property or information required to be
5 disclosed, prior to trial, to the defendant by the prosecutor, pursuant
6 to the constitution of this state or of the United States[.] including,
7 but not limited to, all evidence and information, whether or not admis-
8 sible or recorded in tangible form, that tends to (i) exculpate the
9 defendant; (ii) mitigate the defendant's culpability as to a charged
10 offense; (iii) support a potential defense to a charged offense; (iv)
11 significantly impugn the credibility of an important prosecution
12 witness; or (v) a summary of all promises, rewards and inducements made
13 to persons who may be called as witnesses, as well as requests for
14 consideration by persons who may be called as witnesses, and copies of
15 all documents relevant to a promise, reward or inducement. The prose-
16 cution shall disclose evidence or information under this subdivision
17 expeditiously upon its receipt by the prosecutor, notwithstanding the
18 otherwise-applicable time periods for disclosure in this article;

19 (i) The approximate date, time and place of the offense charged and of
20 defendant's arrest[.];

21 (j) In any prosecution under penal law section 156.05 or 156.10, the
22 time, place and manner of notice given pursuant to subdivision six of
23 section 156.00 of such law[.];

24 (k) [in] In any prosecution commenced in a manner set forth in this
25 subdivision alleging a violation of the vehicle and traffic law, in
26 addition to any material required to be disclosed pursuant to this arti-
27 cle, any other provision of law, or the constitution of this state or of
28 the United States, any written report or document, or portion thereof,
29 concerning a physical examination, a scientific test or experiment,
30 including the most recent record of inspection, or calibration or repair
31 of machines or instruments utilized to perform such scientific tests or
32 experiments and the certification certificate, if any, held by the oper-
33 ator of the machine or instrument, which tests or examinations were made
34 by or at the request or direction of a public servant engaged in law
35 enforcement activity or which was made by a person whom the prosecutor
36 intends to call as a witness at trial, or which the people intend to
37 introduce at trial[.];

38 (l) A list of all tangible objects obtained from, or allegedly
39 possessed by, the defendant or a co-defendant. The list shall include a
40 designation by the prosecutor as to which objects were recovered during
41 a search or seizure by a public servant or an agent thereof, and which
42 tangible objects were recovered by a public servant or an agent thereof
43 after allegedly being abandoned by the defendant;

44 (m) A statement indicating whether a search warrant has been executed
45 and all documents relating thereto, including but not limited to the
46 warrant, the warrant application, supporting affidavits, a police inven-
47 tory of all property seized under the warrant, and a transcript of all
48 testimony or other oral communications offered in support of the warrant
49 application;

50 (n) Any expert opinion evidence, including the name, business address,
51 and current curriculum vitae, whom the prosecutor intends to call as a
52 witness at trial or a pre-trial hearing, and all reports prepared by the
53 expert that pertain to the case, or if no report is prepared, a written
54 statement of the facts and opinions to which the expert is expected to
55 testify and a summary of the grounds for each opinion. This paragraph
56 does not alter or in any way affect the procedures, obligations or

1 rights set forth in section 250.10 of this title. If in the exercise of
2 reasonable diligence this information is unavailable for disclosure
3 within the time period specified in this subdivision, that period shall
4 be stayed without need for a motion pursuant to this article; except
5 that the disclosure shall be made as soon as practicable and not later
6 than sixty calendar days before a scheduled trial date, unless an order
7 for further delay upon a showing of good cause is obtained. When the
8 prosecution's expert witness is being called in response to disclosure
9 of an expert witness by the defendant, the court may alter a scheduled
10 trial date, if necessary, to allow the prosecution thirty calendar days
11 to make the disclosure and the defendant thirty calendar days to prepare
12 and respond to the new materials.

13 2. The prosecutor shall make a prompt diligent, good faith effort to
14 ascertain the existence of [demanded] property subject to disclosure
15 under this section and to cause such property to be made available for
16 discovery where it exists but is not within the prosecutor's possession,
17 custody or control; provided, that the prosecutor shall not be required
18 to obtain by subpoena duces tecum demanded material which the defendant
19 may thereby obtain.

20 3. Upon motion of a party in an individual case, the court may alter
21 the time periods for discovery imposed by this article upon a showing of
22 good cause.

23 § 3. The criminal procedure law is amended by adding a new section
24 240.21 to read as follows:

25 § 240.21 Discovery; disclosure of police reports and prior statements of
26 prospective witnesses.

27 1. Except to the extent protected by court order or right to redaction
28 pursuant to this article, within thirty days of arraignment on an
29 indictment, superior court information, prosecutor's information, infor-
30 mation or simplified information charging a misdemeanor, the prosecutor
31 shall disclose to the defendant the following property, provided it is
32 in the possession of the prosecutor:

33 (a) Any report of a factual nature relating to the criminal action or
34 proceeding against the defendant and prepared by the prosecutor;

35 (b) Any report relating to the criminal action or proceeding against
36 the defendant prepared by, or at the direction of, a police officer, as
37 defined in subdivision thirty-four of section 1.20 of this chapter, who
38 is employed by a law enforcement agency which participated in the inves-
39 tigation, arrest or post-arrest processing of the defendant with respect
40 to the criminal action or proceeding against the defendant;

41 (c) Any report, other than those described by paragraphs (a) and (b)
42 of this subdivision, relating to the criminal action or proceeding
43 against the defendant, which was prepared by a law enforcement officer,
44 provided such report is in the actual possession of the prosecutor; and

45 (d) Any written or recorded statement, excluding grand jury testimony,
46 made by a witness whom the prosecutor intends to call at a pre-trial
47 hearing or at trial and which relates to the subject matter of that
48 witness' prospective testimony.

49 2. The prosecutor shall make a prompt diligent, good faith effort to
50 ascertain the existence of property subject to disclosure under this
51 section and to cause such property to be made available for discovery
52 where it exists but is not within the prosecutor's possession, custody
53 or control; provided, that the prosecutor shall not be required to
54 obtain by subpoena duces tecum demanded material which the defendant may
55 thereby obtain.

1 3. Upon motion of a party in an individual case, the court may alter
2 the time periods for discovery imposed by this article upon a showing of
3 good cause.

4 § 4. Section 240.30 of the criminal procedure law, as added by chapter
5 412 of the laws of 1979, subdivision 1 as amended by chapter 558 of the
6 laws of 1982, and the opening paragraph of subdivision 1 as amended by
7 chapter 317 of the laws of 1983, is amended to read as follows:

8 § 240.30 Discovery; [upon demand of] automatic disclosure to the prose-
9 cutor.

10 1. Except to the extent protected by court order or right to redaction
11 pursuant to this article, [upon a demand to produce by the prosecutor,]
12 within fifteen days of disclosure by the prosecutor pursuant to section
13 240.20 of this article, and prior to trial, a defendant against whom an
14 indictment, superior court information, prosecutor's information, infor-
15 mation, or simplified information charging a misdemeanor is pending
16 shall disclose and make available to the prosecution for inspection,
17 photographing, copying or testing, subject to constitutional limita-
18 tions:

19 (a) any written report or document, or portion thereof, concerning a
20 physical or mental examination, or scientific test, experiment, or
21 comparisons, made by or at the request or direction of, the defendant,
22 if the defendant intends to introduce such report or document at trial,
23 or if the defendant has filed a notice of intent to proffer psychiatric
24 evidence and such report or document relates thereto, or if such report
25 or document was made by a person, other than defendant, whom defendant
26 intends to call as a witness at trial; [and]

27 (b) any photograph, drawing, tape or other electronic recording which
28 the defendant intends to introduce at trial[.];

29 (c) All statements, written or recorded or summarized in any writing
30 or recording, made by all persons other than the defendant whom the
31 defendant intends to call as witnesses at trial or a pre-trial hearing;
32 except that disclosure of such statements made by a person whom the
33 defendant intends to call as a witness for the sole purpose of impeach-
34 ing a prosecution witness is not required until after the prosecution
35 witness has testified;

36 (d) A summary of all promises, rewards and inducements made to persons
37 whom the defendant intends to call as witnesses at trial or a pre-trial
38 hearing, as well as requests for consideration by such persons, and
39 copies of all documents relevant to a promise, reward or inducement;

40 (e) All tangible property, including but not limited to tapes or other
41 electronic recordings and photographs and drawings, that the defendant
42 intends to introduce in the defendant's case-in-chief at trial or a
43 pre-trial hearing. If in the exercise of reasonable diligence counsel
44 for the defendant has not formed an intention within the time period
45 specified in this section that an item under this subdivision will be
46 introduced at trial or a pre-trial hearing, that period shall be stayed
47 without need for a motion; but the disclosure shall be made as soon as
48 practicable and subject to the continuing duty to disclose;

49 (f) All reports and documents concerning physical or mental examina-
50 tions, or scientific tests or experiments or comparisons, which the
51 defendant intends to introduce at trial or a pre-trial hearing, or which
52 were made by a person whom the defendant intends to call as a witness at
53 trial or a pre-trial hearing;

54 (g) Intended expert opinion evidence, including the name, business
55 address, and current curriculum vitae, whom the defendant intends to
56 call as a witness at trial or a pre-trial hearing, and all reports

1 prepared by the expert that pertain to the case, or if no report is
2 prepared, a written statement of the facts and opinions to which the
3 expert is expected to testify and a summary of the grounds for each
4 opinion. This paragraph does not alter or in any way affect the proce-
5 dures, obligations or rights set forth in section 250.10 of this title.
6 If in the exercise of reasonable diligence this information is unavail-
7 able for disclosure within the time period specified in this subdivi-
8 sion, that period shall be stayed without need for a motion; except that
9 the disclosure shall be made as soon as practicable and not later than
10 thirty calendar days before a scheduled trial date, unless an order is
11 obtained.

12 2. The defense shall make a diligent good faith effort to make such
13 property available for discovery where it exists but the property is not
14 within its possession, custody or control, provided, that the defendant
15 shall not be required to obtain by subpoena duces tecum demanded materi-
16 al that the prosecutor may thereby obtain.

17 § 5. Section 240.35 of the criminal procedure law, as added by chapter
18 412 of the laws of 1979, is amended to read as follows:

19 § 240.35 Discovery; refusal [of demand] to disclose.

20 Notwithstanding the provisions of sections 240.20, 240.21, and 240.30
21 of this article, the prosecutor or the defendant, as the case may be,
22 may refuse to disclose any information which [he] that party reasonably
23 believes is not discoverable [by a demand to produce], pursuant to
24 [section 240.20 or section 240.30 as the case may be,] this article or
25 for which [he] the party reasonably believes a protective order or a
26 right to redaction would be warranted. Such refusal shall be made in a
27 writing, which shall set forth the grounds of such belief as fully as
28 possible, consistent with the objective of the refusal. The writing
29 shall be served upon the [demanding] other party and a copy shall be
30 filed with the court. Such refusal shall be made within the time by
31 which disclosure is required, but may be made after that time, as the
32 court may determine is required in the interest of justice.

33 § 6. Section 240.40 of the criminal procedure law, as added by chapter
34 412 of the laws of 1979, subdivision 1 as amended by chapter 19 of the
35 laws of 2012, the opening paragraph of subdivision 2 as amended by chap-
36 ter 317 of the laws of 1983, and the closing paragraph of subdivision 2
37 as amended by chapter 481 of the laws of 1983, is amended to read as
38 follows:

39 § 240.40 Discovery; upon court order.

40 1. Upon [motion] application of a defendant against whom an indict-
41 ment, superior court information, prosecutor's information, information,
42 or simplified information charging a misdemeanor is pending, the court
43 in which such accusatory instrument is pending:

44 (a) must order discovery as to any material not disclosed [upon a
45 demand] pursuant to section 240.20, if it finds that the prosecutor's
46 refusal to disclose such material is not justified; (b) must, unless it
47 is satisfied that the [people have] prosecutor has shown good cause why
48 such an order should not be issued, order discovery or issue any other
49 order authorized by subdivision one of section 240.70 as to any material
50 not disclosed [upon demand] pursuant to section 240.20 where the prose-
51 cutor has failed to serve a timely written refusal pursuant to section
52 240.35; (c) may order discovery with respect to any other property,
53 which the people intend to introduce at the trial, upon a showing by the
54 defendant that discovery with respect to such property is material to
55 the preparation of his or her defense, and that the request is reason-
56 able; and (d) where property in the people's possession, custody, or

1 control that consists of a deoxyribonucleic acid ("DNA") profile
2 obtained from probative biological material gathered in connection with
3 the investigation or prosecution of the defendant and the defendant
4 establishes that such profile complies with federal bureau of investi-
5 gation or state requirements, whichever are applicable and as such
6 requirements are applied to law enforcement agencies seeking a keyboard
7 search or similar comparison, and that the data meets state DNA index
8 system or national DNA index system criteria as such criteria are
9 applied to law enforcement agencies seeking such a keyboard search or
10 similar comparison, the court may order an entity that has access to the
11 combined DNA index system or its successor system to compare such DNA
12 profile against DNA databanks by keyboard searches, or a similar method
13 that does not involve uploading, upon notice to both parties and the
14 entity required to perform the search, upon a showing by the defendant
15 that such a comparison is material to the presentation of his or her
16 defense and that the request is reasonable. For purposes of this para-
17 graph, a "keyboard search" shall mean a search of a DNA profile against
18 the databank in which the profile that is searched is not uploaded to or
19 maintained in the databank. Upon granting the motion pursuant to para-
20 graph (c) of this subdivision, the court shall, upon motion of the
21 people showing such to be material to the preparation of their case and
22 that the request is reasonable, condition its order of discovery by
23 further directing discovery by the people of property, of the same kind
24 or character as that authorized to be inspected by the defendant, which
25 he or she intends to introduce at the trial. The prosecutor may redact
26 any such property and the court may review that redaction, as set forth
27 in this article.

28 2. Upon motion of the prosecutor, and subject to constitutional limi-
29 tation, the court in which an indictment, superior court information,
30 prosecutor's information, information, or simplified information charg-
31 ing a misdemeanor is pending: (a) must order discovery as to any proper-
32 ty not disclosed [upon a demand] pursuant to section 240.30, if it finds
33 that the defendant's refusal to disclose such material is not justified;
34 and (b) may order the defendant to provide non-testimonial evidence.
35 Such order may, among other things, require the defendant to:

- 36 (i) Appear in a line-up;
- 37 (ii) Speak for identification by a witness or a potential witness;
- 38 (iii) Be fingerprinted;
- 39 (iv) Pose for photographs not involving reenactment of an event;
- 40 (v) Permit the taking of samples of blood, hair or other materials
41 from his or her body in a manner not involving an unreasonable intrusion
42 thereof or a risk of serious physical injury thereto;
- 43 (vi) Provide specimens of his or her handwriting;
- 44 (vii) Submit to a reasonable physical or medical inspection of his or
45 her body.

46 This subdivision shall not be construed to limit, expand, or otherwise
47 affect the issuance of a similar court order, as may be authorized by
48 law, before the filing of an accusatory instrument consistent with such
49 rights as the defendant may derive from the constitution of this state
50 or of the United States. This section shall not be construed to limit or
51 otherwise affect the [adminstration] administration of a chemical test
52 where otherwise authorized pursuant to section one thousand one hundred
53 ninety-four-a of the vehicle and traffic law.

54 3. An order pursuant to this section may be denied, limited or condi-
55 tioned as provided in section 240.50 of this article.

1 § 7. Section 240.43 of the criminal procedure law, as added by chapter
2 222 of the laws of 1987, is amended to read as follows:

3 § 240.43 Discovery; disclosure of prior uncharged criminal, vicious or
4 immoral acts.

5 Upon a request by a defendant, the prosecutor shall notify the defend-
6 ant of all specific instances of a defendant's prior uncharged criminal,
7 vicious or immoral conduct of which the prosecutor has knowledge and
8 which the prosecutor intends to use at trial for purposes of impeaching
9 the credibility of the defendant. Such notification by the prosecutor
10 shall be made [immediately prior to the commencement of jury selection,
11 except that the court may, in its discretion, order such notification
12 and make its determination as to the admissibility for impeachment
13 purposes of such conduct within a period of three days, excluding Satur-
14 days, Sundays and holidays,] fifteen days prior to the commencement of
15 jury selection.

16 § 8. The opening paragraph of section 240.44 of the criminal procedure
17 law, as added by chapter 558 of the laws of 1982, is amended to read as
18 follows:

19 Subject to a protective order or the right to redaction, at a pre-
20 trial hearing held in a criminal court at which a witness is called to
21 testify, each party, at the conclusion of the direct examination of each
22 of its witnesses, shall, upon request of the other party, make available
23 to that party to the extent not previously disclosed:

24 § 9. Section 240.45 of the criminal procedure law, as amended by chap-
25 ter 558 of the laws 1982, paragraph (a) of subdivision 1 as amended by
26 chapter 804 of the laws 1984, is amended to read as follows:

27 § 240.45 Discovery; upon trial, of prior statements and criminal history
28 of witnesses.

29 1. [After the jury has been sworn and before the prosecutor's opening
30 address, or in the case of a single judge trial after commencement and
31 before submission of evidence, the] The prosecutor shall, subject to a
32 protective order or right to redaction, make available to the defendant
33 fifteen days prior to the commencement of jury selection:

34 (a) Any written or recorded statement, including any testimony before
35 a grand jury and an examination videotaped pursuant to section 190.32 of
36 this chapter, made by a person whom the prosecutor intends to call as a
37 witness at trial, and which relates to the subject matter of the
38 witness's testimony;

39 (b) A record of judgment of conviction of a witness the people intend
40 to call at trial if the record of conviction is known by the prosecutor
41 to exist;

42 (c) The existence of any pending criminal action against a witness
43 the people intend to call at trial, if the pending criminal action is
44 known by the prosecutor to exist.

45 The provisions of paragraphs (b) and (c) of this subdivision shall not
46 be construed to require the prosecutor to fingerprint a witness or
47 otherwise cause the division of criminal justice services or other law
48 enforcement agency or court to issue a report concerning a witness.

49 2. [After presentation of the people's direct case and before the
50 presentation of the defendant's direct case, the] The defendant shall,
51 subject to a protective order or right to redaction, make available to
52 the prosecutor within fifteen days prior to the commencement of jury
53 selection:

54 (a) any written or recorded statement made by a person other than the
55 defendant whom the defendant intends to call as a witness at the trial,
56 and which relates to the subject matter of the witness's testimony;



1 (b) a record of judgment of conviction of a witness, other than the
2 defendant, the defendant intends to call at trial if the record of
3 conviction is known by the defendant to exist;

4 (c) the existence of any pending criminal action against a witness,
5 other than the defendant, the defendant intends to call at trial, if the
6 pending criminal action is known by the defendant to exist.

7 § 10. Section 240.50 of the criminal procedure law, as added by chap-
8 ter 412 of the laws of 1979, subdivision 4 as amended by chapter 348 of
9 the laws of 1985, is amended to read as follows:

10 § 240.50 Discovery; protective orders.

11 1. The court in which the criminal action is pending may, upon motion
12 of either party, or of any affected person, or upon determination of a
13 motion of either party for an order of discovery, or upon its own initi-
14 ative, issue a protective order denying, limiting, conditioning, delay-
15 ing or regulating discovery pursuant to this article for good cause,
16 including constitutional limitations, danger to the integrity of phys-
17 ical evidence or a substantial risk of physical harm, intimidation,
18 economic reprisal, bribery or unjustified annoyance or embarrassment to
19 any person or an adverse effect upon the legitimate needs of law
20 enforcement, including the protection of the confidentiality of infor-
21 mants, or danger to any person stemming from factors such as a defend-
22 ant's gang affiliation, prior history of interfering with witnesses, or
23 threats or intimidating actions directed at potential witnesses, or any
24 other factor or set of factors which outweighs the usefulness of the
25 discovery.

26 2. An order limiting, conditioning, delaying or regulating discovery
27 may, among other things, require that any material copied or derived
28 therefrom be maintained in the exclusive possession of the attorney for
29 the discovering party and be used for the exclusive purpose of preparing
30 for the defense or prosecution of the criminal action.

31 3. A motion for a protective order shall suspend discovery of the
32 particular matter in dispute.

33 4. Notwithstanding any other provision of this article, the personal
34 residence address of a police officer or correction officer shall not be
35 required to be disclosed except pursuant to an order issued by a court
36 following a finding of good cause.

37 5. (a) A party that has unsuccessfully sought, or unsuccessfully
38 opposed the granting of, a protective order under this section relating
39 to the name, address, contact information or statements of a person may
40 obtain expedited review of that ruling by an individual justice of the
41 intermediate appellate court to which an appeal from a judgment of
42 conviction in the case would be taken.

43 (b) Such review shall be sought within two business days of the
44 adverse or partially adverse ruling, by order to show cause filed with
45 the intermediate appellate court. The order to show cause shall in addi-
46 tion be timely served on the lower court and on the opposing party, and
47 shall be accompanied by a sworn affirmation stating in good faith (i)
48 that the ruling affects substantial interests, and (ii) that diligent
49 efforts to reach an accommodation of the underlying discovery dispute
50 with opposing counsel failed or that no accommodation was feasible;
51 except that service on the opposing party, and a statement regarding
52 efforts to reach an accommodation, are unnecessary where the opposing
53 party was not made aware of the application for a protective order and
54 good cause exists for omitting service of the order to show cause on the
55 opposing party. The lower court's order subject to review shall be
56 stayed until the appellate justice renders a decision.

1 (c) The assignment of the individual appellate justice, and the mode
2 of and procedure for the review, are determined by rules of the individ-
3 ual appellate courts. The appellate justice may consider any relevant
4 and reliable information bearing on the issue, and may dispense with
5 written briefs other than supporting and opposing materials previously
6 submitted to the lower court. The appellate justice may dispense with
7 the issuance of a written opinion in rendering his or her decision, and
8 when practicable shall render decision expeditiously. Such review and
9 decision shall not affect the right of a defendant, in a subsequent
10 appeal from a judgment of conviction, to claim as error the ruling
11 reviewed.

12 6. Any protective order issued under this article is a mandate of the
13 court for purposes of the offense of criminal contempt in subdivision
14 three of section 215.50 of the penal law.

15 § 11. The criminal procedure law is amended by adding a new section
16 240.51 to read as follows:

17 § 240.51 Discovery; right to redaction.

18 1. Any property, material, report or statement required to be
19 disclosed under this article may be redacted by the prosecutor to elimi-
20 nate information, the disclosure of which could interfere with an ongo-
21 ing investigation or case.

22 (a) Upon application of the defendant, such redaction may be reviewed
23 by the court and disclosure may be ordered, unless the prosecutor demon-
24 strates that disclosure of the redacted information could interfere with
25 an ongoing investigation or case or demonstrates the need for any other
26 protective order. Upon application by either party, the court may review
27 any such redaction in an ex parte, in camera, proceeding. In assessing
28 whether the prosecutor demonstrates that disclosure of the redacted
29 information could interfere with an ongoing investigation or case, the
30 court may consider:

31 (i) The pending charges against defendant;

32 (ii) Defendant's character, reputation;

33 (iii) Defendant's criminal record, if any;

34 (iv) Defendant's record of previous adjudication as a juvenile delin-
35 quent, as retained pursuant to section 354.2 of the family court act,
36 or, of pending cases where fingerprints are retained pursuant to section
37 306.1 of such act, or a youthful offender, if any;

38 (v) Where the defendant is charged with a crime or crimes against a
39 member or members of the same family or household as that term is
40 defined in subdivision one of section 530.11 of this chapter, the
41 following factors:

42 (A) any violation by the defendant of an order of protection of a
43 member or members of the same family or household as that term is
44 defined in subdivision one of section 530.11 of this chapter, whether or
45 not such order of protection is currently in effect; and

46 (B) the defendant's history of use or possession of a firearm;

47 (vi) The weight of the evidence against the defendant in the pending
48 criminal action and any other factor indicating probability or improba-
49 bility of conviction;

50 (vii) The sentence which may be or has been imposed upon conviction;

51 (viii) Witness' desire to have identity remain confidential;

52 (ix) Witness' role in the proceeding;

53 (x) Public safety;

54 (xi) Defendant's affiliation with any gangs or organizations and
55 whether the gang or organization has any history of interfering with
56 witnesses or intimidating witnesses;

1 (xii) Any history of defendant, or those affiliated with defendant,
2 interfering with witnesses or intimidating witnesses; and

3 (xiii) Defendant's constitutional right under both the federal and
4 state constitution to present a defense.

5 (b) Any report that is redacted pursuant to this subdivision shall so
6 indicate, unless the court orders otherwise, in the interest of justice
7 for good cause shown, including the protection of witnesses or maintain-
8 ing the confidentiality of an ongoing investigation.

9 (c) Any property, material, report or statement required to be
10 disclosed under this article may be redacted by the prosecutor to elimi-
11 nate the name, address, or any other information that serves to identify
12 with particularity a person supplying information relating to the crimi-
13 nal action or proceeding against the defendant.

14 2. Nothing in this section shall be construed to create, limit, expand
15 or in any way affect any authority that the court otherwise may have to
16 order pre-trial disclosure of the identity or address of a witness.

17 3. Upon motion of a party in an individual case, the court may alter
18 the time periods for discovery imposed by this article upon a showing of
19 good cause.

20 § 12. Section 240.60 of the criminal procedure law, as added by chap-
21 ter 412 of the laws of 1979, is amended to read as follows:

22 § 240.60 Discovery; continuing duty to disclose.

23 If, after complying with the provisions of this article or an order
24 pursuant thereto, a party finds, either before or during trial, addi-
25 tional material subject to discovery or covered by such order, [he] the
26 party shall promptly make disclosure of such material and comply with
27 [the demand or order, refuse to comply with the demand where refusal is
28 authorized] this article, or apply for a protective order.

29 § 13. Subdivision 1 of section 240.70 of the criminal procedure law,
30 as added by chapter 412 of the laws of 1979, is amended to read as
31 follows:

32 1. If, during the course of discovery proceedings, the court finds
33 that a party has failed to comply with any of the provisions of this
34 article, the court may order such party to permit discovery of the prop-
35 erty not previously disclosed, grant a continuance, issue a protective
36 order, grant an adverse inference instruction to the trier of fact,
37 prohibit the introduction of certain evidence or the calling of certain
38 witnesses or take any other appropriate action.

39 § 14. Section 240.80 of the criminal procedure law is REPEALED.

40 § 15. The penal law is amended by adding a new section 215.07 to read
41 as follows:

42 § 215.07 Tampering with or intimidating a victim or witness through
43 social media.

44 1. A person is guilty of tampering with or intimidating a victim or
45 witness through social media when he or she disseminates information on
46 social media with the intent to induce a witness or victim:

47 (a) to absent himself or herself from, or otherwise to avoid or seek
48 to avoid appearing at, producing records, documents or other objects for
49 use at, or testifying at a criminal action or proceeding; or

50 (b) refrain from communicating information or producing records, docu-
51 ments or other objects to any court, grand jury, prosecutor, police
52 officer or peace officer concerning a criminal transaction.

53 2. Social media includes, but is not limited to forms of communication
54 through which users participate in online communities to share informa-
55 tion, ideas, personal messages, and other content.

1 Tampering with or intimidating a victim or witness through social
2 media is a class A misdemeanor.

3 § 16. Section 215.10 of the penal law, the section heading and the
4 closing paragraph as amended by chapter 664 of the laws of 1982, is
5 amended to read as follows:

6 § 215.10 Tampering with a witness in the [fourth] fifth degree.

7 A person is guilty of tampering with a witness in the fifth degree
8 when, knowing that a person [is or is about to] may be called as a
9 witness in an action or proceeding, (a) he or she wrongfully induces or
10 attempts to induce such person to absent himself or herself from, or
11 otherwise to avoid or seek to avoid appearing at, producing records,
12 documents or other objects for use at or testifying at, such action or
13 proceeding, or (b) he or she knowingly makes any false statement or
14 practices any fraud or deceit with intent to affect the testimony of
15 such person.

16 Tampering with a witness in the [fourth] fifth degree is a class A
17 misdemeanor.

18 § 17. Section 215.11 of the penal law, as added by chapter 664 of the
19 laws of 1982, is amended to read as follows:

20 § 215.11 Tampering with a witness in the [third] fourth degree.

21 A person is guilty of tampering with a witness in the [third] fourth
22 degree when, knowing that a person [is about to] may be called as a
23 witness in a criminal proceeding:

24 1. He or she wrongfully compels or attempts to compel such person to
25 absent himself from, or otherwise to avoid or seek to avoid appearing
26 at, producing records, documents or other objects for use at or testify-
27 ing at such proceeding by means of instilling in him or her a fear that
28 the actor will cause physical injury to such person or another person;
29 or

30 2. He or she wrongfully compels or attempts to compel such person to
31 swear falsely or alter, destroy, mutilate or conceal an object with the
32 intent to impair the integrity or availability of the object for use in
33 the action or proceeding by means of instilling in him or her a fear
34 that the actor will cause physical injury to such person or another
35 person.

36 Tampering with a witness in the [third] fourth degree is a class E
37 felony.

38 § 18. Section 215.12 of the penal law, as added by chapter 664 of the
39 laws of 1982, is amended to read as follows:

40 § 215.12 Tampering with a witness in the [second] third degree.

41 A person is guilty of tampering with a witness in the [second] third
42 degree when he or she:

43 1. Intentionally causes or attempts to cause physical injury to a
44 person for the purpose of obstructing, delaying, preventing or impeding
45 the giving of testimony in a criminal proceeding by such person or
46 another person or for the purpose of compelling such person or another
47 person to swear falsely or alter, destroy, mutilate or conceal an object
48 with the intent to impair the integrity or availability of the object
49 for use in the action or proceeding; or

50 2. [He intentionally] Intentionally causes or attempts to cause phys-
51 ical injury to a person on account of such person or another person
52 having testified in a criminal proceeding or produced records, documents
53 or other objects for use in a criminal proceeding.

54 Tampering with a witness in the [second] third degree is a class D
55 felony.

1 § 19. Section 215.13 of the penal law, as added by chapter 664 of the
2 laws of 1982, is amended to read as follows:

3 § 215.13 Tampering with a witness in the [first] second degree.

4 A person is guilty of tampering with a witness in the [first] second
5 degree when:

6 1. He or she intentionally causes or attempts to cause serious phys-
7 ical injury to a person for the purpose of obstructing, delaying,
8 preventing or impeding the giving of testimony in a criminal proceeding
9 by such person or another person or for the purpose of compelling such
10 person or another person to swear falsely or alter, destroy, mutilate or
11 conceal an object with the intent to impair the integrity or availabili-
12 ty of the object for use in the action or proceeding; or

13 2. He or she intentionally causes or attempts to cause serious phys-
14 ical injury to a person on account of such person or another person
15 having testified in a criminal proceeding or produced records, documents
16 or other objects for use in a criminal proceeding.

17 Tampering with a witness in the [first] second degree is a class B
18 felony.

19 § 20. The penal law is amended by adding a new section 215.13-a to
20 read as follows:

21 § 215.13-a Tampering with a witness in the first degree.

22 A person is guilty of tampering with a witness in the first degree
23 when:

24 1. He or she intentionally causes or attempts to cause the death of a
25 person for the purpose of obstructing, delaying, preventing or impeding
26 the giving of testimony in a criminal proceeding by such person or
27 another person or for the purpose of compelling such person or another
28 person to swear falsely or alter, destroy, mutilate or conceal an object
29 with the intent to impair the integrity or availability of the object
30 for use in the action or proceeding; or

31 2. He or she intentionally causes or attempts to cause the death of a
32 person on account of such person or another person having testified in a
33 criminal proceeding or produced records, documents or other objects for
34 use in a criminal proceeding.

35 Tampering with a witness in the first degree is a class A-I felony.

36 § 21. Section 215.15 of the penal law, as added by chapter 667 of the
37 laws of 1985, is amended to read as follows:

38 § 215.15 Intimidating a victim or witness in the [third] fourth degree.

39 A person is guilty of intimidating a victim or witness in the [third]
40 fourth degree when, knowing that another person possesses information
41 records, documents or other objects relating to a criminal transaction
42 and other than in the course of that criminal transaction or immediate
43 flight therefrom, he or she:

44 1. Wrongfully compels or attempts to compel such other person to
45 refrain from communicating such information or producing records, docu-
46 ments or objects to any court, grand jury, prosecutor, police officer or
47 peace officer by means of instilling in him a fear that the actor will
48 cause physical injury to such other person or another person; or

49 2. Intentionally damages the property of such other person or another
50 person for the purpose of compelling such other person or another person
51 to refrain from communicating information or producing records, docu-
52 ments or other objects, or on account of such other person or another
53 person having communicated[,] information or produced records, documents
54 or other objects, relating to that criminal transaction to any court,
55 grand jury, prosecutor, police officer or peace officer; or

1 3. Intentionally distributes or posts through the internet or social
2 media, including any form of communication through which users partic-
3 ipate in online communities to share information, ideas, personal
4 messages and other content, copies of a victim or witness statement,
5 including but not limited to transcripts of grand jury testimony or a
6 written statement given by the victim or witness during the course of a
7 criminal investigation or proceeding, or a visual image of a victim or
8 witness or any other person, for the purpose of compelling a person to
9 refrain from communicating, or on account of such victim, witness or
10 another person having communicated, information relating to that crimi-
11 nal transaction to any court, grand jury, prosecutor, police officer or
12 peace officer.

13 Intimidating a victim or witness in the [third] fourth degree is a
14 class E felony.

15 § 22. Section 215.16 of the penal law, as added by chapter 667 of the
16 laws of 1985, is amended to read as follows:

17 § 215.16 Intimidating a victim or witness in the [second] third degree.

18 A person is guilty of intimidating a victim or witness in the [second]
19 third degree when, other than in the course of that criminal transaction
20 or immediate flight therefrom, he or she:

21 1. Intentionally causes or attempts to cause physical injury to anoth-
22 er person for the purpose of obstructing, delaying, preventing or imped-
23 ing the communication by such other person or another person of informa-
24 tion or the production of records, documents or other objects relating
25 to a criminal transaction to any court, grand jury, prosecutor, police
26 officer or peace officer or for the purpose of compelling such other
27 person or another person to swear falsely; or

28 2. Intentionally causes or attempts to cause physical injury to anoth-
29 er person on account of such other person or another person having
30 communicated information or produced records, documents or other objects
31 relating to a criminal transaction to any court, grand jury, prosecutor,
32 police officer or peace officer; or

33 3. Recklessly causes physical injury to another person by inten-
34 tionally damaging the property of such other person or another person,
35 for the purpose of obstructing, delaying, preventing or impeding such
36 other person or another person from communicating or producing records,
37 documents or other objects, or on account of such other person or anoth-
38 er person having communicated[,] information or produced records, docu-
39 ments or other objects, relating to a criminal transaction to any court,
40 grand jury, prosecutor, police officer or peace officer.

41 Intimidating a victim or witness in the [second] third degree is a
42 class D felony.

43 § 23. Section 215.17 of the penal law, as added by chapter 667 of the
44 laws of 1985, is amended to read as follows:

45 § 215.17 Intimidating a victim or witness in the [first] second degree.

46 A person is guilty of intimidating a victim or witness in the [first]
47 second degree when, other than in the course of that criminal trans-
48 action or immediate flight therefrom, he or she:

49 1. Intentionally causes or attempts to cause serious physical injury
50 to another person for the purpose of obstructing, delaying, preventing
51 or impeding the communication by such other person or another person of
52 information or the production of records, documents or other objects
53 relating to a criminal transaction to any court, grand jury, prosecutor,
54 police officer or peace officer or for the purpose of compelling such
55 other person or another person to swear falsely; or

1 2. Intentionally causes or attempts to cause serious physical injury
2 to another person on account of such other person or another person
3 having communicated information or produced records, documents or other
4 objects relating to a criminal transaction to any court, grand jury,
5 prosecutor, police officer or peace officer.

6 Intimidating a victim or witness in the [first] second degree is a
7 class B felony.

8 § 24. The penal law is amended by adding a new section 215.18 to read
9 as follows:

10 § 215.18 Intimidating a victim or witness in the first degree.

11 A person is guilty of intimidating a victim or witness in the first
12 degree when, other than in the course of that criminal transaction or
13 immediate flight therefrom, he or she:

14 1. Intentionally causes or attempts to cause the death of another
15 person for the purpose of obstructing, delaying, preventing or impeding
16 the communication by such other person or another person of information
17 or the production of records, documents or other objects relating to a
18 criminal transaction to any court, grand jury, prosecutor, police offi-
19 cer or peace officer or for the purpose of compelling such other person
20 or another person to swear falsely; or

21 2. Intentionally causes or attempts to cause the death of another
22 person on account of such other person or another person having communi-
23 cated information or produced records, documents or other objects,
24 relating to a criminal transaction to any court, grand jury, prosecutor,
25 police officer or peace officer.

26 Intimidating a victim or witness in the first degree is a class A-I
27 felony.

28 § 25. The opening paragraph of paragraph (b) of subdivision 1 of
29 section 440.30 of the criminal procedure law, as added by chapter 19 of
30 the laws of 2012, is amended to read as follows:

31 In conjunction with the filing or consideration of a motion to vacate
32 a judgment pursuant to section 440.10 of this article by a defendant
33 convicted after a trial, in cases where the court has ordered an eviden-
34 tiary hearing upon such motion, the court may order that the people
35 produce or make available for inspection property, as defined in subdivi-
36 sion [three] two of section 240.10 of this part, in its possession,
37 custody, or control that was secured in connection with the investi-
38 gation or prosecution of the defendant upon credible allegations by the
39 defendant and a finding by the court that such property, if obtained,
40 would be probative to the determination of defendant's actual innocence,
41 and that the request is reasonable. The court shall deny or limit such a
42 request upon a finding that such a request, if granted, would threaten
43 the integrity or chain of custody of property or the integrity of the
44 processes or functions of a laboratory conducting DNA testing, pose a
45 risk of harm, intimidation, embarrassment, reprisal, or other substan-
46 tially negative consequences to any person, undermine the proper func-
47 tions of law enforcement including the confidentiality of informants, or
48 on the basis of any other factor identified by the court in the inter-
49 ests of justice or public safety. The court shall further ensure that
50 any property produced pursuant to this paragraph is subject to a protec-
51 tive order, where appropriate. The court shall deny any request made
52 pursuant to this paragraph where:

53 § 26. Paragraph (a) of subdivision 2 of section 530.60 of the criminal
54 procedure law, as amended by chapter 794 of the laws of 1986, is amended
55 to read as follows:

1 (a) Whenever in the course of a criminal action or proceeding a
2 defendant charged with the commission of a felony is at liberty as a
3 result of an order of recognizance or bail issued pursuant to this arti-
4 cle it shall be grounds for revoking such order that the court finds
5 reasonable cause to believe the defendant committed one or more speci-
6 fied class A or violent felony offenses or intimidated a victim or
7 witness in violation of sections 215.15, 215.16 [or], 215.17 or 215.18
8 of the penal law while at liberty. Before revoking an order of recogni-
9 zance or bail pursuant to this subdivision, the court must hold a hear-
10 ing and shall receive any relevant, admissible evidence not legally
11 privileged. The defendant may cross-examine witnesses and may present
12 relevant, admissible evidence on his own behalf. Such hearing may be
13 consolidated with, and conducted at the same time as, a felony hearing
14 conducted pursuant to article one hundred eighty of this chapter. A
15 transcript of testimony taken before the grand jury upon presentation of
16 the subsequent offense shall be admissible as evidence during the hear-
17 ing. The district attorney may move to introduce grand jury testimony
18 of a witness in lieu of that witness' appearance at the hearing.

19 § 27. Paragraph (c) of subdivision 2 of section 646-a of the executive
20 law, as added by chapter 67 of the laws of 1994, is amended to read as
21 follows:

22 (c) the rights of crime victims to be protected from intimidation and
23 to have the court, where appropriate, issue protective orders as
24 provided in sections 530.12 and 530.13 of the criminal procedure law and
25 sections 215.15, 215.16 [and], 215.17 and 215.18 of the penal law;

26 § 28. Paragraph (a) of subdivision 1 of section 70.02 of the penal
27 law, as amended by chapter 368 of the laws of 2015, is amended to read
28 as follows:

29 (a) Class B violent felony offenses: an attempt to commit the class
30 A-I felonies of murder in the second degree as defined in section
31 125.25, kidnapping in the first degree as defined in section 135.25, and
32 arson in the first degree as defined in section 150.20; manslaughter in
33 the first degree as defined in section 125.20, aggravated manslaughter
34 in the first degree as defined in section 125.22, rape in the first
35 degree as defined in section 130.35, criminal sexual act in the first
36 degree as defined in section 130.50, aggravated sexual abuse in the
37 first degree as defined in section 130.70, course of sexual conduct
38 against a child in the first degree as defined in section 130.75;
39 assault in the first degree as defined in section 120.10, kidnapping in
40 the second degree as defined in section 135.20, burglary in the first
41 degree as defined in section 140.30, arson in the second degree as
42 defined in section 150.15, robbery in the first degree as defined in
43 section 160.15, sex trafficking as defined in paragraphs (a) and (b) of
44 subdivision five of section 230.34, incest in the first degree as
45 defined in section 255.27, criminal possession of a weapon in the first
46 degree as defined in section 265.04, criminal use of a firearm in the
47 first degree as defined in section 265.09, criminal sale of a firearm in
48 the first degree as defined in section 265.13, aggravated assault upon a
49 police officer or a peace officer as defined in section 120.11, gang
50 assault in the first degree as defined in section 120.07, intimidating a
51 victim or witness in the [first] second degree as defined in section
52 215.17, hindering prosecution of terrorism in the first degree as
53 defined in section 490.35, criminal possession of a chemical weapon or
54 biological weapon in the second degree as defined in section 490.40, and
55 criminal use of a chemical weapon or biological weapon in the third
56 degree as defined in section 490.47.



1 § 29. This act shall take effect on the first of November next
2 succeeding the date on which it shall have become a law.

3

PART E

4 Section 1. Subdivisions 4-a, 4-b, 9 and 10 of section 1310 of the
5 civil practice law and rules are REPEALED.

6 § 2. Subdivision 8 of section 1310 of the civil practice law and
7 rules, as added by chapter 669 of the laws of 1984, is amended to read
8 as follows:

9 8. "Defendant" means a person against whom a forfeiture action is
10 commenced [and includes a "criminal defendant" and a "non-criminal
11 defendant"].

12 § 3. Subdivision 3-a of section 1311 of the civil practice law and
13 rules is REPEALED.

14 § 4. Subdivisions 1, 3, 4, 4-a and 8 of section 1311 of the civil
15 practice law and rules, subdivisions 1, 3, 4 and 8 as added by chapter
16 669 of the laws of 1984, the opening paragraph of subdivision 1 as
17 amended and subparagraph (v) of paragraph (b) and paragraphs (d) and (e)
18 of subdivision 3 and subdivision 4-a as added by chapter 655 of the laws
19 of 1990, are amended to read as follows:

20 1. A civil action may be commenced by the appropriate claiming author-
21 ity against a [criminal] defendant to recover the property which consti-
22 tutes the proceeds of a crime, the substituted proceeds of a crime, an
23 instrumentality of a crime or the real property instrumentality of a
24 crime or to recover a money judgment in an amount equivalent in value to
25 the property which constitutes the proceeds of a crime, the substituted
26 proceeds of a crime, an instrumentality of a crime, or the real property
27 instrumentality of a crime. [A civil action may be commenced against a
28 non-criminal defendant to recover the property which constitutes the
29 proceeds of a crime, the substituted proceeds of a crime, an instrumen-
30 tality of a crime, or the real property instrumentality of a crime
31 provided, however, that a judgment of forfeiture predicated upon clause
32 (A) of subparagraph (iv) of paragraph (b) of subdivision three hereof
33 shall be limited to the amount of the proceeds of the crime.] Any action
34 under this article must be commenced within five years of the commission
35 of the crime and shall be civil, remedial, and in personam in nature and
36 shall not be deemed to be a penalty or criminal forfeiture for any
37 purpose. Except as otherwise specially provided by statute, the
38 proceedings under this article shall be governed by this chapter. An
39 action under this article is not a criminal proceeding and may not be
40 deemed to be a previous prosecution under article forty of the criminal
41 procedure law.

42 [(a) Actions relating to post-conviction forfeiture crimes. An action
43 relating to a post-conviction forfeiture crime must be grounded upon a
44 conviction of a felony defined in subdivision five of section one thou-
45 sand three hundred ten of this article, or upon criminal activity aris-
46 ing from a common scheme or plan of which such a conviction is a part,
47 or upon a count of an indictment or information alleging a felony which
48 was dismissed at the time of a plea of guilty to a felony in satisfac-
49 tion of such count.] A court may not grant forfeiture until such
50 conviction has occurred. However, an action may be commenced, and a
51 court may grant a provisional remedy provided under this article, prior
52 to such conviction having occurred. Any property seized pursuant to
53 this subdivision shall be returned to the defendant if the criminal
54 action does not terminate in the defendant's conviction for a crime. An

1 action under this paragraph must be dismissed at any time after sixty
2 days of the commencement of the action unless the conviction upon which
3 the action is grounded has occurred, or an indictment or information
4 upon which the asserted conviction is to be based is pending in a supe-
5 rior court. An action under this paragraph shall be stayed during the
6 pendency of a criminal action which is related to it; provided, however,
7 that such stay shall not prevent the granting or continuance of any
8 provisional remedy provided under this article or any other provisions
9 of law.

10 [(b) Actions relating to pre-conviction forfeiture crimes. An action
11 relating to a pre-conviction forfeiture crime need not be grounded upon
12 conviction of a pre-conviction forfeiture crime, provided, however, that
13 if the action is not grounded upon such a conviction, it shall be neces-
14 sary in the action for the claiming authority to prove the commission of
15 a pre-conviction forfeiture crime by clear and convincing evidence. An
16 action under this paragraph shall be stayed during the pendency of a
17 criminal action which is related to it; provided, that upon motion of a
18 defendant in the forfeiture action or the claiming authority, a court
19 may, in the interest of justice and for good cause, and with the consent
20 of all parties, order that the forfeiture action proceed despite the
21 pending criminal action; and provided that such stay shall not prevent
22 the granting or continuance of any provisional remedy provided under
23 this article or any other provision of law.]

24 3. In a forfeiture action pursuant to this article the following
25 burdens of proof shall apply:

26 (a) In a forfeiture action [commenced by a claiming authority against
27 a criminal defendant, except for those facts referred to in paragraph
28 (b) of subdivision nine of section one thousand three hundred ten and
29 paragraph (b) of subdivision one of this section which must be proven by
30 clear and convincing evidence,] the burden shall be upon the claiming
31 authority to prove by a preponderance of the evidence the facts neces-
32 sary to establish a claim for forfeiture.

33 (b) [In a forfeiture action commenced by a claiming authority against
34 a non-criminal defendant:

35 (i) in an action relating to a pre-conviction forfeiture crime, the
36 burden shall be upon the claiming authority to prove by clear and
37 convincing evidence the commission of the crime by a person, provided,
38 however, that it shall not be necessary to prove the identity of such
39 person.

40 (ii) if the action relates to the proceeds of a crime, except as
41 provided in subparagraph (i) hereof, the burden shall be upon the claim-
42 ing authority to prove by a preponderance of the evidence the facts
43 necessary to establish a claim for forfeiture and that the non-criminal
44 defendant either (A) knew or should have known that the proceeds were
45 obtained through the commission of a crime, or (B) fraudulently obtained
46 his or her interest in the proceeds to avoid forfeiture.

47 (iii) if the action relates to the substituted proceeds of a crime,
48 except as provided in subparagraph (i) hereof, the burden shall be upon
49 the claiming authority to prove by a preponderance of the evidence the
50 facts necessary to establish a claim for forfeiture and that the non-
51 criminal defendant either (A) knew that the property sold or exchanged
52 to obtain an interest in the substituted proceeds was obtained through
53 the commission of a crime, or (B) fraudulently obtained his or her
54 interest in the substituted proceeds to avoid forfeiture.

55 (iv) if the action relates to an instrumentality of a crime, except as
56 provided for in subparagraph (i) hereof, the burden shall be upon the

1 claiming authority to prove by a preponderance of the evidence the facts
2 necessary to establish a claim for forfeiture and that the non-criminal
3 defendant either (A) knew that the instrumentality was or would be used
4 in the commission of a crime or (B) knowingly obtained his or her inter-
5 est in the instrumentality to avoid forfeiture.

6 (v) if the action relates to a real property instrumentality of a
7 crime, the burden shall be upon the claiming authority to prove those
8 facts referred to in subdivision four-b of section thirteen hundred ten
9 of this article by clear and convincing evidence. The claiming authority
10 shall also prove by a clear and convincing evidence that the non-crimi-
11 nal defendant knew that such property was or would be used for the
12 commission of specified felony offenses, and either (A) knowingly and
13 unlawfully benefitted from such conduct or (B) voluntarily agreed to the
14 use of such property for the commission of such offenses by consent
15 freely given. For purposes of this subparagraph, a non-criminal defend-
16 ant knowingly and unlawfully benefits from the commission of a specified
17 felony offense when he derives in exchange for permitting the use or
18 occupancy of such real property by a person or persons committing such
19 specified offense a substantial benefit that would otherwise not accrue
20 as a result of the lawful use or occupancy of such real property. "Bene-
21 fit" means benefit as defined in subdivision seventeen of section 10.00
22 of the penal law.

23 (c) In a forfeiture action commenced by a claiming authority against a
24 non-criminal defendant the following rebuttable presumptions shall
25 apply:

26 (i) a non-criminal defendant who did not pay fair consideration for
27 the proceeds of a crime, the substituted proceeds of a crime or the
28 instrumentality of a crime shall be presumed to know that such property
29 was the proceeds of a crime, the substituted proceeds of a crime, or an
30 instrumentality of a crime.

31 (ii) a non-criminal defendant who obtains an interest in the proceeds
32 of a crime, substituted proceeds of a crime or an instrumentality of a
33 crime with knowledge of an order of provisional remedy relating to said
34 property issued pursuant to this article, shall be presumed to know that
35 such property was the proceeds of a crime, substituted proceeds of a
36 crime, or an instrumentality of a crime.

37 (iii) in an action relating to a post-conviction forfeiture crime, a
38 non-criminal defendant who the claiming authority proves by clear and
39 convincing evidence has criminal liability under section 20.00 of the
40 penal law for the crime of conviction or for criminal activity arising
41 from a common scheme or plan of which such crime is a part and who
42 possesses an interest in the proceeds, the substituted proceeds, or an
43 instrumentality of such criminal activity is presumed to know that such
44 property was the proceeds of a crime, the substituted proceeds of a
45 crime, or an instrumentality of a crime.

46 (iv) a non-criminal defendant who participated in or was aware of a
47 scheme to conceal or disguise the manner in which said non-criminal
48 obtained his or her interest in the proceeds of a crime, substituted
49 proceeds of a crime, or an instrumentality of a crime is presumed to
50 know that such property was the proceeds of a crime, the substituted
51 proceeds of a crime, or an instrumentality of a crime.

52 (d)] In a forfeiture action commenced by a claiming authority against
53 a defendant, the following rebuttable presumption shall apply: all
54 currency or negotiable instruments payable to the bearer shall be
55 presumed to be the proceeds of a pre-conviction forfeiture crime when
56 such currency or negotiable instruments are (i) found in close proximity

1 to a controlled substance unlawfully possessed by the defendant in an
2 amount sufficient to constitute a violation of section 220.18 or 220.21
3 of the penal law, or (ii) found in close proximity to any quantity of a
4 controlled substance or marihuana unlawfully possessed by such defendant
5 in a room, other than a public place, under circumstances evincing an
6 intent to unlawfully mix, compound, distribute, package or otherwise
7 prepare for sale such controlled substance or marihuana.

8 [(e)] (c) The presumption set forth pursuant to paragraph [(d)] (b) of
9 this subdivision shall be rebutted by credible and reliable evidence
10 which tends to show that such currency or negotiable instrument payable
11 to the bearer is not the proceeds of a [preconviction forfeiture] crime.
12 In an action tried before a jury, the jury shall be so instructed. Any
13 sworn testimony of a defendant offered to rebut the presumption and any
14 other evidence which is obtained as a result of such testimony, shall be
15 inadmissible in any subsequent proceeding relating to the forfeiture
16 action, or in any other civil or criminal action, except in a prose-
17 cution for a violation of article two hundred ten of the penal law. In
18 an action tried before a jury, at the commencement of the trial, or at
19 such other time as the court reasonably directs, the claiming authority
20 shall provide notice to the court and to the defendant of its intent to
21 request that the court charge such presumption.

22 4. The court in which a forfeiture action is pending may dismiss said
23 action in the interests of justice upon its own motion or upon an appli-
24 cation as provided for herein.

25 (a) At any time during the pendency of a forfeiture action, the claim-
26 ing authority who instituted the action, or a defendant may (i) apply
27 for an order dismissing the complaint and terminating the forfeiture
28 action in the interest of justice, or (ii) may apply for an order limit-
29 ing the forfeiture to an amount equivalent in value to the value of
30 property constituting the proceeds or substituted proceeds of a crime in
31 the interest of justice.

32 (b) Such application for the relief provided in paragraph (a) hereof
33 must be made in writing and upon notice to all parties. The court may,
34 in its discretion, direct that notice be given to any other person
35 having an interest in the property.

36 (c) An application for the relief provided for in paragraph (a) hereof
37 must be brought exclusively in the superior court in which the forfei-
38 ture action is pending.

39 (d) The court may grant the relief provided in paragraph (a) hereof if
40 it finds that such relief is warranted by the existence of some compel-
41 ling factor, consideration or circumstance demonstrating that forfeiture
42 of the property [of] or any part thereof, would not serve the ends of
43 justice. Among the factors, considerations and circumstances the court
44 may consider, among others, are:

45 (i) the seriousness and circumstances of the crime to which the prop-
46 erty is connected relative to the impact of forfeiture of property upon
47 the person who committed the crime; or

48 (ii) the adverse impact of a forfeiture of property upon innocent
49 persons; or

50 (iii) [the appropriateness of a judgment of forfeiture in an action
51 relating to pre-conviction forfeiture crime where] the likelihood that
52 the criminal proceeding based on the crime to which the property is
53 allegedly connected [results] will result in an acquittal of the crimi-
54 nal defendant or a dismissal of the accusatory instrument on the merits;
55 or

1 (iv) in the case of an action relating to an instrumentality, whether
2 the value of the instrumentality substantially exceeds the value of the
3 property constituting the proceeds or substituted proceeds of a crime.

4 (e) The court must issue a written decision stating the basis for an
5 order issued pursuant to this subdivision.

6 4-a. (a) The court in which a forfeiture action relating to real prop-
7 erty is pending may, upon its own motion or upon the motion of the
8 claiming authority which instituted the action, the defendant, or any
9 other person who has a lawful property interest in such property, enter
10 an order:

11 (i) appointing an administrator pursuant to section seven hundred
12 seventy-eight of the real property actions and proceedings law when the
13 owner of a dwelling is a defendant in such action, and when persons who
14 are not defendants in such action lawfully occupy one or more units
15 within such dwelling, in order to maintain and preserve the property on
16 behalf of such persons or any other person or entity who has a lawful
17 property interest in such property, or in order to remedy any other
18 condition which is dangerous to life, health or safety; or

19 (ii) otherwise limiting, modifying or dismissing the forfeiture action
20 in order to preserve or protect the lawful property interest of [any
21 non-criminal defendant or] any other person who is not a [criminal]
22 defendant, or the lawful property interest of a defendant which is not
23 subject to forfeiture; or

24 (iii) where such action involves interest in a residential leasehold
25 or a statutory tenancy, directing that upon entry of a judgment of
26 forfeiture, the lease or statutory tenancy will be modified as a matter
27 of law to terminate only the interest of the defendant or defendants,
28 and to continue the occupancy or tenancy of any other person or persons
29 who lawfully reside in such demised premises, with such rights as such
30 parties would otherwise have had if the defendant's interest had not
31 been forfeited pursuant to this article.

32 (b) For purposes of this subdivision the term "owner" has the same
33 meaning as prescribed for that term in section seven hundred eighty-one
34 of the real property actions and proceedings law and the term "dwelling"
35 shall mean any building or structure or portion thereof which is princi-
36 pally occupied in whole or part as the home, residence or sleeping place
37 of one or more human beings.

38 8. The total amount that may be recovered by the claiming authority
39 against all [criminal] defendants in a forfeiture action or actions
40 involving the same crime shall not exceed the value of the proceeds of
41 the crime or substituted proceeds of the crime, whichever amount is
42 greater, and, in addition, the value of any forfeited instrumentality
43 used in the crime. Any such recovery against [criminal defendants] a
44 defendant for the value of the proceeds of the crime or substituted
45 proceeds of the crime shall be reduced by an amount which equals the
46 value of the same proceeds of the same crime or the same substituted
47 proceeds of the same crime recovered against [all non-criminal] other
48 defendants. Any such recovery for the value of an instrumentality of a
49 crime shall be reduced by an amount which equals the value of the same
50 instrumentality recovered against any [non-criminal] other defendant.

51 [The total amount that may be recovered against all non-criminal
52 defendants in a forfeiture action or actions involving the same crime
53 shall not exceed the value of the proceeds of the crime or the substi-
54 tuted proceeds of the crime, whichever amount is greater, and, in addi-
55 tion, the value of any forfeited instrumentality used in the crime. Any
56 such recovery against non-criminal defendants for the value of the

1 proceeds of the crime or substituted proceeds of the crime shall be
2 reduced by an amount which equals the value of the proceeds of the crime
3 or substituted proceeds of the crime recovered against all criminal
4 defendants. A judgment against a non-criminal defendant pursuant to
5 clause (A) of subparagraph (iv) of paragraph (b) of subdivision three of
6 this section shall be limited to the amount of the proceeds of the
7 crime. Any recovery for the value of an instrumentality of the crime
8 shall be reduced by an amount equal to the value of the same instrumen-
9 tality recovered against any criminal defendant.]

10 § 5. Subdivision 11 of section 1311 of the civil practice law and
11 rules is amended by adding a new paragraph (d) to read as follows:

12 (d) Any stipulation, settlement agreement, judgement, order of affida-
13 vit required to be given to the state division of criminal justice
14 services pursuant to this subdivision shall include the defendant's name
15 and such other demographic data as required by the state division of
16 criminal justice services.

17 § 6. Subdivision 6 of section 220.50 of the criminal procedure law, as
18 added by chapter 655 of the laws of 1990, is amended to read as follows:

19 6. Where the defendant consents to a plea of guilty to the indictment,
20 or part of the indictment, or consents to be prosecuted by superior
21 court information as set forth in section 195.20 of this chapter, and if
22 the defendant and prosecutor agree that as a condition of the plea or
23 the superior court information certain property shall be forfeited by
24 the defendant, the description and present estimated monetary value of
25 the property shall be stated in court by the prosecutor at the time of
26 plea. Within thirty days of the acceptance of the plea or superior court
27 information by the court, the prosecutor shall send to the commissioner
28 of the division of criminal justice services a document containing the
29 name of the defendant, the description and present estimated monetary
30 value of the property, any other demographic data as required by the
31 division of criminal justice services and the date the plea or superior
32 court information was accepted. Any property forfeited by the defendant
33 as a condition to a plea of guilty to an indictment, or a part thereof,
34 or to a superior court information, shall be disposed of in accordance
35 with the provisions of section thirteen hundred forty-nine of the civil
36 practice law and rules.

37 § 7. Subdivision 4 of section 480.10 of the penal law, as added by
38 chapter 655 of the laws of 1990, is amended to read as follows:

39 4. The prosecutor shall promptly file a copy of the special forfeiture
40 information, including the terms thereof, with the state division of
41 criminal justice services and with the local agency responsible for
42 criminal justice planning. Failure to file such information shall not be
43 grounds for any relief under this chapter. The prosecutor shall also
44 report such demographic data as required by the state division of crimi-
45 nal justice services when filing a copy of the special forfeiture infor-
46 mation with the state division of criminal justice services.

47 § 8. This act shall take effect on the one hundred eightieth day after
48 it shall have become a law and shall apply to crimes which were commit-
49 ted on or after such date.

50

PART F

51 Section 1. Section 2 of part H of chapter 503 of the laws of 2009
52 relating to the disposition of monies recovered by county district
53 attorneys before the filing of an accusatory instrument, as amended by

1 section 25 of part A of chapter 55 of the laws of 2017, is amended to
2 read as follows:

3 § 2. This act shall take effect immediately and shall remain in full
4 force and effect until March 31, [2018] 2019, when it shall expire and
5 be deemed repealed.

6 § 2. This act shall take effect immediately.

7

PART G

8 Section 1. Section 602 of the correction law, as amended by chapter
9 891 of the laws of 1962, is amended to read as follows:

10 § 602. Expenses of sheriff for transporting prisoners. For conveying
11 a prisoner or prisoners to a state prison from the county prison, the
12 sheriff or person having charge of the same shall be reimbursed for the
13 amount of expenses actually and necessarily incurred by him for railroad
14 fare or cost of other transportation and for cost of maintenance of
15 himself and each prisoner in going to the prison, and for his railroad
16 fare or other cost of transportation in returning home, and cost of his
17 maintenance while so returning. [The county shall be reimbursed for a
18 portion of the salary of such sheriff or person for the period, not to
19 exceed thirty-six hours, from the commencement of transportation from
20 the county prison to the return of such sheriff or person to the county
21 prison, the amount of such reimbursement to be computed by adding to the
22 amount of such salary the total amount of the aforesaid expenses
23 incurred for transportation and maintenance and reducing the resulting
24 aggregate amount, first, by fifty per centum of such aggregate amount
25 and, second, by the total amount of the aforesaid expenses incurred for
26 transportation and maintenance.]

27 § 2. This act shall take effect April 1, 2018.

28

PART H

29 Section 1. Subparagraph (iv) of paragraph (d) of subdivision 1 of
30 section 803 of the correction law, as added by section 7 of chapter 738
31 of the laws of 2004, is amended to read as follows:

32 (iv) Such merit time allowance may be granted when an inmate success-
33 fully participates in the work and treatment program assigned pursuant
34 to section eight hundred five of this article and when such inmate
35 obtains a general equivalency diploma, an alcohol and substance abuse
36 treatment certificate, a vocational trade certificate following at least
37 six months of vocational programming [or], performs at least four
38 hundred hours of service as part of a community work crew or successful-
39 ly completes at least two consecutive semesters of college programming
40 with no less than six college credits per semester, that is provided at
41 the correctional facility by a college approved by the New York state
42 board of regents.

43 Such allowance shall be withheld for any serious disciplinary infrac-
44 tion or upon a judicial determination that the person, while an inmate,
45 commenced or continued a civil action, proceeding or claim that was
46 found to be frivolous as defined in subdivision (c) of section eight
47 thousand three hundred three-a of the civil practice law and rules, or
48 an order of a federal court pursuant to rule 11 of the federal rules of
49 civil procedure imposing sanctions in an action commenced by a person,
50 while an inmate, against a state agency, officer or employee.

1 § 2. Subparagraph (iv) of paragraph (d) of subdivision 1 of section
2 803 of the correction law, as added by section 10-a of chapter 738 of
3 the laws of 2004, is amended to read as follows:

4 (iv) Such merit time allowance may be granted when an inmate success-
5 fully participates in the work and treatment program assigned pursuant
6 to section eight hundred five of this article and when such inmate
7 obtains a general equivalency diploma, an alcohol and substance abuse
8 treatment certificate, a vocational trade certificate following at least
9 six months of vocational programming [or], performs at least four
10 hundred hours of service as part of a community work crew or successful-
11 ly completes at least two consecutive semesters of college programming
12 with no less than six college credits per semester, that is provided at
13 the correctional facility by a college approved by the New York state
14 board of regents.

15 Such allowance shall be withheld for any serious disciplinary infrac-
16 tion or upon a judicial determination that the person, while an inmate,
17 commenced or continued a civil action, proceeding or claim that was
18 found to be frivolous as defined in subdivision (c) of section eight
19 thousand three hundred three-a of the civil practice law and rules, or
20 an order of a federal court pursuant to rule 11 of the federal rules of
21 civil procedure imposing sanctions in an action commenced by a person,
22 while an inmate, against a state agency, officer or employee.

23 § 3. Paragraph (c) of subdivision 1 of section 803-b of the correction
24 law, as amended by section 1 of part E of chapter 55 of the laws of
25 2017, is amended to read as follows:

26 (c) "significant programmatic accomplishment" means that the inmate:
27 (i) participates in no less than two years of college programming; or
28 (ii) obtains a masters of professional studies degree; or
29 (iii) successfully participates as an inmate program associate for no
30 less than two years; or
31 (iv) receives a certification from the state department of labor for
32 his or her successful participation in an apprenticeship program; or
33 (v) successfully works as an inmate hospice aid for a period of no
34 less than two years; or
35 (vi) successfully works in the division of correctional industries'
36 optical program for no less than two years and receives a certification
37 as an optician from the American board of opticianry; or
38 (vii) receives an asbestos handling certificate from the department of
39 labor upon successful completion of the training program and then works
40 in the division of correctional industries' asbestos abatement program
41 as a hazardous materials removal worker or group leader for no less than
42 eighteen months; or
43 (viii) successfully completes the course curriculum and passes the
44 minimum competency screening process performance examination for sign
45 language interpreter, and then works as a sign language interpreter for
46 deaf inmates for no less than one year; or
47 (ix) successfully works in the puppies behind bars program for a peri-
48 od of no less than two years; or
49 (x) successfully participates in a vocational culinary arts program
50 for a period of no less than two years and earns a servsafe certificate
51 that is recognized by the national restaurant association; or
52 (xi) successfully completes the four hundred ninety hour training
53 program while assigned to a department of motor vehicles call center,
54 and continues to work at such call center for an additional twenty-one
55 months; or

1 (xii) receives a certificate from the food production center in an
2 assigned position following the completion of no less than eight hundred
3 hours of work in such position, and continues to work for an additional
4 eighteen months at the food production center[.]; or

5 (xiii) successfully completes a cosmetology training program and
6 receives a license from the New York state department of state, and
7 thereafter participates in such program for a period of no less than
8 eighteen months; or

9 (xiv) successfully completes a barbering training program and receives
10 a license from the New York state department of state, and thereafter
11 participates in such program for a period of no less than eighteen
12 months; or

13 (xv) successfully participates in a computer operator, general busi-
14 ness or computer information technology and support vocational program
15 for no less than two years, and earns a Microsoft office specialist
16 certification for Microsoft word, Microsoft powerpoint or Microsoft
17 excel, following the administration of an examination; or

18 (xvi) successfully completes the thinking for a change cognitive
19 behavioral treatment program within phase two of transitional services,
20 and thereafter, is employed in the work release program for a period of
21 at least eighteen months.

22 § 4. This act shall take effect April 1, 2018; provided, however, that
23 the amendments to subparagraph (iv) of paragraph (d) of subdivision 1 of
24 section 803 of the correction law made by section one of this act shall
25 be subject to the expiration and reversion of such section pursuant to
26 subdivision d of section 74 of chapter 3 of the laws of 1995, as
27 amended, when upon such date the provisions of section two of this act
28 shall take effect.

29 PART I

30 Section 1. Subdivision 9 of section 201 of the correction law is
31 REPEALED.

32 § 2. This act shall take effect April 1, 2018.

33 PART J

34 Section 1. Notwithstanding any provision of law or governor's execu-
35 tive order to the contrary regarding inmate eligibility by crime of
36 commitment, the commissioner of corrections and community supervision is
37 hereby authorized to initiate two pilot temporary release programs.

38 § 2. The first pilot temporary release program shall be a college
39 educational leave program for no more than fifty inmates at any one
40 time, who otherwise would be ineligible due to their crime of commit-
41 ment, and whereby, to be eligible, an inmate shall not be serving a
42 sentence for one or more offenses that would render him or her ineligi-
43 ble for a limited credit time allowance as set forth in section 803-b of
44 the correction law. In addition, to be eligible, such inmate shall not
45 have committed a serious disciplinary infraction, maintained an overall
46 negative institutional record, or received a disqualifying judicial
47 determination that would render him or her ineligible for a limited
48 credit time allowance as set forth in section 803-b of the correction
49 law, and such inmate shall be eligible for release on parole or condi-
50 tional release within two years. An inmate who participates in this
51 pilot program may also be permitted to leave the premises of the insti-
52 tution for the purposes set forth in subdivision 4 of section 851 of the

1 correction law, if otherwise authorized by the department of corrections
2 and community supervision's rules and regulations governing permissible
3 furloughs.

4 § 3. The second pilot temporary release program shall be a pilot work
5 release program for no more than fifty inmates at any one time, who
6 otherwise would be ineligible due to their crime of commitment, and
7 whereby, to be eligible, an inmate shall not be serving a sentence for
8 one or more offenses that would render him or her ineligible for a
9 limited credit time allowance as set forth in section 803-b of the
10 correction law. In addition, such inmate shall not have committed a
11 serious disciplinary infraction, maintained an overall negative institu-
12 tional record, or received a disqualifying judicial determination that
13 would render him or her ineligible for a limited credit time allowance
14 as set forth in section 803-b of the correction law and, such inmate
15 shall be eligible for release on parole or conditional release within
16 two years. An inmate who participates in the pilot work release program
17 may also be permitted to leave the premises of the institution for the
18 purposes set forth in subdivision 4 of section 851 of the correction
19 law, when authorized by the department of corrections and community
20 supervision's rules and regulations governing permissible furloughs.

21 § 4. Prior to March first of each year thereafter, the commissioner of
22 corrections and community supervision shall issue a report to the gover-
23 nor, the president of the senate and the speaker of the assembly, on the
24 status of both pilot programs, which shall include, but not be limited
25 to, information on those correctional facilities where the pilot
26 programs are established, information about the total number of inmates
27 who were approved for each of the pilots, whether each inmate partic-
28 ipant has been successful or unsuccessful, and information on those
29 colleges which participate in the educational leave pilot.

30 § 5. This act shall take effect April 1, 2018.

31

PART K

32 Section 1. This Part enacts into law major components of legislation
33 that remove unnecessary mandatory bars on licensing and employment for
34 people with criminal convictions in the categories enumerated therein
35 and replace them with individualized review processes using the factors
36 set out in article 23-A of the correction law, which addresses the
37 licensing of such individuals. Each component is wholly contained with a
38 Subpart identified as Subparts A through I. Any provision in any section
39 contained within a Subpart, including the effective date of the Subpart,
40 which makes reference to a section "of this act", when used in
41 connection with that particular component, shall be deemed to mean and
42 refer to the corresponding section of the Subpart in which it is found.
43 Section three of this Part sets forth the general effective date of this
44 Part.

45

SUBPART A

46 Section 1. Subdivision 6 of section 369 of the banking law, as amended
47 by chapter 164 of the laws of 2003, paragraph (b) as amended by section
48 6 of part LL of chapter 56 of the laws of 2010, is amended to read as
49 follows:

50 6. The superintendent may, consistent with article twenty-three-A of
51 the correction law, refuse to issue a license pursuant to this article
52 if he shall find that the applicant, or any person who is a director,



1 officer, partner, agent, employee or substantial stockholder of the
2 applicant, (a) has been convicted of a crime in any jurisdiction or (b)
3 is associating or consorting with any person who has, or persons who
4 have, been convicted of a crime or crimes in any jurisdiction or juris-
5 dictions[; provided, however, that the superintendent shall not issue
6 such a license if he shall find that the applicant, or any person who is
7 a director, officer, partner, agent, employee or substantial stockholder
8 of the applicant, has been convicted of a felony in any jurisdiction or
9 of a crime which, if committed within this state, would constitute a
10 felony under the laws thereof]. For the purposes of this article, a
11 person shall be deemed to have been convicted of a crime if such person
12 shall have pleaded guilty to a charge thereof before a court or magis-
13 trate, or shall have been found guilty thereof by the decision or judg-
14 ment of a court or magistrate or by the verdict of a jury, irrespective
15 of the pronouncement of sentence or the suspension thereof[, unless such
16 plea of guilty, or such decision, judgment or verdict, shall have been
17 set aside, reversed or otherwise abrogated by lawful judicial process or
18 unless the person convicted of the crime shall have received a pardon
19 therefor from the president of the United States or the governor or
20 other pardoning authority in the jurisdiction where the conviction was
21 had, or shall have received a certificate of relief from disabilities or
22 a certificate of good conduct pursuant to article twenty-three of the
23 correction law to remove the disability under this article because of
24 such conviction]. The term "substantial stockholder," as used in this
25 subdivision, shall be deemed to refer to a person owning or controlling
26 ten per centum or more of the total outstanding stock of the corporation
27 in which such person is a stockholder. In making a determination pursu-
28 ant to this subdivision, the superintendent shall require fingerprinting
29 of the applicant. Such fingerprints shall be submitted to the division
30 of criminal justice services for a state criminal history record check,
31 as defined in subdivision one of section three thousand thirty-five of
32 the education law, and may be submitted to the federal bureau of inves-
33 tigation for a national criminal history record check.
34 § 2. This act shall take effect immediately.

35

SUBPART B

36 Section 1. Paragraph (f) of subdivision 7 of section 2590-b of the
37 education law, as added by chapter 345 of the laws of 2009, is amended
38 to read as follows:

39 (f) A person [who has been convicted of a felony, or has been removed
40 from a city-wide council established pursuant to this section or commu-
41 nity district education council for any of the following shall] may be
42 permanently ineligible for appointment to a city-wide council for any of
43 the following:

44 (i) an act of malfeasance directly related to his or her service on
45 such city-wide council or community district education council; or

46 (ii) conviction of a crime, if such crime is directly related to his
47 or her service upon such city-wide council or community district educa-
48 tion council, or if service upon such council would involve an unreason-
49 able risk to property or to the safety or welfare of specific individ-
50 uals or the general public.

51 § 2. Subdivision 5 of section 2590-c of the education law, as amended
52 by chapter 345 of the laws of 2009, is amended to read as follows:

53 5. No person may serve on more than one community council or on the
54 city-wide council on special education, the city-wide council on English

1 language learners, or the city-wide council on high schools and a commu-
2 nity council. A member of a community council shall be ineligible to be
3 employed by the community council of which he or she is a member, any
4 other community council, the city-wide council on special education, the
5 city-wide council on English language learners, the city-wide council on
6 high schools, or the city board. No person shall be eligible for member-
7 ship on a community council if he or she holds any elective public
8 office or any elective or appointed party position except that of dele-
9 gate or alternate delegate to a national, state, judicial or other party
10 convention, or member of a county committee.

11 A person [who has been convicted of a felony, or has been removed from
12 a community school board, community district education council, or the
13 city-wide council on special education, the city-wide council on English
14 language learners, or the city-wide council on high schools for any of
15 the following shall] may be permanently ineligible for appointment to
16 any community district education council for any of the following: (a)
17 an act of malfeasance directly related to his or her service on the
18 city-wide council on special education, the city-wide council on English
19 language learners, the city-wide council on high schools, community
20 school board or community district education council; or (b) conviction
21 of a crime, if such crime is directly related to his or her service upon
22 the city-wide council on special education, the city-wide council on
23 English language learners, the city-wide council on high schools, commu-
24 nity school board or community district education council, or if service
25 upon such council would involve an unreasonable risk to property or to
26 the safety or welfare of specific individuals or the general public.

27 Any decision rendered by the chancellor or the city board with respect
28 to the eligibility or qualifications of the nominees for community
29 district education councils must be written and made available for
30 public inspection within seven days of its issuance at the office of the
31 chancellor and the city board. Such written decision shall include the
32 factual and legal basis for its issuance and a record of the vote of
33 each board member who participated in the decision, if applicable.

34 § 3. This act shall take effect immediately, provided that the amend-
35 ments to subdivision 7 of section 2590-b of the education law made by
36 section one of this act shall not affect the repeal of such subdivision
37 and shall be deemed repealed therewith; provided, further, that the
38 amendments to subdivision 5 of section 2590-c of the education law made
39 by section two of this act shall not affect the repeal of such subdivi-
40 sion and shall be deemed to repeal therewith.

41

SUBPART C

42 Section 1. Clauses 1 and 5 of paragraph (c) of subdivision 2 of
43 section 435 of the executive law, clause 1 as amended by chapter 371 of
44 the laws of 1974 and clause 5 as amended by 437 of the laws of 1962, are
45 amended to read as follows:

46 (1) a person convicted of a crime [who has not received a pardon, a
47 certificate of good conduct or a certificate of relief from disabili-
48 ties] if there is a direct relationship between one or more of the
49 previous criminal offenses and the integrity and safety of bingo,
50 considering the factors set forth in article twenty-three-A of the
51 correction law;

52 (5) a firm or corporation in which a person defined in [subdivision]
53 clause (1), (2), (3) or (4) [above] of this paragraph, or a person
54 married or related in the first degree to such a person, has greater

1 than a ten [per centum] percent proprietary, equitable or credit inter-
2 est or in which such a person is active or employed.

3 § 2. This act shall take effect immediately.

4

SUBPART D

5 Section 1. Subdivision 1 of section 130 of the executive law, as
6 amended by section 1 of part LL of chapter 56 of the laws of 2010, para-
7 graph (g) as separately amended by chapter 232 of the laws 2010, is
8 amended to read as follows:

9 1. The secretary of state may appoint and commission as many notaries
10 public for the state of New York as in his or her judgment may be deemed
11 best, whose jurisdiction shall be co-extensive with the boundaries of
12 the state. The appointment of a notary public shall be for a term of
13 four years. An application for an appointment as notary public shall be
14 in form and set forth such matters as the secretary of state shall
15 prescribe. Every person appointed as notary public must, at the time of
16 his or her appointment, be a citizen of the United States and either a
17 resident of the state of New York or have an office or place of business
18 in New York state. A notary public who is a resident of the state and
19 who moves out of the state but still maintains a place of business or an
20 office in New York state does not vacate his or her office as a notary
21 public. A notary public who is a nonresident and who ceases to have an
22 office or place of business in this state, vacates his or her office as
23 a notary public. A notary public who is a resident of New York state and
24 moves out of the state and who does not retain an office or place of
25 business in this state shall vacate his or her office as a notary
26 public. A non-resident who accepts the office of notary public in this
27 state thereby appoints the secretary of state as the person upon whom
28 process can be served on his or her behalf. Before issuing to any appli-
29 cant a commission as notary public, unless he or she be an attorney and
30 counsellor at law duly admitted to practice in this state or a court
31 clerk of the unified court system who has been appointed to such posi-
32 tion after taking a civil service promotional examination in the court
33 clerk series of titles, the secretary of state shall satisfy himself or
34 herself that the applicant is of good moral character, has the equiv-
35 alent of a common school education and is familiar with the duties and
36 responsibilities of a notary public; provided, however, that where a
37 notary public applies, before the expiration of his or her term, for
38 reappointment with the county clerk or where a person whose term as
39 notary public shall have expired applies within six months thereafter
40 for reappointment as a notary public with the county clerk, such quali-
41 fying requirements may be waived by the secretary of state, and further,
42 where an application for reappointment is filed with the county clerk
43 after the expiration of the aforementioned renewal period by a person
44 who failed or was unable to re-apply by reason of his or her induction
45 or enlistment in the armed forces of the United States, such qualifying
46 requirements may also be waived by the secretary of state, provided such
47 application for reappointment is made within a period of one year after
48 the military discharge of the applicant under conditions other than
49 dishonorable. In any case, the appointment or reappointment of any
50 applicant is in the discretion of the secretary of state. The secretary
51 of state may suspend or remove from office, for misconduct, any notary
52 public appointed by him or her but no such removal shall be made unless
53 the person who is sought to be removed shall have been served with a
54 copy of the charges against him or her and have an opportunity of being



1 heard. No person shall be appointed as a notary public under this arti-
2 cle who has been convicted, in this state or any other state or territo-
3 ry, of a [felony or any of the following offenses, to wit:

4 (a) Illegally using, carrying or possessing a pistol or other danger-
5 ous weapon; (b) making or possessing burglar's instruments; (c) buying
6 or receiving or criminally possessing stolen property; (d) unlawful
7 entry of a building; (e) aiding escape from prison; (f) unlawfully
8 possessing or distributing habit forming narcotic drugs; (g) violating
9 sections two hundred seventy, two hundred seventy-a, two hundred seven-
10 ty-b, two hundred seventy-c, two hundred seventy-one, two hundred seven-
11 ty-five, two hundred seventy-six, five hundred fifty, five hundred
12 fifty-one, five hundred fifty-one-a and subdivisions six, ten or eleven
13 of section seven hundred twenty-two of the former penal law as in force
14 and effect immediately prior to September first, nineteen hundred
15 sixty-seven, or violating sections 165.25, 165.30 or subdivision one of
16 section 240.30 of the penal law, or violating sections four hundred
17 seventy-eight, four hundred seventy-nine, four hundred eighty, four
18 hundred eighty-one, four hundred eighty-four, four hundred eighty-nine
19 and four hundred ninety-one of the judiciary law; or (h) vagrancy or
20 prostitution, and who has not subsequent to such conviction received an
21 executive pardon therefor or a certificate of relief from disabilities
22 or a certificate of good conduct pursuant to article twenty-three of the
23 correction law to remove the disability under this section because of
24 such conviction] crime, unless the secretary makes a finding in conform-
25 ance with all applicable statutory requirements, including those
26 contained in article twenty-three-A of the correction law, that such
27 convictions do not constitute a bar to employment.

28 § 2. This act shall take effect immediately.

29

SUBPART E

30 Section 1. Paragraphs 1 and 5 of subdivision (a) of section 189-a of
31 the general municipal law, as added by chapter 574 of the laws of 1978,
32 are amended to read as follows:

33 (1) a person convicted of a crime [who has not received a pardon, a
34 certificate of good conduct or a certificate of relief from disabili-
35 ties] if there is a direct relationship between one or more of the
36 previous criminal offenses and the integrity or safety of charitable
37 gaming, considering the factors set forth in article twenty-three-A of
38 the correction law;

39 (5) a firm or corporation in which a person defined in [subdivision]
40 paragraph (1), (2), (3) or (4) [above] of this subdivision has greater
41 than a ten [per centum] percent proprietary, equitable or credit inter-
42 est or in which such a person is active or employed.

43 § 2. Paragraph (a) of subdivision 1 of section 191 of the general
44 municipal law, as amended by section 15 of part LL of chapter 56 of the
45 laws of 2010, is amended to read as follows:

46 (a) Issuance of licenses to conduct games of chance. If such clerk or
47 department [shall determine] determines:

48 (i) that the applicant is duly qualified to be licensed to conduct
49 games of chance under this article;

50 (ii) that the member or members of the applicant designated in the
51 application to manage games of chance are bona fide active members of
52 the applicant and are persons of good moral character and have never
53 been convicted of a crime[, or,] if [convicted, have received a pardon,
54 a certificate of good conduct or a certificate of relief from disabili-

1 ties pursuant to article twenty-three of the correction law] there is a
2 direct relationship between one or more of the previous criminal
3 offenses and the integrity or safety of charitable gaming, considering
4 the factors set forth in article twenty-three-A of the correction law;
5 (iii) that such games are to be conducted in accordance with the
6 provisions of this article and in accordance with the rules and regu-
7 lations of the [board] gaming commission and applicable local laws or
8 ordinances and that the proceeds thereof are to be disposed of as
9 provided by this article[,]; and

10 [if such clerk or department is satisfied] (iv) that no commission,
11 salary, compensation, reward or recompense whatever will be paid or
12 given to any person managing, operating or assisting therein except as
13 in this article otherwise provided; [it] then such clerk or department
14 shall issue a license to the applicant for the conduct of games of
15 chance upon payment of a license fee of twenty-five dollars for each
16 license period.

17 § 3. Subdivision 9 of section 476 of the general municipal law, as
18 amended by chapter 1057 of the laws of 1965, paragraph (a) as amended by
19 section 16 of part LL of chapter 56 of the laws of 2010, is amended to
20 read as follows:

21 9. "Authorized commercial lessor" shall mean a person, firm or corpo-
22 ration other than a licensee to conduct bingo under the provisions of
23 this article, who or which [shall own] owns or [be] is a net lessee of
24 premises and offer the same for leasing by him, her or it to an author-
25 ized organization for any consideration whatsoever, direct or indirect,
26 for the purpose of conducting bingo therein, provided that he, she or
27 it, as the case may be, shall not be

28 (a) a person convicted of a crime [who has not received a pardon or a
29 certificate of good conduct or a certificate of relief from disabilities
30 pursuant to] if there is a direct relationship between one or more of
31 the previous criminal offenses and the integrity or safety of bingo,
32 considering the factors set forth in article [twenty-three]
33 twenty-three-A of the correction law;

34 (b) a person who is or has been a professional gambler or gambling
35 promoter or who for other reasons is not of good moral character;

36 (c) a public officer who receives any consideration, direct or indi-
37 rect, as owner or lessor of premises offered for the purpose of conduct-
38 ing bingo therein;

39 (d) a firm or corporation in which a person defined in [subdivision]
40 paragraph (a), (b) or (c) [above] of this subdivision or a person
41 married or related in the first degree to such a person has greater than
42 a ten [percentum (10%)] percent proprietary, equitable or credit inter-
43 est or in which such a person is active or employed.

44 Nothing contained in this subdivision shall be construed to bar any
45 firm or corporation [which] that is not organized for pecuniary profit
46 and no part of the net earnings of which inure to the benefit of any
47 individual, member, or shareholder, from being an authorized commercial
48 lessor solely because a public officer, or a person married or related
49 in the first degree to a public officer, is a member of, active in or
50 employed by such firm or corporation.

51 § 4. Paragraph (a) of subdivision 1 of section 481 of the general
52 municipal law, as amended by section 5 of part MM of chapter 59 of the
53 laws of 2017, is amended to read as follows:

54 (a) Issuance of licenses to conduct bingo. If the governing body of
55 the municipality determines:

1 (i) that the applicant is duly qualified to be licensed to conduct
2 bingo under this article;

3 (ii) that the member or members of the applicant designated in the
4 application to conduct bingo are bona fide active members or auxiliary
5 members of the applicant and are persons of good moral character and
6 have never been convicted of a crime [or, if convicted, have received a
7 pardon or a certificate of good conduct or a certificate of relief from
8 disabilities pursuant to article twenty-three] if there is a direct
9 relationship between one or more of the previous criminal offenses and
10 the integrity or safety of bingo, considering the factors set forth in
11 article twenty-three-A of the correction law;

12 (iii) that such games of bingo are to be conducted in accordance with
13 the provisions of this article and in accordance with the rules and
14 regulations of the commission[, and];

15 (iv) that the proceeds thereof are to be disposed of as provided by
16 this article[, and if the governing body is satisfied];

17 (v) that no commission, salary, compensation, reward or recompense
18 [what so ever] whatsoever will be paid or given to any person holding,
19 operating or conducting or assisting in the holding, operation and
20 conduct of any such games of bingo except as in this article otherwise
21 provided; and

22 (vi) that no prize will be offered and given in excess of the sum or
23 value of five thousand dollars in any single game of bingo and that the
24 aggregate of all prizes offered and given in all of such games of bingo
25 conducted on a single occasion[,] under said license shall not exceed
26 the sum or value of fifteen thousand dollars, then the municipality
27 shall issue a license to the applicant for the conduct of bingo upon
28 payment of a license fee of eighteen dollars and seventy-five cents for
29 each bingo occasion[; provided, however, that].

30 Notwithstanding anything to the contrary in this paragraph, the
31 governing body shall refuse to issue a license to an applicant seeking
32 to conduct bingo in premises of a licensed commercial lessor where such
33 governing body determines that the premises presently owned or occupied
34 by such applicant are in every respect adequate and suitable for
35 conducting bingo games.

36 § 5. This act shall take effect immediately.

37 SUBPART F

38 Section 1. Paragraphs 3 and 4 of subsection (d) of section 2108 of the
39 insurance law are REPEALED, and paragraph 5 is renumbered paragraph 3.

40 § 2. This act shall take effect immediately.

41 SUBPART G

42 Section 1. Section 440-a of the real property law, as amended by chap-
43 ter 81 of the laws of 1995, the first undesignated paragraph as amended
44 by section 23 of part LL of chapter 56 of the laws of 2010, is amended
45 to read as follows:

46 § 440-a. License required for real estate brokers and salesmen. No
47 person, co-partnership, limited liability company or corporation shall
48 engage in or follow the business or occupation of, or hold himself or
49 itself out or act temporarily or otherwise as a real estate broker or
50 real estate salesman in this state without first procuring a license
51 therefor as provided in this article. No person shall be entitled to a
52 license as a real estate broker under this article, either as an indi-

1 vidual or as a member of a co-partnership, or as a member or manager of
2 a limited liability company or as an officer of a corporation, unless he
3 or she is twenty years of age or over, a citizen of the United States or
4 an alien lawfully admitted for permanent residence in the United States.
5 No person shall be entitled to a license as a real estate salesman under
6 this article unless he or she is over the age of eighteen years. No
7 person shall be entitled to a license as a real estate broker or real
8 estate salesman under this article who has been convicted in this state
9 or elsewhere of a [felony, of a sex offense, as defined in subdivision
10 two of section one hundred sixty-eight-a of the correction law or any
11 offense committed outside of this state which would constitute a sex
12 offense, or a sexually violent offense, as defined in subdivision three
13 of section one hundred sixty-eight-a of the correction law or any
14 offense committed outside this state which would constitute a sexually
15 violent offense, and who has not subsequent to such conviction received
16 executive pardon therefor or a certificate of relief from disabilities
17 or a certificate of good conduct pursuant to article twenty-three of the
18 correction law, to remove the disability under this section because of
19 such conviction] crime, unless the secretary makes a finding in conform-
20 ance with all applicable statutory requirements, including those
21 contained in article twenty-three-A of the correction law, that such
22 convictions do not constitute a bar to licensure. No person shall be
23 entitled to a license as a real estate broker or real estate salesman
24 under this article who does not meet the requirements of section 3-503
25 of the general obligations law.

26 Notwithstanding [the above] anything to the contrary in this section,
27 tenant associations[,] and not-for-profit corporations authorized in
28 writing by the commissioner of the department of the city of New York
29 charged with enforcement of the housing maintenance code of such city to
30 manage residential property owned by such city or appointed by a court
31 of competent jurisdiction to manage residential property owned by such
32 city shall be exempt from the licensing provisions of this section with
33 respect to the properties so managed.

34 § 2. This act shall take effect immediately.

35

SUBPART H

36 Section 1. Subdivision 5 of section 336-f of the social services law,
37 as added by section 148 of part B of chapter 436 of the laws of 1997, is
38 amended to read as follows:

39 5. The social services district shall require every private or not-
40 for-profit employer that intends to hire one or more work activity
41 participants to certify to the district [that] whether such employer has
42 [not], in the past five years, been convicted of a felony or a misdemea-
43 nor the underlying basis of which involved workplace safety and health
44 or labor standards. Such employer shall also certify as to all
45 violations issued by the department of labor within the past five years.
46 The social services official in the district in which the participant is
47 placed shall determine whether there is a pattern of convictions or
48 violations sufficient to render the potential employer ineligible.
49 Employers who submit false information under this section shall be
50 subject to criminal prosecution for filing a false instrument.

51 § 2. This act shall take effect immediately.

52

SUBPART I

1 Section 1. Subdivision 9 of section 394 of the vehicle and traffic
2 law, as separately renumbered by chapters 300 and 464 of the laws of
3 1960, is amended to read as follows:

4 9. Employees. [No licensee shall knowingly employ, in connection with
5 a driving school in any capacity whatsoever, any person who has been
6 convicted of a felony, or of any crime involving violence, dishonesty,
7 deceit, indecency, degeneracy or moral turpitude] A licensee may not
8 employ, in connection with a driving school in any capacity whatsoever,
9 a person who has been convicted of a crime, if, after considering the
10 factors set forth in article twenty-three-A of the correction law, the
11 licensee determines that there is a direct relationship between the
12 conviction and employment in the driving school, or that employment
13 would constitute an unreasonable risk to property or to the safety of
14 students, customers, or employees of the driving school, or to the
15 general public.

16 § 2. This act shall take effect immediately.

17 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
18 sion, section or part of this act shall be adjudged by any court of
19 competent jurisdiction to be invalid, such judgment shall not affect,
20 impair, or invalidate the remainder thereof, but shall be confined in
21 its operation to the clause, sentence, paragraph, subdivision, section
22 or part thereof directly involved in the controversy in which such judg-
23 ment shall have been rendered. It is hereby declared to be the intent of
24 the legislature that this act would have been enacted even if such
25 invalid provisions had not been included herein.

26 § 3. This act shall take effect immediately provided, however, that
27 the applicable effective date of Subparts A through I of this act shall
28 be as specifically set forth in the last section of such Parts.

29 PART L

30 Section 1. The executive law is amended by adding a new section 259-t
31 to read as follows:

32 § 259-t. Release on geriatric parole for inmates who are affected by
33 an age-related debility. 1. (a) The board shall have the power to
34 release on geriatric parole any inmate who is at least fifty-five years
35 of age, serving an indeterminate or determinate sentence of imprisonment
36 who, pursuant to subdivision two of this section, has been certified to
37 be suffering from a chronic or serious condition, disease, syndrome, or
38 infirmity, exacerbated by age, that has rendered the inmate so phys-
39 ically or cognitively debilitated or incapacitated that the ability to
40 provide self-care within the environment of a correctional facility is
41 substantially diminished, provided, however, that no inmate serving a
42 sentence imposed upon a conviction for murder in the first degree,
43 aggravated murder or an attempt or conspiracy to commit murder in the
44 first degree or aggravated murder or a sentence of life without parole
45 shall be eligible for such release, and provided further that no inmate
46 shall be eligible for such release unless in the case of an indetermi-
47 nate sentence he or she has served at least one-half of the minimum
48 period of the sentence and in the case of a determinate sentence he or
49 she has served at least one-half of the term of his or her determinate
50 sentence. Solely for the purpose of determining geriatric parole eligi-
51 bility pursuant to this section, such one-half of the minimum period of
52 the indeterminate sentence and one-half of the term of the determinate
53 sentence shall not be credited with any time served under the jurisdic-
54 tion of the department prior to the commencement of such sentence pursu-

1 ant to the opening paragraph of subdivision one of section 70.30 of the
2 penal law or subdivision two-a of section 70.30 of the penal law, except
3 to the extent authorized by subdivision three of section 70.30 of the
4 penal law.

5 (b) Such release shall be granted only after the board considers
6 whether, in light of the inmate's condition, there is a reasonable prob-
7 ability that the inmate, if released, will live and remain at liberty
8 without violating the law, and that such release is not incompatible
9 with the welfare of society and will not so deprecate the seriousness of
10 the crime as to undermine respect for the law, and shall be subject to
11 the limits and conditions specified in subdivision four of this section.
12 In making this determination, the board shall consider: (i) the factors
13 described in subdivision two of section two hundred fifty-nine-i of this
14 article; (ii) the nature of the inmate's conditions, diseases, syndromes
15 or infirmities and the level of care; (iii) the amount of time the
16 inmate must serve before becoming eligible for release pursuant to
17 section two hundred fifty-nine-i of this article; (iv) the current age
18 of the inmate and his or her age at the time of the crime; and (v) any
19 other relevant factor.

20 (c) The board shall afford notice to the sentencing court, the
21 district attorney, the attorney for the inmate and, where necessary
22 pursuant to subdivision two of section two hundred fifty-nine-i of this
23 article, the crime victim, that the inmate is being considered for
24 release pursuant to this section and the parties receiving notice shall
25 have thirty days to comment on the release of the inmate. Release on
26 geriatric parole shall not be granted until the expiration of the
27 comment period provided for in this paragraph.

28 2. (a) The commissioner, on the commissioner's own initiative or at
29 the request of an inmate, or an inmate's spouse, relative or attorney,
30 may, in the exercise of the commissioner's discretion, direct that an
31 investigation be undertaken to determine whether an assessment should be
32 made of an inmate who appears to be suffering from chronic or serious
33 conditions, diseases, syndromes or infirmities, exacerbated by advanced
34 age that has rendered the inmate so physically or cognitively debili-
35 tated or incapacitated that the ability to provide self-care within the
36 environment of a correctional facility is substantially diminished. Any
37 such medical assessment shall be made by a physician licensed to prac-
38 tice medicine in this state pursuant to section sixty-five hundred twen-
39 ty-four of the education law. Such physician shall either be employed by
40 the department, shall render professional services at the request of the
41 department, or shall be employed by a hospital or medical facility used
42 by the department for the medical treatment of inmates. The assessment
43 shall be reported to the commissioner by way of the deputy commissioner
44 for health services or the chief medical officer of the facility and
45 shall include but shall not be limited to a description of the condi-
46 tions, diseases or syndromes suffered by the inmate, a prognosis
47 concerning the likelihood that the inmate will not recover from such
48 conditions, diseases or syndromes, a description of the inmate's phys-
49 ical or cognitive incapacity which shall include a prediction respecting
50 the likely duration of the incapacity, and a statement by the physician
51 of whether the inmate is so debilitated or incapacitated as to be
52 severely restricted in his or her ability to self-ambulate or to perform
53 significant activities of daily living. This assessment also shall
54 include a recommendation of the type and level of services and level of
55 care the inmate would require if granted geriatric parole and a recom-



1 mentation for the types of settings in which the services and treatment
2 should be given.

3 (b) The commissioner, or the commissioner's designee, shall review the
4 assessment and may certify that the inmate is suffering from a chronic
5 or serious condition, disease, syndrome or infirmity, exacerbated by
6 age, that has rendered the inmate so physically or cognitively debili-
7 tated or incapacitated that the ability to provide self-care within the
8 environment of a correctional facility is substantially diminished. If
9 the commissioner does not so certify then the inmate shall not be
10 referred to the board for consideration for release on geriatric parole.
11 If the commissioner does so certify, then the commissioner shall, within
12 seven working days of receipt of such assessment, refer the inmate to
13 the board for consideration for release on geriatric parole. However, an
14 inmate will not be referred to the board of parole with diseases, condi-
15 tions, syndromes or infirmities that pre-existed incarceration unless
16 certified by a physician that such diseases, conditions, syndromes or
17 infirmities, have progressed to render the inmate so physically or
18 cognitively debilitated or incapacitated that the ability to provide
19 self-care within the environment of a correctional facility is substan-
20 tially diminished.

21 3. Any certification by the commissioner or the commissioner's desig-
22 nee pursuant to this section shall be deemed a judicial function and
23 shall not be reviewable if done in accordance with law.

24 4. (a) Once an inmate is released on geriatric parole, that releasee
25 will then be supervised by the department pursuant to paragraph (b) of
26 subdivision two of section two hundred fifty-nine-i of this article.

27 (b) The board may require as a condition of release on geriatric
28 parole that the releasee agree to remain under the care of a physician
29 while on geriatric parole and in a hospital established pursuant to
30 article twenty-eight of the public health law, nursing home established
31 pursuant to article twenty-eight-a of the public health law, a hospice
32 established pursuant to article forty of the public health law or any
33 other placement, including a residence with family or others, that can
34 provide appropriate medical and other necessary geriatric care as recom-
35 mended by the medical assessment required by subdivision two of this
36 section. For those who are released pursuant to this subdivision, a
37 discharge plan shall be completed and state that the availability of the
38 placement has been confirmed, and by whom. Notwithstanding any other
39 provision of law, when an inmate who qualifies for release under this
40 section is cognitively incapable of signing the requisite documentation
41 to effectuate the discharge plan and, after a diligent search no person
42 has been identified who could otherwise be appointed as the inmate's
43 guardian by a court of competent jurisdiction, then, solely for the
44 purpose of implementing the discharge plan, the facility health services
45 director at the facility where the inmate is currently incarcerated
46 shall be lawfully empowered to act as the inmate's guardian for the
47 purpose of effectuating the discharge.

48 (c) Where appropriate, the board shall require as a condition of
49 release that geriatric parolees be supervised on intensive caseloads at
50 reduced supervision ratios.

51 5. A denial of release on geriatric parole shall not preclude the
52 inmate from reapplying for geriatric parole or otherwise affect an
53 inmate's eligibility for any other form of release provided for by law.

54 6. To the extent that any provision of this section requires disclo-
55 sure of medical information for the purpose of processing an application
56 or making a decision, regarding release on geriatric parole or for the

1 purpose of appropriately supervising a person released on geriatric
2 parole, and that such disclosure would otherwise be prohibited by arti-
3 cle twenty-seven-f of that public health law, the provisions of this
4 section shall be controlling.

5 7. The commissioner and the chair of the board shall be authorized to
6 promulgate rules and regulations for their respective agencies to imple-
7 ment the provisions of this section.

8 8. Any decision made by the board pursuant to this section may be
9 appealed pursuant to subdivision four of section two hundred fifty-
10 nine-i of this article.

11 9. The chair of the board shall report annually to the governor, the
12 temporary president of the senate and the speaker of the assembly, the
13 chairpersons of the assembly and senate codes committees, the chair-
14 person of the senate crime and corrections committee, and the chair-
15 person of the assembly corrections committee the number of inmates who
16 have applied for geriatric parole under this section; the number who
17 have been granted geriatric parole; the nature of the illness of the
18 applicants, the counties to which they have been released and the nature
19 of the placement pursuant to the discharge plan; the categories of
20 reasons for denial for those who have been denied; the number of releas-
21 ees on geriatric parole who have been returned to imprisonment in the
22 custody of the department and the reasons for return.

23 § 2. This act shall take effect April 1, 2018.

24

PART M

25 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
26 law, as amended by section 1 of part C of chapter 57 of the laws of
27 2016, is amended to read as follows:

28 (b) The sum of one million five hundred thousand dollars must be
29 deposited into the New York state emergency services revolving loan fund
30 annually; provided, however, that such sums shall not be deposited for
31 state fiscal years two thousand eleven--two thousand twelve, two thou-
32 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
33 fifteen, two thousand fifteen--two thousand sixteen, two thousand
34 sixteen--two thousand seventeen [and], two thousand seventeen--two thou-
35 sand eighteen, two thousand eighteen--two thousand nineteen and two
36 thousand nineteen--two thousand twenty;

37 § 2. This act shall take effect April 1, 2018.

38

PART N

39 Section 1. The executive law is amended by adding a new section 216-e
40 to read as follows:

41 § 216-e. Subpoena authority for investigations of online sexual
42 offenses against minors. 1. Except as provided in subdivision two of
43 this section, in any investigation where a minor is a potential victim
44 of any offense specified in articles two hundred thirty, two hundred
45 thirty-five, or two hundred sixty-three of the penal law, and upon
46 reasonable cause to believe that an internet service account or online
47 identifier has been used in the commission of such offense, the super-
48 intendent of the state police and/or the superintendent's authorized
49 designee shall have the authority to issue in writing and cause to be
50 served an administrative subpoena requiring the production of records
51 and testimony relevant to the investigation of such offense, including

1 the following information related to the subscriber or customer of an
2 internet service account or online identifier:

3 (a) Name;

4 (b) Internet username;

5 (c) Billing and service address;

6 (d) Electronic mail address;

7 (e) Internet protocol address;

8 (f) Telephone number of account holder;

9 (g) Method of access to the internet;

10 (h) Local and long distance telephone connection records, or records
11 of session times and durations;

12 (i) Telephone or instrument number or other subscriber number or iden-
13 tity, including any temporarily assigned network address;

14 (j) Account status;

15 (k) Length of service, including start date, and types of service
16 utilized;

17 (l) Means and source of payment for such service, including any credit
18 card or bank account number.

19 2. The following information shall not be subject to disclosure pursu-
20 ant to an administrative subpoena issued under this section:

21 (a) The contents of stored or in-transit electronic communications;

22 (b) Account memberships related to internet groups, newsgroups, mail-
23 ing lists, or specific areas of interest;

24 (c) Account passwords; and

25 (d) Account content, including electronic mail in any form, address
26 books, contacts, financial records, web surfing history, internet proxy
27 content, and files or other digital documents stored with the account or
28 pursuant to use of the account.

29 § 2. This act shall take effect on the thirtieth day after it shall
30 have become a law.

31 PART O

32 Section 1. The state finance law is amended by adding a new section
33 99-bb to read as follows:

34 § 99-bb. Armory rental account. 1. Notwithstanding sections eight,
35 eight-a and seventy of this chapter or any other provision of law, rule,
36 regulation or practice to the contrary, there is hereby established in
37 the joint custody of the state comptroller and the commissioner of taxa-
38 tion and finance an armory rental account fund, which shall consist of
39 all moneys paid as rent pursuant to section one hundred eighty-three of
40 the military law.

41 2. Moneys within the armory rental account shall be available to the
42 adjutant general for services and expenses of the office relating to the
43 direct maintenance and operation of armories.

44 § 2. Subdivision 5 of section 183 of the military law, as amended by
45 section 1 of part C of chapter 152 of the laws of 2001, is amended to
46 read as follows:

47 5. All moneys paid as rent as provided in this section, together with
48 all sums paid to cover expenses of heating and lighting, shall be trans-
49 mitted by the officer in charge and control of the armory through the
50 adjutant general to the state treasury for deposit to the [miscellaneous
51 special revenue fund - 339] agencies enterprise fund armory rental
52 account.

53 § 3. Section 3 of part C of chapter 152 of the laws of 2001 amending
54 the military law relating to military funds of the organized militia, as

1 amended by section 23 of part A of chapter 55 of the laws of 2017, is
2 amended to read as follows:

3 § 3. This act shall take effect [on the same date as the reversion of
4 subdivision 5 of section 183 and subdivision 1 of section 221 of the
5 military law as provided by section 76 of chapter 435 of the laws of
6 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-
7 standing this act shall be deemed to have been in full force and effect
8 on and after July 31, 2005 and shall remain in full force and effect
9 until September 1, 2019 when upon such date this act shall expire] imme-
10 diately; provided however that the amendments made to subdivision 1 of
11 section 221 of the military law by section two of this act shall expire
12 and be deemed repealed September 1, 2019.

13 § 4. This act shall take effect immediately; provided, however, that
14 sections one and two of this act shall take effect April 1, 2018.

15

PART P

16 Section 1. Paragraph (f) of subdivision 3 of section 30.10 of the
17 criminal procedure law, as separately amended by chapters 3 and 320 of
18 the laws of 2006, is amended to read as follows:

19 (f) [For purposes of a] (i) A prosecution involving a [sexual] sexual-
20 ly related offense [as defined in article one hundred thirty of the
21 penal law, other than a sexual offense delineated in paragraph (a) of
22 subdivision two of this section,] committed against a child less than
23 eighteen years of age, [incest in the first, second or third degree as
24 defined in sections 255.27, 255.26 and 255.25 of the penal law committed
25 against a child less than eighteen years of age, or use of a child in a
26 sexual performance as defined in section 263.05 of the penal law,] and
27 which is a felony, may be commenced at any time. For all other sexually
28 related offenses the period of limitation shall not begin to run until
29 the child has reached the age of eighteen or the offense is reported to
30 a law enforcement agency or statewide central register of child abuse
31 and maltreatment, whichever occurs earlier.

32 (ii) For purposes of this paragraph, a sexually related offense shall
33 mean any offense listed in article one hundred thirty, two hundred thir-
34 ty, two hundred thirty-five, two hundred forty-five, or two hundred
35 sixty-three of the penal law, or sections 120.70 (luring a child),
36 240.37 (loitering for the purposes of engaging in a prostitution
37 offense), 250.45 (unlawful surveillance in the second degree), 250.50
38 (unlawful surveillance in the first degree), 255.15 (bigamy), 255.25
39 (incest in the third degree), 255.26 (incest in the second degree),
40 255.27 (incest in the first degree), subdivision one of section 260.20
41 (unlawfully dealing with a child in the first degree), or subdivision
42 four of section 260.32 (endangering the welfare of a vulnerable elderly
43 person, or an incompetent or physically disabled person in the second
44 degree) of the penal law.

45 § 2. Subdivision 8 of section 50-e of the general municipal law, as
46 amended by chapter 24 of the laws of 1988, is amended to read as
47 follows:

48 8. Inapplicability of section. (a) This section shall not apply to
49 claims arising under the provisions of the workers' compensation law,
50 the volunteer firefighters' benefit law, or the volunteer ambulance
51 workers' benefit law or to claims against public corporations by their
52 own infant wards.

53 (b) This section shall not apply to any claim made for physical,
54 psychological, or other injury or condition suffered as a result of

1 conduct that would constitute a sexually related offense as stated in
2 subparagraph (ii) of paragraph (f) of subdivision three of section 30.10
3 of the criminal procedure law committed against a child less than eigh-
4 teen years of age, including any claims against an entity at which the
5 person who committed the conduct was employed, volunteered, or similarly
6 engaged.

7 § 3. Section 50-i of the general municipal law is amended by adding a
8 new subdivision 5 to read as follows:

9 5. Notwithstanding any provision of law to the contrary, this section
10 shall not apply to any claim made against a city, county, town, village,
11 fire district or school district for physical, psychological, or other
12 injury or condition suffered as a result of conduct that would consti-
13 tute a sexually related offense as stated in subparagraph (ii) of para-
14 graph (f) of subdivision three of section 30.10 of the criminal proce-
15 dure law committed against a child less than eighteen years of age,
16 including any claims against an entity at which the person who committed
17 the conduct was employed, volunteered, or similarly engaged.

18 § 4. Section 10 of the court of claims act is amended by adding a new
19 subdivision 10 to read as follows:

20 10. Notwithstanding any provision of law to the contrary, this section
21 shall not apply to any claim made against the state for physical,
22 psychological, or other injury or condition suffered as a result of
23 conduct that would constitute a sexually related offense as stated in
24 subparagraph (ii) of paragraph (f) of subdivision three of section 30.10
25 of the criminal procedure law committed against a child less than eigh-
26 teen years of age, including any claims against an entity at which the
27 person who committed the conduct was employed, volunteered, or similarly
28 engaged.

29 § 5. Subdivision 2 of section 3813 of the education law, as amended by
30 chapter 346 of the laws of 1978, is amended to read as follows:

31 2. Notwithstanding anything to the contrary hereinbefore contained in
32 this section, no action or special proceeding founded upon tort shall be
33 prosecuted or maintained against any of the parties named in this
34 section or against any teacher or member of the supervisory or adminis-
35 trative staff or employee where the alleged tort was committed by such
36 teacher or member or employee acting in the discharge of his duties
37 within the scope of his employment and/or under the direction of the
38 board of education, trustee or trustees, or governing body of the school
39 unless a notice of claim shall have been made and served in compliance
40 with section fifty-e of the general municipal law. Every such action
41 shall be commenced pursuant to the provisions of section fifty-i of the
42 general municipal law, provided, however, that this section shall not
43 apply to any claim made against a school (public, private, or charter),
44 a school district, or any employee of such school or district, for phys-
45 ical, psychological, or other injury or condition suffered as a result
46 of conduct that would constitute a sexually related offense as stated in
47 subparagraph (ii) of paragraph (f) of subdivision three of section 30.10
48 of the criminal procedure law committed against a child less than eigh-
49 teen years of age, including any claims against an entity at which the
50 person who committed the conduct was employed, volunteered, or similarly
51 engaged.

52 § 6. Section 213-c of the civil practice law and rules, as added by
53 chapter 3 of the laws of 2006, is amended to read as follows:

54 § 213-c. Action by victim of conduct constituting certain [sexual]
55 sexually related offenses. 1. Notwithstanding any other limitation set
56 forth in this article, a civil claim or cause of action to recover from

1 a defendant as hereinafter defined, for any claim related to the phys-
2 ical, psychological or other injury or condition suffered by a person as
3 a result of acts by such defendant of rape in the first degree as
4 defined in section 130.35 of the penal law, or criminal sexual act in
5 the first degree as defined in section 130.50 of the penal law, or
6 aggravated sexual abuse in the first degree as defined in section 130.70
7 of the penal law, or course of sexual conduct against a child in the
8 first degree as defined in section 130.75 of the penal law, or conduct
9 by an individual that would constitute a sexually related offense as
10 stated in subparagraph (ii) of paragraph (f) of subdivision three of
11 section 30.10 of the criminal procedure law may be [brought within five
12 years] commenced within fifty years of the commission of the act consti-
13 tuting the sexually related offense. As used in this section, the term
14 "defendant" shall mean [only a person who commits the acts described in
15 this section or who, in a criminal proceeding, could be charged with
16 criminal liability for the commission of such acts pursuant to section
17 20.00 of the penal law and shall not apply to any related civil claim or
18 cause of action arising from such acts] a person who commits a sexually
19 related offense, as well as a public corporation, municipality, school
20 (public, private, or charter), partnership, corporation, association, or
21 any other entity of which the person was, at the time of the conduct, an
22 employee, volunteer, or any other individual for whom such entity is
23 responsible. Nothing in this section shall be construed to require that
24 a criminal charge be brought or a criminal conviction be obtained as a
25 condition of bringing a civil cause of action or receiving a civil judg-
26 ment pursuant to this section or be construed to require that any of the
27 rules governing a criminal proceeding be applicable to any such civil
28 action.

29 2. In an action brought pursuant to this section, the burden shall be
30 on the plaintiff to prove by a preponderance of the evidence that the
31 acts constituting the sexually related offense were committed by the
32 defendant.

33 § 7. The civil practice law and rules is amended by adding a new
34 section 214-g to read as follows:

35 § 214-g. Certain child sexual abuse cases. Notwithstanding any
36 provision of law that imposes a period of limitation to the contrary,
37 every civil claim or cause of action, including claims filed against a
38 person, public corporation, municipality, school (public, private, or
39 charter), partnership, corporation, association, or any other entity
40 based on negligence, recklessness, or intentional conduct, brought by a
41 person for physical, psychological, or other injury or condition
42 suffered as a result of conduct that would constitute a sexually related
43 offense as stated in subparagraph (ii) of paragraph (f) of subdivision
44 three of section 30.10 of the criminal procedure law committed against a
45 child less than eighteen years of age, that is barred as of the effec-
46 tive date of this section because the applicable period of limitation
47 has expired or such person had previously failed to file a notice of
48 claim, is hereby revived, and action thereon may be commenced on or
49 before one year after the effective date of this section.

50 § 8. Subdivision (a) of rule 3403 of the civil practice law and rules
51 is amended by adding a new paragraph 7 to read as follows:

52 7. any action which has been received pursuant to section two hundred
53 fourteen-g of this chapter.

54 § 9. The provisions of this act shall be severable, and if any clause,
55 sentence, paragraph, subdivision or part of this act shall be adjudged
56 by any court of competent jurisdiction to be invalid, such judgment

1 shall not affect, impair, or invalidate the remainder thereof, but shall
2 be confined in its operation to the clause, sentence, paragraph, subdi-
3 vision or part thereof directly involved in the controversy in which
4 such judgment shall have been rendered.

5 § 10. This act shall take effect immediately; provided, however, that
6 the amendments to section 213-c of the civil practice law and rules made
7 by section six of this act shall apply to any cause of action, regard-
8 less of the date on which such cause of action accrued; and provided
9 further that section seven of this act shall take effect six months
10 after this act shall have become a law.

11 PART Q

12 Section 1. Subdivision 14 of section 3 of the alcoholic beverage
13 control law, as amended by chapter 330 of the laws of 1970, is amended
14 to read as follows:

15 14. "Hotel" shall mean a building which is regularly used and kept
16 open as such in bona fide manner for the feeding and lodging of guests,
17 where all who conduct themselves properly and who are able and ready to
18 pay for such services are received if there be accommodations for them.
19 The term "hotel" shall also include an apartment hotel wherein apart-
20 ments are rented for fixed periods of time, either furnished or unfur-
21 nished, where the keeper of such hotel regularly supplies food to the
22 occupants thereof [in a restaurant located in such hotel]. "Hotel" shall
23 also mean and include buildings (commonly called a motel) upon the same
24 lot of land and owned or in possession under a lease in writing by the
25 same person or firm who maintains such buildings for the lodging of
26 guests and supplies them with food [from a restaurant located upon the
27 same premises]. A hotel shall regularly keep food available for sale or
28 service to its customers for consumption on the premises in the hotel or
29 in a restaurant or other food establishment located in the same building
30 as the hotel. The availability of sandwiches, soups or other foods,
31 whether fresh, processed, pre-cooked or frozen, shall be deemed in
32 compliance with this requirement.

33 § 2. Subdivision 5 of section 64 of the alcoholic beverage control
34 law, as amended by chapter 258 of the laws of 1976, is amended to read
35 as follows:

36 5. No retail license under this section shall be granted except for
37 such premises as are being conducted as a bona fide hotel [provided that
38 a restaurant is operated in such premises], restaurant, catering estab-
39 lishment, club, railroad car, vessel or aircraft being operated on regu-
40 larly scheduled flights by a United States certificated airline.

41 § 3. This act shall take effect immediately.

42 PART R

43 Section 1. Section 3 of the alcoholic beverage control law is amended
44 by adding a new subdivision 6-a to read as follows:

45 6-a. "Braggot" shall mean a malt alcoholic beverage made primarily
46 from: honey; water; and malt and/or hops (i) which may also contain
47 fruits, spices, herbs, grain or other agricultural products; and (ii)
48 with honey representing at least fifty-one percent of the starting
49 fermentable sugars by weight of the finished product. For the purposes
50 of this chapter, braggot shall be designated as and sold as a beer.

51 § 2. Section 3 of the alcoholic beverage control law is amended by
52 adding a new subdivision 12-aaaa to read as follows:

1 12-aaaa. "Farm meadery" means and includes any place or premises,
2 located on a farm in New York state, in which New York state labelled
3 mead or New York state labelled braggot is manufactured, stored and
4 sold, or any other place or premises in New York state in which New York
5 state labelled mead or New York state labelled braggot is manufactured,
6 stored and sold.

7 § 3. Section 3 of the alcoholic beverage control law is amended by
8 adding a new subdivision 19-a to read as follows:

9 19-a. "Mead" shall mean a wine made primarily from honey and water:
10 (i) which may also contain hops, fruits, spices, herbs, grain or other
11 agricultural products; and (ii) with honey representing at least fifty-
12 one percent of the starting fermentable sugars by weight of the finished
13 product. The brand or trade name label owner of such alcoholic beverage
14 shall designate whether such alcoholic beverage shall be sold as and
15 treated in the same manner as wine or mead for all purposes under this
16 chapter. Provided, however, any mead containing more than eight and
17 one-half per centum alcohol by volume shall be designated, sold as and
18 treated in the same manner as wine.

19 § 4. Section 3 of the alcoholic beverage control law is amended by
20 adding a new subdivision 20-f to read as follows:

21 20-f. "New York state labeled braggot" means braggot made exclusively
22 from honey produced in New York state.

23 § 5. Section 3 of the alcoholic beverage control law is amended by
24 adding a new subdivision 20-g to read as follows:

25 20-g. "New York state labeled mead" means mead made exclusively from
26 honey produced in New York state.

27 § 6. The alcoholic beverage control law is amended by adding a new
28 article 6-A to read as follows:

29 ARTICLE 6-A

30 SPECIAL PROVISIONS RELATING TO MEAD

31 Section 86. Farm meadery license.

32 87. Authorization for sale of mead and braggot by retail licen-
33 sees.

34 88. Authorization for sale of mead and braggot by wholesale
35 licensees.

36 § 86. Farm meadery license. 1. Any person may apply to the authority
37 for a farm meadery license as provided for in this section to produce
38 mead and braggot within this state for sale. Such application shall be
39 in writing and verified and shall contain such information as the
40 authority shall require. Such application shall be accompanied by a
41 check or draft for the amount required by this article for such license.
42 If the authority grants the application, it shall issue a license in
43 such form as shall be determined by its rules. Such license shall
44 contain a description of the licensed premises and in form and in
45 substance shall be a license to the person therein specifically desig-
46 nated to produce mead and braggot in the premises therein specifically
47 licensed. The annual fee for such a license shall be seventy-five
48 dollars.

49 2. A farm meadery license shall authorize the holder thereof to oper-
50 ate a meadery for the manufacture of New York state labelled mead and
51 New York state labelled braggot. Such a license shall also authorize the
52 licensee to:

53 (a) sell in bulk mead or braggot manufactured by the licensee to any
54 person licensed to manufacture alcoholic beverages in this state or to a
55 permittee engaged in the manufacture of products which are unfit for
56 beverage use;



1 (b) sell or deliver mead or braggot manufactured by the licensee to
2 persons outside the state pursuant to the laws of the place of such
3 delivery;

4 (c) sell mead manufactured by the licensee to wholesalers and retail-
5 ers licensed in this state to sell such mead, licensed farm distillers,
6 licensed farm wineries, licensed wineries, licensed farm breweries,
7 licensed farm cideries and any other licensed farm meadery. All such
8 mead sold by the licensee shall be securely sealed and have attached
9 thereto a label as shall be required by section one hundred seven-a of
10 this chapter;

11 (d) sell braggot manufactured by the licensee to wholesalers and
12 retailers licensed in this state to sell beer, licensed farm distillers,
13 licensed farm wineries, licensed breweries, licensed farm breweries,
14 licensed farm cideries and any other licensed farm meadery. All such
15 braggot sold by the licensee shall be securely sealed and have attached
16 thereto a label as shall be required by section one hundred seven-a of
17 this chapter;

18 (e) operate, or use the services of, a custom crush facility as
19 defined in subdivision nine-a of section three of this chapter;

20 (f) at the licensed premises, conduct tastings of, and sell at retail
21 for consumption on or off the licensed premises, any New York state
22 labeled mead, New York state labeled braggot, New York state labeled
23 beer, New York state labeled cider, New York state labeled liquor or New
24 York state labeled wine. Provided, however, for tastings and sales for
25 on-premises consumption, the licensee shall regularly keep food avail-
26 able for sale or service to its retail customers for consumption on the
27 premises. A licensee providing the following shall be deemed in compli-
28 ance with this provision: (i) sandwiches, soups or other such foods,
29 whether fresh, processed, pre-cooked or frozen; and/or (ii) food items
30 intended to complement the tasting of alcoholic beverages, which shall
31 mean a diversified selection of food that is ordinarily consumed without
32 the use of tableware and can be conveniently consumed while standing or
33 walking, including but not limited to: cheeses, fruits, vegetables,
34 chocolates, breads, mustards and crackers. All of the provisions of this
35 chapter relative to licensees selling alcoholic beverages at retail
36 shall apply;

37 (g) operate a restaurant, hotel, catering establishment, or other food
38 and drinking establishment in or adjacent to the licensed premises and
39 sell at such place, at retail for consumption on the premises, any New
40 York state labeled mead, New York state labeled braggot, New York state
41 labeled beer, New York state labeled cider, New York state labeled
42 liquor or New York state labeled wine. All of the provisions of this
43 chapter relative to licensees selling alcoholic beverages at retail
44 shall apply. Notwithstanding any other provision of law, the licensed
45 farm meadery may apply to the authority for a license under this chapter
46 to sell other alcoholic beverages at retail for consumption on the prem-
47 ises at such establishment; and

48 (h) store and sell gift items in a tax-paid room upon the licensed
49 premises incidental to the sale of mead and braggot. These gift items
50 shall be limited to the following categories: (i) non-alcoholic beverag-
51 es for consumption on or off premises, including but not limited to
52 bottled water, juice and soda beverages; (ii) food items for the purpose
53 of complementing mead tastings, shall mean a diversified selection of
54 food which is ordinarily consumed without the use of tableware and can
55 conveniently be consumed while standing or walking; (iii) food items,
56 which shall include locally produced farm products and any food or food



1 product not specifically prepared for immediate consumption upon the
2 premises; (iv) mead and braggot supplies and accessories, which shall
3 include any item utilized for the storage, serving or consumption of
4 mead and braggot or for decorative purposes; (v) souvenir items, which
5 shall include, but not be limited to artwork, crafts, clothing, agricul-
6 tural products and any other articles which can be construed to propa-
7 gate tourism within the region; and (vi) mead-making and braggot-making
8 equipment.

9 3. A licensed farm meadery may engage in any other business on the
10 licensed premises subject to such rules and regulations as the liquor
11 authority may prescribe. In prescribing such rules and regulations, the
12 liquor authority shall promote the expansion and profitability of mead
13 and braggot production and of tourism in New York, thereby promoting the
14 conservation, production and enhancement of New York state agricultural
15 lands. Further, such rules and regulations shall determine which busi-
16 nesses will be compatible with the policy and purposes of this chapter
17 and shall consider the effect of particular businesses on the community
18 and area in the vicinity of the farm meadery licensee.

19 4. Notwithstanding any provision of this chapter to the contrary, any
20 farm meadery licensee may charge for tours of its premises.

21 5. The holder of a license issued under this section may operate up to
22 five branch offices located away from the licensed farm meadery. Such
23 locations shall be considered part of the licensed premises and all
24 activities allowed at and limited to the farm meadery may be conducted
25 at the branch offices. Such branch offices shall not be located within,
26 share a common entrance and exit with, or have any interior access to
27 any other business, including premises licensed to sell alcoholic bever-
28 ages at retail. Prior to commencing operation of any such branch office,
29 the licensee shall notify the authority of the location of such branch
30 office and the authority may issue a permit for the operation of same.

31 6. (a) No farm meadery shall manufacture in excess of two hundred
32 fifty thousand gallons of mead and/or braggot annually.

33 (b) A licensed farm meadery shall produce at least fifty gallons of
34 mead and/or braggot annually.

35 7. No licensed farm meadery shall manufacture or sell any mead other
36 than New York state labelled mead.

37 8. No licensed farm meadery shall manufacture or sell any braggot
38 other than New York state labelled braggot.

39 9. The authority is hereby authorized to promulgate rules and regu-
40 lations to effectuate the purposes of this section. In prescribing such
41 rules and regulations, the authority shall promote the expansion and
42 profitability of mead production and of tourism in New York, thereby
43 promoting the conservation, production and enhancement of New York state
44 agricultural lands.

45 § 87. Authorization for sale of mead and braggot by retail licensees.

46 1. Each retail licensee under this chapter shall have the right, by
47 virtue of his license and without being required to pay any additional
48 fee for the privilege, to sell at retail for consumption on or off the
49 premises, as the case may be, mead which has not been designated as a
50 wine pursuant to subdivision nineteen-a of section three of this chapter
51 and which has been purchased from a person licensed to produce or sell
52 mead at wholesale under this chapter.

53 2. Each retail licensee authorized to sell wine under this chapter
54 shall have the right, by virtue of his license and without being
55 required to pay any additional fee for the privilege, to sell at retail
56 for consumption on or off the premises, as the case may be, mead which



1 has been designated as a wine pursuant to subdivision nineteen-a of
2 section three of this chapter and which has been purchased from a person
3 licensed to produce or sell mead at wholesale under this chapter.

4 3. Each retail licensee authorized to sell beer under this chapter
5 shall have the right, by virtue of his license and without being
6 required to pay any additional fee for the privilege, to sell at retail
7 for consumption on or off the premises, as the case may be, braggot
8 which has been purchased from a person licensed to produce or sell brag-
9 got at wholesale under this chapter.

10 § 88. Authorization for sale of mead and braggot by wholesale licen-
11 sees. 1. Each wholesale licensee authorized to sell beer under this
12 chapter shall have the right, by virtue of its license and without being
13 required to pay any additional fee for the privilege, to sell at whole-
14 sale: (a) braggot purchased from a person licensed to produce braggot
15 under this chapter. Such braggot shall be subject to the provisions of
16 this chapter regarding the tasting and sale of beer at wholesale and
17 retail; or

18 (b) mead purchased from a person licensed to produce mead and which
19 has not been designated as wine pursuant to subdivision nineteen-a of
20 section three of this chapter. Such mead shall be subject to the
21 provisions of this chapter regarding the tasting and sale of beer at
22 wholesale and retail.

23 2. Each wholesale licensee authorized to sell wine under this chapter
24 shall have the right, by virtue of its license and without being
25 required to pay any additional fee for the privilege, to sell at whole-
26 sale mead purchased from a person licensed to produce mead and which has
27 been designated as wine pursuant to subdivision nineteen-a of section
28 three of this chapter. Such mead shall be subject to the provisions of
29 this chapter regarding the tasting and sale of wine at wholesale and
30 retail.

31 § 7. Subdivision 3 of section 17 of the alcoholic beverage control
32 law, as amended by section 3 of chapter 297 of the laws of 2016, is
33 amended to read as follows:

34 3. To revoke, cancel or suspend for cause any license or permit issued
35 under this chapter and/or to impose a civil penalty for cause against
36 any holder of a license or permit issued pursuant to this chapter. Any
37 civil penalty so imposed shall not exceed the sum of ten thousand
38 dollars as against the holder of any retail permit issued pursuant to
39 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
40 paragraph f of subdivision one of section ninety-nine-b of this chapter,
41 and as against the holder of any retail license issued pursuant to
42 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
43 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
44 sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a
45 of this chapter, and the sum of thirty thousand dollars as against the
46 holder of a license issued pursuant to sections fifty-three, fifty-
47 eight, fifty-eight-c, sixty-one-a, sixty-one-b, seventy-six, seventy-
48 six-a, [and] seventy-eight and eighty-six of this chapter, provided that
49 the civil penalty against the holder of a wholesale license issued
50 pursuant to section fifty-three of this chapter shall not exceed the sum
51 of ten thousand dollars where that licensee violates provisions of this
52 chapter during the course of the sale of beer at retail to a person for
53 consumption at home, and the sum of one hundred thousand dollars as
54 against the holder of any license issued pursuant to sections fifty-one,
55 sixty-one, and sixty-two of this chapter. Any civil penalty so imposed
56 shall be in addition to and separate and apart from the terms and

1 provisions of the bond required pursuant to section one hundred twelve
2 of this chapter. Provided that no appeal is pending on the imposition of
3 such civil penalty, in the event such civil penalty imposed by the divi-
4 sion remains unpaid, in whole or in part, more than forty-five days
5 after written demand for payment has been sent by first class mail to
6 the address of the licensed premises, a notice of impending default
7 judgment shall be sent by first class mail to the licensed premises and
8 by first class mail to the last known home address of the person who
9 signed the most recent license application. The notice of impending
10 default judgment shall advise the licensee: (a) that a civil penalty was
11 imposed on the licensee; (b) the date the penalty was imposed; (c) the
12 amount of the civil penalty; (d) the amount of the civil penalty that
13 remains unpaid as of the date of the notice; (e) the violations for
14 which the civil penalty was imposed; and (f) that a judgment by default
15 will be entered in the supreme court of the county in which the licensed
16 premises are located, or other court of civil jurisdiction or any other
17 place provided for the entry of civil judgments within the state of New
18 York unless the division receives full payment of all civil penalties
19 due within twenty days of the date of the notice of impending default
20 judgment. If full payment shall not have been received by the division
21 within thirty days of mailing of the notice of impending default judg-
22 ment, the division shall proceed to enter with such court a statement of
23 the default judgment containing the amount of the penalty or penalties
24 remaining due and unpaid, along with proof of mailing of the notice of
25 impending default judgment. The filing of such judgment shall have the
26 full force and effect of a default judgment duly docketed with such
27 court pursuant to the civil practice law and rules and shall in all
28 respects be governed by that chapter and may be enforced in the same
29 manner and with the same effect as that provided by law in respect to
30 execution issued against property upon judgments of a court of record. A
31 judgment entered pursuant to this subdivision shall remain in full force
32 and effect for eight years notwithstanding any other provision of law.

33 § 8. Subdivision 3 of section 17 of the alcoholic beverage control
34 law, as amended by section 4 of chapter 297 of the laws of 2016, is
35 amended to read as follows:

36 3. To revoke, cancel or suspend for cause any license or permit issued
37 under this chapter and/or to impose a civil penalty for cause against
38 any holder of a license or permit issued pursuant to this chapter. Any
39 civil penalty so imposed shall not exceed the sum of ten thousand
40 dollars as against the holder of any retail permit issued pursuant to
41 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
42 paragraph f of subdivision one of section ninety-nine-b of this chapter,
43 and as against the holder of any retail license issued pursuant to
44 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
45 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
46 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a
47 of this chapter, and the sum of thirty thousand dollars as against the
48 holder of a license issued pursuant to sections fifty-three, fifty-
49 eight, fifty-eight-c, sixty-one-a, sixty-one-b, seventy-six, seventy-
50 six-a [and], seventy-eight and eighty-six of this chapter, provided that
51 the civil penalty against the holder of a wholesale license issued
52 pursuant to section fifty-three of this chapter shall not exceed the sum
53 of ten thousand dollars where that licensee violates provisions of this
54 chapter during the course of the sale of beer at retail to a person for
55 consumption at home, and the sum of one hundred thousand dollars as
56 against the holder of any license issued pursuant to sections fifty-one,



1 sixty-one and sixty-two of this chapter. Any civil penalty so imposed
2 shall be in addition to and separate and apart from the terms and
3 provisions of the bond required pursuant to section one hundred twelve
4 of this chapter. Provided that no appeal is pending on the imposition of
5 such civil penalty, in the event such civil penalty imposed by the divi-
6 sion remains unpaid, in whole or in part, more than forty-five days
7 after written demand for payment has been sent by first class mail to
8 the address of the licensed premises, a notice of impending default
9 judgment shall be sent by first class mail to the licensed premises and
10 by first class mail to the last known home address of the person who
11 signed the most recent license application. The notice of impending
12 default judgment shall advise the licensee: (a) that a civil penalty was
13 imposed on the licensee; (b) the date the penalty was imposed; (c) the
14 amount of the civil penalty; (d) the amount of the civil penalty that
15 remains unpaid as of the date of the notice; (e) the violations for
16 which the civil penalty was imposed; and (f) that a judgment by default
17 will be entered in the supreme court of the county in which the licensed
18 premises are located, or other court of civil jurisdiction, or any other
19 place provided for the entry of civil judgments within the state of New
20 York unless the division receives full payment of all civil penalties
21 due within twenty days of the date of the notice of impending default
22 judgment. If full payment shall not have been received by the division
23 within thirty days of mailing of the notice of impending default judg-
24 ment, the division shall proceed to enter with such court a statement of
25 the default judgment containing the amount of the penalty or penalties
26 remaining due and unpaid, along with proof of mailing of the notice of
27 impending default judgment. The filing of such judgment shall have the
28 full force and effect of a default judgment duly docketed with such
29 court pursuant to the civil practice law and rules and shall in all
30 respects be governed by that chapter and may be enforced in the same
31 manner and with the same effect as that provided by law in respect to
32 execution issued against property upon judgments of a court of record. A
33 judgment entered pursuant to this subdivision shall remain in full force
34 and effect for eight years notwithstanding any other provision of law.

35 § 9. Paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (l) of
36 subdivision 2 of section 51-a of the alcoholic beverage control law,
37 paragraphs (a), (b), (c), (f), (h), (i) and (l) as added by chapter 108
38 of the laws of 2012, paragraph (d) as amended by chapter 384 of the laws
39 of 2013, paragraph (e) as amended by chapter 328 of the laws of 2016,
40 paragraph (g) as amended by chapter 431 of the laws of 2014, and para-
41 graph (l) as relettered by chapter 384 of the laws of 2013, are amended
42 to read as follows:

43 (a) manufacture New York state labelled cider and New York state
44 labeled braggot;

45 (b) sell in bulk [beer and cider] alcoholic beverages manufactured by
46 the licensee to any person licensed to manufacture alcoholic beverages
47 in this state or to a permittee engaged in the manufacture of products
48 which are unfit for beverage use;

49 (c) sell or deliver [beer and cider] alcoholic beverages manufactured
50 by the licensee to persons outside the state pursuant to the laws of the
51 place of such delivery;

52 (d) sell [beer and cider] alcoholic beverages manufactured by the
53 licensee to wholesalers and retailers licensed in this state to sell
54 such [beer and cider] alcoholic beverages, licensed farm distillers,
55 licensed farm wineries, licensed farm cideries, licensed farm meaderies
56 and any other licensed farm brewery. All such [beer and cider] alcoholic

1 beverages sold by the licensee shall be securely sealed and have
2 attached thereto a label as shall be required by section one hundred
3 seven-a of this chapter;

4 (e) sell at the licensed premises [beer and cider] alcoholic beverages
5 manufactured by the licensee or any other licensed farm brewery[, and
6 wine and spirits manufactured by any licensed farm winery or farm
7 distillery, at retail for consumption on or off the licensed premises];

8 (f) conduct tastings at the licensed premises of [beer and cider]
9 alcoholic beverages manufactured by the licensee or any other licensed
10 farm brewery;

11 (g) operate a restaurant, hotel, catering establishment, or other food
12 and drinking establishment in or adjacent to the licensed premises and
13 sell at such place, at retail for consumption on the premises, [beer and
14 cider] alcoholic beverages manufactured by the licensee and any New York
15 state labeled beer, New York state labeled braggot or New York state
16 labeled cider. All of the provisions of this chapter relative to
17 licenses to sell [beer] alcoholic beverages at retail for consumption on
18 and off the premises shall apply so far as applicable to such licensee.
19 Notwithstanding any other provision of law, the licensed farm brewery
20 may apply to the authority for a license under this chapter to sell
21 other alcoholic beverages at retail for consumption on the premises at
22 such establishment;

23 (h) sell [beer and cider] alcoholic beverages manufactured by the
24 licensee or any other licensed farm brewery at retail for consumption
25 off the premises, at the state fair, at recognized county fairs and at
26 farmers markets operated on a not-for-profit basis;

27 (i) conduct tastings of and sell at retail for consumption off the
28 premises New York state labelled wine and mead manufactured by a
29 [licensed winery or licensed farm winery] person licensed to produce
30 wine or mead under this chapter;

31 (l) conduct tastings of and sell at retail for consumption off the
32 premises New York state labelled braggot manufactured by a person
33 licensed to produce braggot under this chapter; and

34 (m) engage in any other business on the licensed premises subject to
35 such rules and regulations as the authority may prescribe. Such rules
36 and regulations shall determine which businesses will be compatible with
37 the policy and purposes of this chapter and shall consider the effect of
38 particular businesses on the community and area in the vicinity of the
39 farm brewery licensee.

40 § 10. Paragraph (a) and subparagraph (ii) of paragraph (b) of subdivi-
41 sion 3 of section 51-a of the alcoholic beverage control law, as added
42 by chapter 108 of the laws of 2012, are amended to read as follows:

43 (a) A farm brewery licensee may apply for a permit to conduct tastings
44 away from the licensed premises of [beer and cider] alcoholic beverages
45 produced by the licensee. Such permit shall be valid throughout the
46 state and may be issued on an annual basis or for individual events.
47 Each such permit and the exercise of the privilege granted thereby shall
48 be subject to such rules and conditions of the authority as it deems
49 necessary.

50 (ii) any liability stemming from a right of action resulting from a
51 tasting of [beer or cider] alcoholic beverages as authorized herein and
52 in accordance with the provisions of sections 11-100 and 11-101 of the
53 general obligations law, shall accrue to the farm brewery.

54 § 11. Subdivision 4 of section 51-a of the alcoholic beverage control
55 law, as added by chapter 108 of the laws of 2012, is amended to read as
56 follows:

1 4. A licensed farm brewery holding a tasting permit issued pursuant to
2 subdivision three of this section may apply to the authority for a
3 permit to sell [beer and cider] alcoholic beverages produced by such
4 farm brewery, by the bottle, during such tastings in premises licensed
5 under sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of
6 this chapter. Each such permit and the exercise of the privilege grant-
7 ed thereby shall be subject to such rules and conditions of the authori-
8 ty as it deems necessary.

9 § 12. Subdivision 10 of section 51-a of the alcoholic beverage control
10 law, as amended by chapter 431 of the laws of 2014, is amended to read
11 as follows:

12 10. (a) No farm brewery shall manufacture in excess of seventy-five
13 thousand finished barrels of [beer and cider] alcoholic beverages annu-
14 ally.

15 (b) A farm brewery shall manufacture at least fifty barrels of [beer
16 and cider] alcoholic beverages annually.

17 § 13. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage
18 control law, as amended by chapter 422 of the laws of 2016, are amended
19 to read as follows:

20 1. In addition to the annual fees provided for in this chapter, there
21 shall be paid to the authority with each initial application for a
22 license filed pursuant to section fifty-one, fifty-one-a, fifty-two,
23 fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one,
24 sixty-two, seventy-six, seventy-seven [or], seventy-eight or eighty-six
25 of this chapter, a filing fee of four hundred dollars; with each initial
26 application for a license filed pursuant to section sixty-three, sixty-
27 four, sixty-four-a or sixty-four-b of this chapter, a filing fee of two
28 hundred dollars; with each initial application for a license filed
29 pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a,
30 seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee
31 of one hundred dollars; with each initial application for a permit filed
32 pursuant to section ninety-one, ninety-one-a, ninety-two, ninety-two-a,
33 ninety-three, ninety-three-a, if such permit is to be issued on a calen-
34 dar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a, or
35 pursuant to paragraph b, c, e or j of subdivision one of section nine-
36 ty-nine-b of this chapter if such permit is to be issued on a calendar
37 year basis, or for an additional bar pursuant to subdivision four of
38 section one hundred of this chapter, a filing fee of twenty dollars; and
39 with each application for a permit under section ninety-three-a of this
40 chapter, other than a permit to be issued on a calendar year basis,
41 section ninety-seven, ninety-eight, ninety-nine, or ninety-nine-b of
42 this chapter, other than a permit to be issued pursuant to paragraph b,
43 c, e or j of subdivision one of section ninety-nine-b of this chapter on
44 a calendar year basis, a filing fee of ten dollars.

45 2. In addition to the annual fees provided for in this chapter, there
46 shall be paid to the authority with each renewal application for a
47 license filed pursuant to section fifty-one, fifty-one-a, fifty-two,
48 fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one,
49 sixty-two, seventy-six, seventy-seven [or], seventy-eight or eighty-six
50 of this chapter, a filing fee of one hundred dollars; with each renewal
51 application for a license filed pursuant to section sixty-three, sixty-
52 four, sixty-four-a or sixty-four-b of this chapter, a filing fee of
53 ninety dollars; with each renewal application for a license filed pursu-
54 ant to section seventy-nine, eighty-one or eighty-one-a of this chapter,
55 a filing fee of twenty-five dollars; and with each renewal application
56 for a license or permit filed pursuant to section fifty-three-a, fifty-

1 four, fifty-five, fifty-five-a, ninety-one, ninety-one-a, ninety-two,
2 ninety-two-a, ninety-three, ninety-three-a, if such permit is issued on
3 a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-
4 six-a of this chapter or pursuant to paragraph b, c, e or j of subdivi-
5 sion one of section ninety-nine-b, if such permit is issued on a calen-
6 dar year basis, or with each renewal application for an additional bar
7 pursuant to subdivision four of section one hundred of this chapter, a
8 filing fee of thirty dollars.

9 § 14. Paragraph (j) of subdivision 2 of section 58-c of the alcoholic
10 beverage control law, as amended by chapter 327 of the laws of 2016, is
11 amended and two new paragraphs (j-1) and (j-2) are added to read as
12 follows:

13 (j) conduct tastings of and sell at retail for consumption on or off
14 the premises New York state labelled liquor manufactured by a licensed
15 distiller or licensed farm distiller; provided, however, that no consum-
16 er may be provided, directly or indirectly: (i) with more than three
17 samples of liquor for tasting in one calendar day; or (ii) with a sample
18 of liquor for tasting equal to more than one-quarter fluid ounce; [and]

19 (j-1) conduct tastings of and sell at retail for consumption on or off
20 the premises New York state labelled mead manufactured by a person
21 licensed to produce mead under this chapter;

22 (j-2) conduct tastings of and sell at retail for consumption on or off
23 the premises New York state labelled braggot manufactured by a person
24 licensed to produce braggot under this chapter; and

25 § 15. Clauses (vi) and (vii) of paragraph (a) of subdivision 2-c of
26 section 61 of the alcoholic beverage control law, as amended by chapter
27 103 of the laws of 2017, are amended and two new clauses (viii) and (ix)
28 are added to read as follows:

29 (vi) To conduct tastings of and sell at retail for consumption on or
30 off the premises New York state labelled cider manufactured by a
31 licensed brewer, licensed farm brewery, licensed farm winery, licensed
32 cider producer or licensed farm cidery; [and]

33 (vii) To conduct tastings of and sell at retail for consumption on or
34 off the premises New York state labelled wine manufactured by a licensed
35 winery or licensed farm winery[.];

36 (viii) To conduct tastings of and sell at retail for consumption on or
37 off the premises New York state labelled mead manufactured by a person
38 licensed to produce mead under this chapter; and

39 (ix) To conduct tastings of and sell at retail for consumption on or
40 off the premises New York state labelled braggot manufactured by a
41 person licensed to produce braggot under this chapter.

42 § 16. Paragraphs (a), (b), (c) and (d) of subdivision 2 of section 76
43 of the alcoholic beverage control law, as amended by chapter 108 of the
44 laws of 2012, are amended to read as follows:

45 (a) to operate a winery for the manufacture of wine and mead at the
46 premises specifically designated in the license;

47 (b) to receive and possess wine and mead from other states consigned
48 to a United States government bonded winery, warehouse or storeroom
49 located within the state;

50 (c) to sell in bulk from the licensed premises the products manufac-
51 tured under such license and wine and mead received by such licensee
52 from any other state to any winery licensee, or meadery license any
53 distiller licensee or to a permittee engaged in the manufacture of
54 products which are unfit for beverage use and to sell or deliver such
55 wine or mead to persons outside the state pursuant to the laws of the
56 place of such sale or delivery;

1 (d) to sell from the licensed premises to a licensed wholesaler or
2 retailer, or to a corporation operating railroad cars or aircraft for
3 consumption on such carriers, wine and mead manufactured or received by
4 the licensee as above set forth in the original sealed containers of not
5 more than fifteen gallons each and to sell or deliver such wine and mead
6 to persons outside the state pursuant to the laws of the place of such
7 sale or delivery. All wine and mead sold by such licensee shall be
8 securely sealed and have attached thereto a label setting forth such
9 information as shall be required by this chapter;

10 § 17. Subdivision 4-a of section 76 of the alcoholic beverage control
11 law, as amended by chapter 431 of the laws of 2014, is amended to read
12 as follows:

13 4-a. A licensed winery may operate a restaurant, hotel, catering
14 establishment, or other food and drinking establishment in or adjacent
15 to the licensed premises and sell at such place, at retail for consump-
16 tion on the premises, wine, mead and wine products manufactured by the
17 licensee and any New York state labeled wine, mead or New York state
18 labeled wine product. All of the provisions of this chapter relative to
19 licenses to sell wine at retail for consumption on the premises shall
20 apply so far as applicable to such licensee. Notwithstanding any other
21 provision of law, the licensed winery may apply to the authority for a
22 license under article four of this chapter to sell other alcoholic
23 beverages at retail for consumption on the premises at such establish-
24 ment.

25 § 17-a. Subdivision 13 of section 76 of the alcoholic beverage control
26 law, as added by chapter 221 of the laws of 2011, is amended to read as
27 follows:

28 13. Notwithstanding any other provision of law to the contrary, a
29 winery licensed pursuant to this section may engage in custom wine
30 production allowing individuals to assist in the production of wine or
31 mead for sale for personal or family use, provided, however, that (a)
32 the wine or mead must be purchased by the individual assisting in the
33 production of such wine or mead; and (b) the owner, employee or agent of
34 such winery shall be present at all times during such production.

35 § 18. Subdivision 14 of section 76 of the alcoholic beverage control
36 law, as added by chapter 431 of the laws of 2014, is amended to read as
37 follows:

38 14. Any person licensed under this section shall manufacture at least
39 fifty gallons of wine and/or mead per year.

40 § 19. Paragraphs (a), (c), (e) and (f) of subdivision 2 of section
41 76-a of the alcoholic beverage control law, paragraph (a) as added by
42 chapter 221 of the laws of 2011, paragraph (c) as amended by chapter 384
43 of the laws of 2013, paragraph (e) as amended by chapter 328 of the laws
44 of 2016 and paragraph (f) as amended by chapter 431 of the laws of 2014,
45 are amended to read as follows:

46 (a) operate a farm winery for the manufacture of wine, New York state
47 labeled mead or New York state labeled cider at the premises specif-
48 ically designated in the license;

49 (c) sell from the licensed premises to a licensed winery, farm distil-
50 ler, farm brewery, farm cidery, farm meadery, wholesaler or retailer, or
51 to a corporation operating railroad cars or aircraft for consumption on
52 such carriers, or at retail for consumption off the premises, [wine or
53 cider] alcoholic beverages manufactured by the licensee as above set
54 forth and to sell or deliver such wine or cider to persons outside the
55 state pursuant to the laws of the place of such sale or delivery. All
56 [wine or cider] alcoholic beverages sold by such licensee for consump-

1 tion off the premises shall be securely sealed and have attached thereto
2 a label setting forth such information as shall be required by this
3 chapter;

4 (e) conduct tastings of and sell at the licensed premises [cider and
5 wine], at retail for consumption on or off the licensed premises alco-
6 holic beverages manufactured by the licensee or any other licensed farm
7 winery[, and]; New York state labeled wine manufactured by any licensed
8 winery; New York state labeled beer manufactured by any licensed brewer
9 or farm brewery; New York state labeled cider manufactured by any
10 licensed cider producer, farm cidery or farm brewery; New York state
11 labeled mead manufactured by any licensed farm meadery, winery or farm
12 winery; New York state labeled braggot manufactured by any licensed
13 meadery, brewery or farm brewery and [spirits] New York state labeled
14 liquor manufactured by any licensed [farm brewery or] distiller or farm
15 distillery[, at retail for consumption on or off the licensed premises];

16 (f) operate a restaurant, hotel, catering establishment, or other food
17 and drinking establishment in or adjacent to the licensed premises and
18 sell at such place, at retail for consumption on the premises, [wine,
19 cider and wine products] alcoholic beverages manufactured by the licen-
20 see and any New York state labeled wine, New York state labeled cider,
21 New York state labeled mead or New York state labeled wine product. All
22 of the provisions of this chapter relative to licenses to sell wine at
23 retail for consumption on the premises shall apply so far as applicable
24 to such licensee. Notwithstanding any other provision of law, the
25 licensed farm winery may apply to the authority for a license under
26 [article four of] this chapter to sell other alcoholic beverages at
27 retail for consumption on the premises at such establishment.

28 § 20. Paragraphs (f), (g) and (h) of subdivision 6 of section 76-a of
29 the alcoholic beverage control law are REPEALED.

30 § 21. Subdivision 8 of section 76-a of the alcoholic beverage control
31 law, as amended by chapter 431 of the laws of 2014, is amended to read
32 as follows:

33 8. (a) No licensed farm winery shall manufacture in excess of two
34 hundred fifty thousand finished gallons of [wine] alcoholic beverages
35 annually.

36 (b) Any person licensed under this section shall manufacture at least
37 fifty gallons of [wine] alcoholic beverages per year.

38 § 22. Subdivision 9 of section 76-a of the alcoholic beverage control
39 law, as added by chapter 221 of the laws of 2011, is amended to read as
40 follows:

41 9. Notwithstanding any other provision of law to the contrary, a farm
42 winery licensed pursuant to this section may engage in custom [wine]
43 production allowing individuals to assist in the production of New York
44 state labeled wine, cider and mead for sale for personal or family use,
45 provided, however, that (a) the wine, cider and mead must be purchased
46 by the individual assisting in the production of such wine, cider or
47 mead; and (b) the owner, employee or agent of such winery shall be pres-
48 ent at all times during such production.

49 § 23. Subdivision 2 of section 101-aaa of the alcoholic beverage
50 control law, as amended by chapter 242 of the laws of 2012, is amended
51 to read as follows:

52 2. No manufacturer or wholesaler licensed under this chapter shall
53 sell or deliver any beer, mead, cider or wine products to any retail
54 licensee except as provided for in this section:

55 (a) for cash to be paid at the time of delivery; or

1 (b) on terms requiring payment by such retail licensee for such beer,
2 mead, cider, or wine products on or before the final payment date of any
3 credit period within which delivery is made. Provided, however, that the
4 sale of wine products mead, or cider to a retail licensee by a whole-
5 saler licensed under section fifty-eight, sixty-two, or seventy-eight of
6 this chapter, or a licensed manufacturer of liquor, mead or wine or a
7 cider producer's license, shall be governed by the provisions of section
8 one hundred-one-aa of this article.

9 § 24. Paragraphs (b), (d) and (e) of subdivision 4 of section 107-a of
10 the alcoholic beverage control law, paragraph (b) as amended by chapter
11 369 of the laws of 2017, paragraphs (d) and (e) as amended by chapter
12 354 of the laws of 2013, are amended to read as follows:

13 (b) The annual fee for registration of any brand or trade name label
14 for liquor shall be two hundred fifty dollars; the annual fee for regis-
15 tration of any brand or trade name label for beer, mead or cider shall
16 be one hundred fifty dollars; the annual fee for registration of any
17 brand or trade name label for wine or wine products shall be fifty
18 dollars. Such fee shall be in the form of a check or draft. No annual
19 fee for registration of any brand or trade name label for wine shall be
20 required if it has been approved by the Alcohol and Tobacco Tax and
21 Trade Bureau of the United States Department of Treasury pursuant to
22 this section.

23 Each brand or trade name label registration approved pursuant to this
24 section shall be valid for a term of three years as set forth by the
25 authority and which shall be pro-rated for partial years as applicable.

26 Each brand or trade name label registration approved pursuant to this
27 section shall be valid only for the licensee to whom issued and shall
28 not be transferable.

29 (d) The authority may at any time exempt any discontinued brand from
30 such fee provisions where a manufacturer or wholesaler has an inventory
31 of one hundred cases or less of liquor or wine and five hundred cases or
32 less of beer, and certifies to the authority in writing that such brand
33 is being discontinued. The authority may also at any time exempt any
34 discontinued brand from such fee provisions where a retailer discontinu-
35 ing a brand owned by him has a balance of an order yet to be delivered
36 of fifty cases or less of liquor or wine, or two hundred fifty cases or
37 less of beer, mead, wine products or cider.

38 (e) The authority shall exempt from such fee provisions the registra-
39 tion of each brand or trade name label used for beer, mead or cider that
40 is produced in small size batches totaling fifteen hundred barrels or
41 less of beer, mead or cider annually.

42 § 25. This act shall take effect on the ninetieth day after it shall
43 have become a law, provided that the amendments to section 17 of the
44 alcoholic beverage control law made by section seven of this act shall
45 be subject to the expiration and reversion of such section pursuant to
46 section 4 of chapter 118 of the laws of 2012, as amended, when upon such
47 date the provisions of section eight of this act shall take effect.

48 PART S

49 Section 1. The alcoholic beverage control law is amended by adding a
50 new section 61-c to read as follows:

51 § 61-c. Exporter's license. An exporter's license shall authorize the
52 holder thereof to purchase alcoholic beverages from licensed manufactur-
53 ers solely for purposes of export outside of this state pursuant to and
54 in accordance with the laws of the place of delivery.

1 § 2. Section 66 of the alcoholic beverage control law is amended by
2 adding a new subdivision 3-b to read as follows:

3 3-b. The annual fee for an exporter's license shall be one hundred
4 twenty-five dollars.

5 § 3. Subdivision 3 of section 17 of the alcoholic beverage control
6 law, as amended by section 3 of chapter 297 of the laws of 2016, is
7 amended to read as follows:

8 3. To revoke, cancel or suspend for cause any license or permit issued
9 under this chapter and/or to impose a civil penalty for cause against
10 any holder of a license or permit issued pursuant to this chapter. Any
11 civil penalty so imposed shall not exceed the sum of ten thousand
12 dollars as against the holder of any retail permit issued pursuant to
13 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
14 paragraph f of subdivision one of section ninety-nine-b of this chapter,
15 and as against the holder of any retail license issued pursuant to
16 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
17 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
18 sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a
19 of this chapter, and the sum of thirty thousand dollars as against the
20 holder of a license issued pursuant to sections fifty-three,
21 sixty-one-a, sixty-one-b, sixty-one-c, seventy-six, seventy-six-a, and
22 seventy-eight of this chapter, provided that the civil penalty against
23 the holder of a wholesale license issued pursuant to section fifty-three
24 of this chapter shall not exceed the sum of ten thousand dollars where
25 that licensee violates provisions of this chapter during the course of
26 the sale of beer at retail to a person for consumption at home, and the
27 sum of one hundred thousand dollars as against the holder of any license
28 issued pursuant to sections fifty-one, sixty-one, and sixty-two of this
29 chapter. Any civil penalty so imposed shall be in addition to and sepa-
30 rate and apart from the terms and provisions of the bond required pursu-
31 ant to section one hundred twelve of this chapter. Provided that no
32 appeal is pending on the imposition of such civil penalty, in the event
33 such civil penalty imposed by the division remains unpaid, in whole or
34 in part, more than forty-five days after written demand for payment has
35 been sent by first class mail to the address of the licensed premises, a
36 notice of impending default judgment shall be sent by first class mail
37 to the licensed premises and by first class mail to the last known home
38 address of the person who signed the most recent license application.
39 The notice of impending default judgment shall advise the licensee: (a)
40 that a civil penalty was imposed on the licensee; (b) the date the
41 penalty was imposed; (c) the amount of the civil penalty; (d) the amount
42 of the civil penalty that remains unpaid as of the date of the notice;
43 (e) the violations for which the civil penalty was imposed; and (f) that
44 a judgment by default will be entered in the supreme court of the county
45 in which the licensed premises are located, or other court of civil
46 jurisdiction or any other place provided for the entry of civil judg-
47 ments within the state of New York unless the division receives full
48 payment of all civil penalties due within twenty days of the date of the
49 notice of impending default judgment. If full payment shall not have
50 been received by the division within thirty days of mailing of the
51 notice of impending default judgment, the division shall proceed to
52 enter with such court a statement of the default judgment containing the
53 amount of the penalty or penalties remaining due and unpaid, along with
54 proof of mailing of the notice of impending default judgment. The filing
55 of such judgment shall have the full force and effect of a default judg-
56 ment duly docketed with such court pursuant to the civil practice law



1 and rules and shall in all respects be governed by that chapter and may
2 be enforced in the same manner and with the same effect as that provided
3 by law in respect to execution issued against property upon judgments of
4 a court of record. A judgment entered pursuant to this subdivision shall
5 remain in full force and effect for eight years notwithstanding any
6 other provision of law.

7 § 4. Subdivision 3 of section 17 of the alcoholic beverage control
8 law, as amended by section 4 of chapter 297 of the laws of 2016, is
9 amended to read as follows:

10 3. To revoke, cancel or suspend for cause any license or permit issued
11 under this chapter and/or to impose a civil penalty for cause against
12 any holder of a license or permit issued pursuant to this chapter. Any
13 civil penalty so imposed shall not exceed the sum of ten thousand
14 dollars as against the holder of any retail permit issued pursuant to
15 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
16 paragraph f of subdivision one of section ninety-nine-b of this chapter,
17 and as against the holder of any retail license issued pursuant to
18 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
19 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
20 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a
21 of this chapter, and the sum of thirty thousand dollars as against the
22 holder of a license issued pursuant to sections fifty-three,
23 sixty-one-a, sixty-one-b, sixty-one-c, seventy-six, seventy-six-a and
24 seventy-eight of this chapter, provided that the civil penalty against
25 the holder of a wholesale license issued pursuant to section fifty-three
26 of this chapter shall not exceed the sum of ten thousand dollars where
27 that licensee violates provisions of this chapter during the course of
28 the sale of beer at retail to a person for consumption at home, and the
29 sum of one hundred thousand dollars as against the holder of any license
30 issued pursuant to sections fifty-one, sixty-one and sixty-two of this
31 chapter. Any civil penalty so imposed shall be in addition to and sepa-
32 rate and apart from the terms and provisions of the bond required pursu-
33 ant to section one hundred twelve of this chapter. Provided that no
34 appeal is pending on the imposition of such civil penalty, in the event
35 such civil penalty imposed by the division remains unpaid, in whole or
36 in part, more than forty-five days after written demand for payment has
37 been sent by first class mail to the address of the licensed premises, a
38 notice of impending default judgment shall be sent by first class mail
39 to the licensed premises and by first class mail to the last known home
40 address of the person who signed the most recent license application.
41 The notice of impending default judgment shall advise the licensee: (a)
42 that a civil penalty was imposed on the licensee; (b) the date the
43 penalty was imposed; (c) the amount of the civil penalty; (d) the amount
44 of the civil penalty that remains unpaid as of the date of the notice;
45 (e) the violations for which the civil penalty was imposed; and (f) that
46 a judgment by default will be entered in the supreme court of the county
47 in which the licensed premises are located, or other court of civil
48 jurisdiction, or any other place provided for the entry of civil judg-
49 ments within the state of New York unless the division receives full
50 payment of all civil penalties due within twenty days of the date of the
51 notice of impending default judgment. If full payment shall not have
52 been received by the division within thirty days of mailing of the
53 notice of impending default judgment, the division shall proceed to
54 enter with such court a statement of the default judgment containing the
55 amount of the penalty or penalties remaining due and unpaid, along with
56 proof of mailing of the notice of impending default judgment. The filing



1 of such judgment shall have the full force and effect of a default judg-
2 ment duly docketed with such court pursuant to the civil practice law
3 and rules and shall in all respects be governed by that chapter and may
4 be enforced in the same manner and with the same effect as that provided
5 by law in respect to execution issued against property upon judgments of
6 a court of record. A judgment entered pursuant to this subdivision shall
7 remain in full force and effect for eight years notwithstanding any
8 other provision of law.

9 § 5. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law; provided that the amendments to subdivision
11 3 of section 17 of the alcoholic beverage control law made by section
12 three of this act shall be subject to the expiration and reversion of
13 such section pursuant to section 4 of chapter 118 of the laws of 2012,
14 as amended, when upon such date the provisions of section four of this
15 act shall take effect; and provided, further, that any and all rules and
16 regulations and any other measures necessary to implement any provision
17 of this act on its effective date may be promulgated and taken, respec-
18 tively, on or before the effective date of such provision.

19

PART T

20 Section 1. Section 2 of chapter 303 of the laws of 1988, relating to
21 the extension of the state commission on the restoration of the capitol,
22 as amended by chapter 207 of the laws of 2013, is amended to read as
23 follows:

24 § 2. The temporary state commission on the restoration of the capitol
25 is hereby renamed as the state commission on the restoration of the
26 capitol (hereinafter to be referred to as the "commission") and is here-
27 by continued until April 1, [2018] 2023. The commission shall consist
28 of eleven members to be appointed as follows: five members shall be
29 appointed by the governor; two members shall be appointed by the tempo-
30 rary president of the senate; two members shall be appointed by the
31 speaker of the assembly; one member shall be appointed by the minority
32 leader of the senate; one member shall be appointed by the minority
33 leader of the assembly, together with the commissioner of general
34 services and the commissioner of parks, recreation and historic preser-
35 vation. The term for each elected member shall be for three years,
36 except that of the first five members appointed by the governor, one
37 shall be for a one year term, and two shall be for a two year term, and
38 one of the first appointments by the president of the senate and by the
39 speaker of the assembly shall be for a two year term. Any vacancy that
40 occurs in the commission shall be filled in the same manner in which the
41 original appointment was made. The commission shall elect a chairman and
42 a vice-chairman from among its members. The members of the state
43 commission on the restoration of the capitol shall be deemed to be
44 members of the commission until their successors are appointed. The
45 members of the commission shall receive no compensation for their
46 services, but shall be reimbursed for their expenses actually and neces-
47 sarily incurred by them in the performance of their duties hereunder.

48 § 2. Section 9 of chapter 303 of the laws of 1988, relating to the
49 extension of the state commission on the restoration of the capitol, as
50 amended by chapter 207 of the laws of 2013, is amended to read as
51 follows:

52 § 9. This act shall take effect immediately, and shall remain in full
53 force and effect until April 1, [2018] 2023.



1 § 3. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2018; provided
3 that the amendments to section 2 of chapter 303 of the laws of 1988 made
4 by section one of this act shall not affect the expiration of such chap-
5 ter, and shall be deemed to expire therewith.

6

PART U

7 Section 1. The section heading and subdivision 1 of section 34 of the
8 public lands law, as amended by chapter 703 of the laws of 1994, are
9 amended to read as follows:

10 Transfer of unappropriated state lands for mental health, [mental
11 retardation] developmental disability, park, recreation, playground,
12 reforestation, public education, public safety, street [or], highway, or
13 other municipal purposes. 1. [Such] The commissioner of general services
14 may, from time to time, transfer and convey to a city, incorporated
15 village, town, or county or, as defined in section one hundred of the
16 general municipal law, to a political subdivision, fire company, or
17 voluntary ambulance service, in consideration of one dollar to be paid
18 to the state of New York, and on such terms and conditions as such
19 commissioner may impose, a part or all of any parcel or parcels of unap-
20 propriated state lands upon certification that such parcel or parcels
21 are useful for local mental health facilities, [mental retardation]
22 developmental disability facilities, park, recreation, playground,
23 reforestation, public education, public safety, street [or], highway, or
24 other municipal purposes, and that they will be properly improved and
25 maintained for one or more of such purposes and provided that this
26 disposition of such parcel or parcels is not otherwise prohibited.
27 Certification shall be evidenced by a formal request from the [board of
28 estimate,] common council, village board, town board [or], county board
29 of supervisors, or other elective governing board or body now or here-
30 after vested by state statute, charter or other law with jurisdiction to
31 initiate and adopt local laws or ordinances, or such board or body as
32 may be authorized by law to initiate such request and certification,
33 setting forth in detail the parcel or parcels to be released, trans-
34 ferred and conveyed and the availability and usefulness of such parcel
35 or parcels for one or more of such purposes. In the city of New York
36 however, certification shall be evidenced by a formal request from the
37 mayor. In the event that lands transferred under the provisions of this
38 section are not properly improved and maintained for one or more of the
39 purposes contemplated by this section by the city, village, town [or],
40 county, political subdivision, fire company, or voluntary ambulance
41 service to which they were transferred, the title thereto shall revert
42 to the people of the state of New York, and the attorney-general may
43 institute an action in the supreme court for a judgment declaring a
44 reversion of such title in the state. [Such] The commissioner may also
45 transfer any unappropriated state lands to the office of parks, recre-
46 ation and historic preservation or the department of environmental
47 conservation, upon the application of the commissioner thereof indicat-
48 ing that such unappropriated state lands are required for state park
49 purposes within the area of jurisdiction of such office or department.

50 § 2. This act shall take effect immediately.

51

PART V

1 Section 1. The state finance law is amended by adding a new section
2 99-bb to read as follows:

3 § 99-bb. Parking services fund. 1. Notwithstanding sections eight,
4 eight-a and seventy of this chapter or any other provision of law, rule,
5 regulation, or practice to the contrary, there is hereby established in
6 the joint custody of the state comptroller and the commissioner of taxa-
7 tion and finance a parking services fund, which shall be classified by
8 the state comptroller as an enterprise fund type, and which shall
9 consist of all moneys received from private entities and individuals as
10 fees for the use of state-owned parking lots and garages.

11 2. Moneys within the parking services fund shall be available to the
12 commissioner of general services for services and expenses of the office
13 relating to the direct maintenance and operation of state-owned parking
14 lots and garages.

15 § 2. The state finance law is amended by adding a new section 99-cc to
16 read as follows:

17 § 99-cc. Solid waste fund. 1. Notwithstanding sections eight, eight-a
18 and seventy of this chapter or any other provision of law, rule, regu-
19 lation, or practice to the contrary, there is hereby established in the
20 joint custody of the state comptroller and the commissioner of taxation
21 and finance a solid waste fund, which shall be classified by the state
22 comptroller as an enterprise fund type, and which shall consist of all
23 moneys received from private entities by the commissioner of general
24 services for the sale of recyclables.

25 2. Moneys within the solid waste fund shall be available to the
26 commissioner of general services for services and expenses of the office
27 relating to the collection, processing and sale of recycled materials.

28 § 3. The state finance law is amended by adding a new section 99-dd to
29 read as follows:

30 § 99-dd. Special events fund. 1. Notwithstanding sections eight,
31 eight-a and seventy of this chapter and any other provision of law,
32 rule, regulation, or practice to the contrary, there is hereby estab-
33 lished in the joint custody of the state comptroller and the commission-
34 er of taxation and finance a special events fund, which shall be classi-
35 fied by the state comptroller as an enterprise fund type, and which
36 shall consist of all moneys received from private entities and individ-
37 uals as fees for the use of physical space at state-owned facilities,
38 including, but not limited to, the Empire State Plaza and Harriman
39 Campus, and any other miscellaneous fees associated with the use of such
40 physical space at such state-owned facilities by private entities and
41 individuals.

42 2. Moneys within the special events fund shall be available to the
43 commissioner of general services for services and expenses of the office
44 relating to the use of state-owned facilities by private entities and
45 individuals.

46 § 4. This act shall take effect April 1, 2018.

47 PART W

48 Section 1. The civil service law is amended by adding a new section 66
49 to read as follows:

50 § 66. Term appointments in information technology. 1. The department
51 may authorize a term appointment without examination to a temporary
52 position requiring special expertise or qualifications in information
53 technology within the office of information technology services. Such
54 appointments shall be authorized only in a case where the office of

1 information technology services certifies to the department that because
2 of the type of services to be rendered, or the temporary or occasional
3 character of such services, it would not be practicable to hold an exam-
4 ination of any kind. Such certification shall be a public document
5 pursuant to the public officers law and shall identify the special
6 expertise or qualifications that are required and why they cannot be
7 obtained through an appointment from an eligible list. The department
8 shall review the certification to confirm that the special expertise or
9 qualifications identified by the office of information technology
10 services cannot be obtained through an appointment from an eligible
11 list. The maximum period for such initial term appointment established
12 pursuant to this subdivision shall not exceed sixty months and, other
13 than as set forth in subdivision two of this section, shall not be
14 extended, and the maximum number of such appointments shall not exceed
15 three hundred. The department shall not approve any temporary positions
16 which are not certified by the office of information technology services
17 to the department in accordance with this section within five years of
18 the date when this section shall have become a law.

19 2. At least fifteen days prior to making a term appointment pursuant
20 to this section, the appointing authority shall publicly and conspicu-
21 ously post information about the temporary position and the required
22 qualifications and shall allow any qualified employee to apply for the
23 position. In the event that a permanent competitive employee is quali-
24 fied for the posted position, the appointment of such employee shall
25 take precedence over the appointment of any term position pursuant to
26 this section. An employee appointed pursuant to this section who has
27 completed two years of continuous service under this section shall be
28 eligible to compete in promotional examinations that are also open to
29 other employees who have permanent civil service appoints and appropri-
30 ate qualifications. In the event that the department fails to certify a
31 promotional list for an examination in which the appointee has competed
32 within the initially sixty month term appointment, such appointment may
33 be extended by the department, upon certification of the appointing
34 authority, for periods of up to thirty-six months until such time as a
35 promotional list resulting from the examination in which the employee
36 completed, is certified.

37 3. A temporary position established pursuant to this section may be
38 abolished for reason of economy, consolidation or abolition of func-
39 tions, curtailment of activities or otherwise. Upon such abolition or at
40 the end of the term of the appointment, the provisions of sections
41 seventy-eight, seventy-nine, eighty and eighty-one of this chapter shall
42 not apply. In the event of a reduction of workforce pursuant to section
43 eighty of this chapter affecting information technology positions, the
44 term appointments pursuant to this section shall be abolished prior to
45 the abolition of permanent competitive class information technology
46 positions at such agency involving comparable skills and responsibil-
47 ities.

48 § 2. Notwithstanding any provision of law to the contrary, the depart-
49 ment of civil service may authorize appointment of term appointees to
50 competitive titles in a manner approved by such department.

51 § 3. This act shall take effect immediately and shall expire and be
52 deemed repealed June 30, 2023; provided, however, that any person
53 appointed prior to that date may continue to be employed for a period
54 not to exceed sixty months from the date of appointment.

1 Section 1. The state finance law is amended by adding a new section
2 5-a to read as follows:

3 § 5-a. New York state secure choice savings program. 1. There is here-
4 by established the New York state secure choice savings program to be
5 administered by the deferred compensation board. The general adminis-
6 tration and responsibility for the operation of the New York state
7 secure choice savings program shall be administered by the New York
8 state deferred compensation board for the purpose of promoting greater
9 retirement savings for private-sector employees in a convenient, low-
10 cost, and portable manner.

11 2. All terms shall have the same meaning as when used in a comparable
12 context in the internal revenue code. As used in this section, the
13 following terms shall have the following meanings:

14 a. "Board" shall mean the New York state deferred compensation board.

15 b. "Superintendent" shall mean the superintendent of the department of
16 financial services.

17 c. "Comptroller" shall mean the comptroller of the state.

18 d. "Employee" shall mean any individual who is eighteen years of age
19 or older, who is employed by an employer, and who earned wages working
20 for an employer in New York state during a calendar year.

21 e. "Employer" shall mean a person or entity engaged in a business,
22 industry, profession, trade, or other enterprise in New York state,
23 whether for profit or not for profit, that has not offered a qualified
24 retirement plan, including, but not limited to, a plan qualified under
25 sections 401(a), 401(k), 403(a), 403(b), 408(k), 408(p) or 457(b) of the
26 internal revenue code of 1986 in the preceding two years.

27 f. "Enrollee" shall mean any employee who is enrolled in the program.

28 g. "Fund" shall mean the New York state secure choice savings program
29 fund.

30 h. "Internal revenue code" shall mean the internal revenue code of
31 1986, or any successor law, in effect for the calendar year.

32 i. "IRA" shall mean a Roth IRA (individual retirement account).

33 j. "Participating employer" shall mean an employer that provides a
34 payroll deposit retirement savings arrangement as provided for by this
35 article for its employees who are enrollees in the program.

36 k. "Payroll deposit retirement savings arrangement" shall mean an
37 arrangement by which a participating employer allows enrollees to remit
38 payroll deduction contributions to the program.

39 l. "Program" shall mean the New York state secure choice savings
40 program.

41 m. "Wages" shall mean any compensation within the meaning of section
42 219(f)(1) of the internal revenue code that is received by an enrollee
43 from a participating employer during the calendar year.

44 3. The board, the individual members of the board, and any other
45 agents appointed or engaged by the board, and all persons serving as
46 program staff shall discharge their duties with respect to the program
47 solely in the interest of the program's enrollees and beneficiaries as
48 follows:

49 a. for the exclusive purposes of providing benefits to enrollees and
50 beneficiaries and defraying reasonable expenses of administering the
51 program;

52 b. by investing with the care, skill, prudence, and diligence under
53 the prevailing circumstances that a prudent person acting in a like
54 capacity and familiar with those matters would use in the conduct of an
55 enterprise of a like character and with like aims; and

1 c. by using any contributions paid by employees and employers remit-
2 ting employee contributions into the fund exclusively for the purpose of
3 paying benefits to the enrollees of the program, for the cost of admin-
4 istration of the program, and for investments made for the benefit of
5 the program.

6 4. In addition to the other duties and responsibilities stated in this
7 article, the board shall:

8 a. Cause the program to be designed, established and operated in a
9 manner that:

10 (i) accords with best practices for retirement savings vehicles;

11 (ii) maximizes participation, savings, and sound investment practices
12 including considering the use of automatic enrollment as allowed under
13 federal law;

14 (iii) maximizes simplicity, including ease of administration for
15 participating employers and enrollees;

16 (iv) provides an efficient product to enrollees by pooling investment
17 funds;

18 (v) ensures the portability of benefits; and

19 (vi) provides for the deaccumulation of enrollee assets in a manner
20 that maximizes financial security in retirement.

21 b. Appoint a trustee to the fund in compliance with section 408 of the
22 internal revenue code.

23 c. Explore and establish investment options, subject to this article,
24 that offer enrollees returns on contributions and the conversion of
25 individual retirement savings account balances to secure retirement
26 income without incurring debt or liabilities to the state.

27 d. Establish the process by which interest, investment earnings, and
28 investment losses are allocated to individual program accounts on a pro
29 rata basis and are computed at the interest rate on the balance of an
30 individual's account.

31 e. Make and enter into contracts necessary for the administration of
32 the program and fund, including, but not limited to, retaining and
33 contracting with investment managers, private financial institutions,
34 other financial and service providers, consultants, actuaries, counsel,
35 auditors, third-party administrators, and other professionals as neces-
36 sary.

37 f. Conduct a review of the performance of any investment vendors every
38 four years, including, but not limited to, a review of returns, fees,
39 and customer service. A copy of reviews shall be posted to the board's
40 internet website.

41 g. Determine the number and duties of staff members needed to adminis-
42 ter the program and assemble such staff, including, appointing a program
43 administrator.

44 h. Cause moneys in the fund to be held and invested as pooled invest-
45 ments described in this article, with a view to achieving cost savings
46 through efficiencies and economies of scale.

47 i. Evaluate and establish the process by which an enrollee is able to
48 contribute a portion of his or her wages to the program for automatic
49 deposit of those contributions and the process by which a participating
50 employer provides a payroll deposit retirement savings arrangement to
51 forward those contributions and related information to the program,
52 including, but not limited to, contracting with financial service compa-
53 nies and third-party administrators with the capability to receive and
54 process employee information and contributions for payroll deposit
55 retirement savings arrangements or similar arrangements.



1 j. Design and establish the process for enrollment including the proc-
2 ess by which an employee can opt to not participate in the program,
3 select a contribution level, select an investment option, and terminate
4 participation in the program.

5 k. Evaluate and establish the process by which an employee may volun-
6 tarily enroll in and make contributions to the program.

7 l. Accept any grants, appropriations, or other moneys from the state,
8 any unit of federal, state, or local government, or any other person,
9 firm, partnership, or corporation solely for deposit into the fund,
10 whether for investment or administrative purposes.

11 m. Evaluate the need for, and procure as needed, insurance against any
12 and all loss in connection with the property, assets, or activities of
13 the program, and indemnify as needed each member of the board from
14 personal loss or liability resulting from a member's action or inaction
15 as a member of the board.

16 n. Make provisions for the payment of administrative costs and
17 expenses for the creation, management, and operation of the program.
18 Subject to appropriation, the state may pay administrative costs associ-
19 ated with the creation and management of the program until sufficient
20 assets are available in the fund for that purpose. Thereafter, all costs
21 of the fund, including repayment of any start-up funds provided by the
22 state, shall be paid only out of moneys on deposit therein. However,
23 private funds or federal funding received in order to implement the
24 program until the fund is self-sustaining shall not be repaid unless
25 those funds were offered contingent upon the promise of repayment. The
26 board shall keep annual administrative expenses as low as possible, but
27 in no event shall they exceed 0.75% of the total trust balance.

28 o. Allocate administrative fees to individual retirement accounts in
29 the program on a pro rata basis.

30 p. Set minimum and maximum contribution levels in accordance with
31 limits established for IRAs by the internal revenue code.

32 q. Facilitate education and outreach to employers and employees.

33 r. Facilitate compliance by the program with all applicable require-
34 ments for the program under the internal revenue code, including tax
35 qualification requirements or any other applicable law and accounting
36 requirements.

37 s. Carry out the duties and obligations of the program in an effec-
38 tive, efficient, and low-cost manner.

39 t. Exercise any and all other powers reasonably necessary for the
40 effectuation of the purposes, objectives, and provisions of this article
41 pertaining to the program.

42 u. Deposit into the New York state secure choice administrative fund
43 all grants, gifts, donations, fees, and earnings from investments from
44 the New York state secure choice savings program fund that are used to
45 recover administrative costs. All expenses of the board shall be paid
46 from the New York state secure choice administrative fund.

47 v. Determine withdrawal provisions, such as economic hardships, porta-
48 bility and leakage.

49 w. Determine employee rights and enforcement of penalties.

50 5. The board shall annually prepare and adopt a written statement of
51 investment policy that includes a risk management and oversight program.
52 This investment policy shall prohibit the board, program, and fund from
53 borrowing for investment purposes. The risk management and oversight
54 program shall be designed to ensure that an effective risk management
55 system is in place to monitor the risk levels of the program and fund
56 portfolio, to ensure that the risks taken are prudent and properly

1 managed, to provide an integrated process for overall risk management,
2 and to assess investment returns as well as risk to determine if the
3 risks taken are adequately compensated compared to applicable perform-
4 ance benchmarks and standards. The board shall consider the statement of
5 investment policy and any changes in the investment policy at a public
6 hearing.

7 6. a. The board shall engage, after an open bid process, an investment
8 manager or managers to invest the fund and any other assets of the
9 program. Moneys in the fund may be invested or reinvested by the comp-
10 troller or may be invested in whole or in part. In selecting the invest-
11 ment manager or managers, the board shall take into consideration and
12 give weight to the investment manager's fees and charges in order to
13 reduce the program's administrative expenses.

14 b. The investment manager or managers shall comply with any and all
15 applicable federal and state laws, rules, and regulations, as well as
16 any and all rules, policies, and guidelines promulgated by the board
17 with respect to the program and the investment of the fund, including,
18 but not limited to, the investment policy.

19 c. The investment manager or managers shall provide such reports as
20 the board deems necessary for the board to oversee each investment
21 manager's performance and the performance of the fund.

22 7. a. The board shall establish as an investment option a life-cycle
23 fund with a target date based upon the age of the enrollee. This shall
24 be the default investment option for enrollees who fail to elect an
25 investment option unless and until the board designates by rule a new
26 investment option as the default.

27 b. The board may also establish any or all of the following additional
28 investment options:

29 (i) a conservative principal protection fund;

30 (ii) a growth fund;

31 (iii) a secure return fund whose primary objective is the preservation
32 of the safety of principal and the provision of a stable and low-risk
33 rate of return; if the board elects to establish a secure return fund,
34 the board may procure any insurance, annuity, or other product to insure
35 the value of enrollees' accounts and guarantee a rate of return; the
36 cost of such funding mechanism shall be paid out of the fund; under no
37 circumstances shall the board, program, fund, the state, or any partic-
38 ipating employer assume any liability for investment or actuarial risk;
39 the board shall determine whether to establish such investment options
40 based upon an analysis of their cost, risk profile, benefit level,
41 feasibility, and ease of implementation; or

42 (iv) an annuity fund.

43 c. If the board elects to establish a secure return fund, the board
44 shall then determine whether such option shall replace the life-cycle
45 fund as the default investment option for enrollees who do not elect an
46 investment option. In making such determination, the board shall consid-
47 er the cost, risk profile, benefit level, and ease of enrollment in the
48 secure return fund. The board may at any time thereafter revisit this
49 question and, based upon an analysis of these criteria, establish either
50 the secure return fund or the life-cycle fund as the default for enrol-
51 lees who do not elect an investment option.

52 8. Interest, investment earnings, and investment losses shall be allo-
53 cated to individual program accounts as established by the board pursu-
54 ant to this article. An individual's retirement savings benefit under
55 the program shall be an amount equal to the balance in the individual's
56 program account on the date the retirement savings benefit becomes paya-



1 ble. The state shall have no liability for the payment of any benefit to
2 any enrollee in the program.

3 9. a. Prior to the opening of the program for enrollment, the board
4 shall design and disseminate to all employers an employer information
5 packet and an employee information packet, which shall include back-
6 ground information on the program, appropriate disclosures for employ-
7 ees, and information regarding the vendor internet website described.

8 b. The board shall provide for the contents of both the employee
9 information packet and the employer information packet. The employee
10 information packet shall be made available in English, Spanish, Haitian
11 Creole, Chinese, Korean, Russian, Arabic, and any other language the
12 comptroller deems necessary.

13 c. The employee information packet shall include a disclosure form.
14 The disclosure form shall explain, but not be limited to, all of the
15 following:

16 (i) the benefits and risks associated with making contributions to the
17 program;

18 (ii) the mechanics of how to make contributions to the program;

19 (iii) how to opt out of the program;

20 (iv) how to participate in the program with a level of employee
21 contributions other than three percent;

22 (v) that they are not required to participate or contribute more than
23 three percent;

24 (vi) that they can opt out after they have enrolled;

25 (vii) the process for withdrawal of retirement savings;

26 (viii) the process for selecting beneficiaries of their retirement
27 savings;

28 (ix) how to obtain additional information about the program;

29 (x) that employees seeking financial advice should contact financial
30 advisors, that participating employers are not in a position to provide
31 financial advice, and that participating employers are not liable for
32 decisions employees make pursuant to this article;

33 (xi) information on how to access any financial literacy programs
34 implemented by the comptroller;

35 (xii) that the program is not an employer-sponsored retirement plan;
36 and

37 (xiii) that the program fund is not guaranteed by the state.

38 d. The employee information packet shall also include a form for an
39 employee to note his or her decision to opt out of participation in the
40 program or elect to participate with a level of employee contributions
41 other than three percent.

42 e. Participating employers shall supply the employee information pack-
43 et to existing employees at least one month prior to the participating
44 employers' launch of the program. Participating employers shall supply
45 the employee information packet to new employees at the time of hiring,
46 and new employees may opt out of participation in the program or elect
47 to participate with a level of employee contributions other than three
48 percent at that time.

49 10. Except as otherwise provided in this article, the program shall be
50 implemented, and enrollment of employees shall begin, within twenty-four
51 months after the effective date of this section. The provisions of this
52 section shall be in force after the board opens the program for enroll-
53 ment.

54 a. Each participating employer may establish a payroll deposit retire-
55 ment savings arrangement to allow each employee to participate in the

1 program and begin employee enrollment at most nine months after the
2 board opens the program for enrollment.

3 b. Enrollees shall have the ability to select a contribution level
4 into the fund. This level may be expressed as a percentage of wages or
5 as a dollar amount up to the deductible amount for the enrollee's taxa-
6 ble year under section 219(b)(1)(A) of the internal revenue code. Enrol-
7 lees may change their contribution level at any time, subject to rules
8 promulgated by the board. If an enrollee fails to select a contribution
9 level using the form described in this article, then he or she shall
10 contribute three percent of his or her wages to the program, provided
11 that such contributions shall not cause the enrollee's total contrib-
12 utions to IRAs for the year to exceed the deductible amount for the
13 enrollee's taxable year under section 219(b)(1)(A) of the internal
14 revenue code. Notwithstanding any other provision of law, any partic-
15 ipating enrollee, whose employer fails to make employee deductions in
16 accordance with the provisions of section one hundred ninety-three of
17 the labor law, may bring an action, pursuant to section one hundred
18 ninety-eight of the labor law, to recover such monies. Further, any
19 participating employer, who fails to make employee deductions in accord-
20 ance with the provisions of section one hundred ninety-three of the
21 labor law, shall be subject to the penalties and fines provided for in
22 section one hundred ninety-eight-a of the labor law.

23 c. Enrollees may select an investment option from the permitted
24 investment options listed in this article. Enrollees may change their
25 investment option at any time, subject to rules promulgated by the
26 board. In the event that an enrollee fails to select an investment
27 option, that enrollee shall be placed in the investment option selected
28 by the board as the default under this article. If the board has not
29 selected a default investment option under this article, then an enrol-
30 lee who fails to select an investment option shall be placed in the
31 life-cycle fund investment option.

32 d. Following initial implementation of the program pursuant to this
33 section, at least once every year, participating employers shall desig-
34 nate an open enrollment period during which employees who previously
35 opted out of the program may enroll in the program.

36 e. An employee who opts out of the program who subsequently wants to
37 participate through the participating employer's payroll deposit retire-
38 ment savings arrangement may only enroll during the participating
39 employer's designated open enrollment period or if permitted by the
40 participating employer at an earlier time.

41 f. Employers shall retain the option at all times to set up any type
42 of employer-sponsored retirement plan instead of having a payroll depos-
43 it retirement savings arrangement to allow employee participation in the
44 program.

45 g. An enrollee may terminate his or her participation in the program
46 at any time in a manner prescribed by the board.

47 h. The board shall, in conjunction with the office of the state comp-
48 troller, establish and maintain a secure website wherein enrollees may
49 log in and acquire information regarding contributions and investment
50 income allocated to, withdrawals from, and balances in their program
51 accounts for the reporting period. Such website must also include infor-
52 mation for the enrollees regarding other options available to the
53 employee and how they can transfer their accounts to other programs
54 should they wish to do so. Such website may include any other informa-
55 tion regarding the program as the board may determine.

1 11. Employee contributions deducted by the participating employer
2 through payroll deduction shall be paid by the participating employer to
3 the fund using one or more payroll deposit retirement savings arrange-
4 ments established by the board under this article, either:

5 a. on or before the last day of the month following the month in which
6 the compensation otherwise would have been payable to the employee in
7 cash; or

8 b. before such later deadline prescribed by the board for making such
9 payments, but not later than the due date for the deposit of tax
10 required to be deducted and withheld relating to collection of income
11 tax at source on wages or for the deposit of tax required to be paid
12 under the unemployment insurance system for the payroll period to which
13 such payments relate.

14 12. a. The state shall have no duty or liability to any party for the
15 payment of any retirement savings benefits accrued by any enrollee under
16 the program. Any financial liability for the payment of retirement
17 savings benefits in excess of funds available under the program shall be
18 borne solely by the entities with whom the board contracts to provide
19 insurance to protect the value of the program.

20 b. No state board, commission, or agency, or any officer, employee, or
21 member thereof is liable for any loss or deficiency resulting from
22 investments selected under this article, except for any liability that
23 arises out of a breach of fiduciary duty.

24 13. a. Participating employers shall not have any liability for an
25 employee's decision to participate in, or opt out of, the program or for
26 the investment decisions of the board or of any enrollee.

27 b. A participating employer shall not be a fiduciary, or considered to
28 be a fiduciary, over the program. A participating employer shall not
29 bear responsibility for the administration, investment, or investment
30 performance of the program. A participating employer shall not be liable
31 with regard to investment returns, program design, and benefits paid to
32 program participants.

33 14. a. The board shall annually submit: (i) an audited financial
34 report, prepared in accordance with generally accepted accounting prin-
35 ciples, on the operations of the program during each calendar year by
36 July first of the following year to the governor, the comptroller, the
37 superintendent and the senate and assembly; and (ii) a report prepared
38 by the board, which shall include, but is not limited to, a summary of
39 the benefits provided by the program, including the number of enrollees
40 in the program, the percentage and amounts of investment options and
41 rates of return, and such other information that is relevant to make a
42 full, fair, and effective disclosure of the operations of the program
43 and the fund. The annual audit shall be made by an independent certified
44 public accountant and shall include, but is not limited to, direct and
45 indirect costs attributable to the use of outside consultants, independ-
46 ent contractors, and any other persons who are not state employees for
47 the administration of the program.

48 b. In addition to any other statements or reports required by law, the
49 board shall provide periodic reports at least annually to enrollees
50 reporting contributions and investment income allocated to, withdrawals
51 from, and balances in their program accounts for the reporting period.
52 Such reports may include any other information regarding the program as
53 the board may determine.

54 15. If the board does not obtain adequate funds to implement the
55 program within the timeframe set forth under this article and is subject
56 to appropriation, the board may delay the implementation of the program.

1 § 2. The state finance law is amended by adding two new sections 99-bb
2 and 99-cc to read as follows:

3 § 99-bb. New York state secure choice savings program fund. a. There
4 is hereby established within the joint custody of the commissioner of
5 taxation and finance and the state comptroller, in consultation with the
6 New York state deferred compensation board, a fund to be known as the
7 New York state secure choice savings program fund.

8 b. The fund shall include the individual retirement accounts of enrol-
9 lees, which shall be accounted for as individual accounts.

10 c. Moneys in the fund shall consist of moneys received from enrollees
11 and participating employers pursuant to automatic payroll deductions and
12 contributions to savings made under the New York state secure choice
13 savings program pursuant to section five-a of this chapter.

14 d. The fund shall be operated in a manner determined by the New York
15 state deferred compensation board, provided that the fund is operated so
16 that the accounts of enrollees established under the program meet the
17 requirements for IRAs under the internal revenue code.

18 e. The amounts deposited in the fund shall not constitute property of
19 the state and the fund shall not be construed to be a department, insti-
20 tution, or agency of the state. Amounts on deposit in the fund shall not
21 be commingled with state funds and the state shall have no claim to or
22 against, or interest in, such funds.

23 § 99-cc. New York state secure choice administrative fund. a. There is
24 hereby established within the joint custody of the commissioner of taxa-
25 tion and finance and the state comptroller, in consultation with the New
26 York state deferred compensation board, a fund to be known as the New
27 York state secure choice administrative fund.

28 b. The New York state deferred compensation board shall use moneys in
29 such fund to pay for administrative expenses it incurs in the perform-
30 ance of its duties under the New York state secure choice savings
31 program pursuant to section five-a of this chapter.

32 c. The New York state deferred compensation board shall use moneys in
33 such fund to cover start-up administrative expenses it incurs in the
34 performance of its duties under section five-a of this chapter.

35 d. Such fund may receive any grants or other moneys designated for
36 administrative purposes from the state, or any unit of federal or local
37 government, or any other person, firm, partnership, or corporation. Any
38 interest earnings that are attributable to moneys in such fund must be
39 deposited into the such fund.

40 § 3. This act shall take effect immediately.

41

PART Y

42 Section 1. Subdivision 2 of section 87 of the workers' compensation
43 law, as added by section 20 of part GG of chapter 57 of the laws of
44 2013, is amended to read as follows:

45 2. Any of the surplus funds belonging to the state insurance fund, by
46 order of the commissioners, approved by the superintendent of financial
47 services, may be invested (1) in the types of securities described in
48 subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a,
49 thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a,
50 twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five
51 of section two hundred thirty-five of the banking law, or (2) in the
52 types of obligations described in paragraph two of subsection (a) of
53 section one thousand four hundred four of the insurance law except that
54 up to twenty-five percent of surplus funds may be invested in obli-

1 gations rated investment grade by a nationally recognized securities
2 rating organization, or[,] (3) up to fifty percent of surplus funds, in
3 the types of securities or investments described in paragraphs [two,]
4 three, eight and ten of subsection (a) of section one thousand four
5 hundred four of the insurance law, except that [up to ten percent of
6 surplus funds may be invested] investments in [the securities of any
7 solvent American institution as described in such paragraphs] diversi-
8 fied index funds and accounts may be made irrespective of the rating [of
9 such institution's obligations] or other similar qualitative standards
10 [described therein, and] applicable under such paragraphs, or (4) up to
11 ten percent of surplus funds, in the types of securities or investments
12 described in paragraphs two, three and ten of subsection (a) of section
13 one thousand four hundred four of the insurance law irrespective of the
14 rating of such institution's obligations or other similar qualitative
15 standard, or (5) up to fifteen percent of surplus funds in securities or
16 investments which do not otherwise qualify for investment under this
17 section as shall be made with the care, prudence and diligence under the
18 circumstances then prevailing that a prudent person acting in a like
19 capacity and familiar with such matters would use in the conduct of an
20 enterprise of a like character and with like aims as provided for the
21 state insurance fund under this article, but shall not include any
22 direct derivative instrument or derivative transaction except for hedg-
23 ing purposes. Notwithstanding any other provision in this subdivision,
24 the aggregate amount that the state insurance fund may invest in the
25 types of securities or investments described in paragraphs three, eight
26 and ten of subsection (a) of section one thousand four hundred four of
27 the insurance law and as a prudent person acting in a like capacity
28 would invest as provided in this subdivision shall not exceed fifty
29 percent of such surplus funds. For the purposes of this subdivision, any
30 funds appropriated pursuant to the provisions of subdivision one or two
31 of section eighty-seven-f of this article shall not be considered
32 surplus funds.

33 § 2. This act shall take effect immediately.

34

PART Z

35 Section 1. Section 167-a of the civil service law, as amended by
36 section 1 of part I of chapter 55 of the laws of 2012, is amended to
37 read as follows:

38 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
39 from the coverage of the health benefit plan of supplementary medical
40 insurance benefits for which an active or retired employee or a depend-
41 ent covered by the health benefit plan is or would be eligible under the
42 federal old-age, survivors and disability insurance program, an amount
43 equal to the standard medicare premium charge for such supplementary
44 medical insurance benefits for such active or retired employee and his
45 or her dependents, if any, shall be paid monthly or at other intervals
46 to such active or retired employee from the health insurance fund;
47 provided, however, such payment for the standard medicare premium charge
48 shall not exceed one hundred thirty-four dollars per month. Where
49 appropriate, such standard medicare premium amount may be deducted from
50 contributions payable by the employee or retired employee; or where
51 appropriate in the case of a retired employee receiving a retirement
52 allowance, such standard medicare premium amount may be included with
53 payments of his or her retirement allowance. All state employer, employ-
54 ee, retired employee and dependent contributions to the health insurance

1 fund, including contributions from public authorities, public benefit
2 corporations or other quasi-public organizations of the state eligible
3 for participation in the health benefit plan as authorized by subdivi-
4 sion two of section one hundred sixty-three of this article, shall be
5 adjusted as necessary to cover the cost of reimbursing federal old-age,
6 survivors and disability insurance program premium charges under this
7 section. This cost shall be included in the calculation of premium or
8 subscription charges for health coverage provided to employees and
9 retired employees of the state, public authorities, public benefit
10 corporations or other quasi-public organizations of the state; provided,
11 however, the state, public authorities, public benefit corporations or
12 other quasi-public organizations of the state shall remain obligated to
13 pay no less than its share of such increased cost consistent with its
14 share of premium or subscription charges provided for by this article.
15 All other employer contributions to the health insurance fund shall be
16 adjusted as necessary to provide for such payments.

17 § 2. This act shall take effect immediately and shall apply to the
18 standard medicare premium amount on and after April 1, 2018.

19

PART AA

20 Section 1. Section 167-a of the civil service law, as amended by
21 section 1 of part I of chapter 55 of the laws of 2012, is amended to
22 read as follows:

23 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
24 from the coverage of the health benefit plan of supplementary medical
25 insurance benefits for which an active or retired employee or a depend-
26 ent covered by the health benefit plan is or would be eligible under the
27 federal old-age, survivors and disability insurance program, an amount
28 equal to the standard medicare premium charge for such supplementary
29 medical insurance benefits for such active or retired employee and his
30 or her dependents, if any, shall be paid monthly or at other intervals
31 to such active or retired employee from the health insurance fund.
32 Furthermore, effective January first, two thousand nineteen there shall
33 be no payment whatsoever for the income related monthly adjustment
34 amount for amounts (premiums) incurred on or after January first, two
35 thousand eighteen to any active or retired employee and his or her
36 dependents, if any. Where appropriate, such standard medicare premium
37 amount may be deducted from contributions payable by the employee or
38 retired employee; or where appropriate in the case of a retired employee
39 receiving a retirement allowance, such standard medicare premium amount
40 may be included with payments of his or her retirement allowance. All
41 state employer, employee, retired employee and dependent contributions
42 to the health insurance fund, including contributions from public
43 authorities, public benefit corporations or other quasi-public organiza-
44 tions of the state eligible for participation in the health benefit plan
45 as authorized by subdivision two of section one hundred sixty-three of
46 this article, shall be adjusted as necessary to cover the cost of reim-
47 bursing federal old-age, survivors and disability insurance program
48 premium charges under this section. This cost shall be included in the
49 calculation of premium or subscription charges for health coverage
50 provided to employees and retired employees of the state, public author-
51 ities, public benefit corporations or other quasi-public organizations
52 of the state; provided, however, the state, public authorities, public
53 benefit corporations or other quasi-public organizations of the state
54 shall remain obligated to pay no less than its share of such increased



1 cost consistent with its share of premium or subscription charges
2 provided for by this article. All other employer contributions to the
3 health insurance fund shall be adjusted as necessary to provide for such
4 payments.

5 § 2. This act shall take effect immediately and shall apply on January
6 1, 2018 for the income related monthly adjustment amount for amounts,
7 premiums, incurred on or after January 1, 2018.

8

PART BB

9 Section 1. Section 5004 of the civil practice law and rules, as
10 amended by chapter 258 of the laws of 1981, is amended to read as
11 follows:

12 § 5004. Rate of interest. [Interest shall be at the rate of nine per
13 centum per annum, except where otherwise provided by statute.] Notwith-
14 standing any other provision of law or regulation to the contrary,
15 including any law or regulation that limits the annual rate of interest
16 to be paid on a judgment or accrued claim, the annual rate of interest
17 to be paid on a judgment or accrued claim shall be calculated at the
18 one-year United States treasury bill rate. For the purposes of this
19 section, the "one-year United States treasury bill rate" means the week-
20 ly average one-year constant maturity treasury yield, as published by
21 the board of governors of the federal reserve system, for the calendar
22 week preceding the date of the entry of the judgment awarding damages.

23 § 2. This act shall take effect immediately, and shall be deemed to
24 have been in full force and effect on and after April 1, 2018.

25

PART CC

26 Section 1. Paragraph p of subdivision 10 of section 54 of the state
27 finance law, as amended by section 2 of part K of chapter 57 of the laws
28 of 2011 and subparagraph (ii) as amended by chapter 30 of the laws of
29 2013, is amended to read as follows:

30 p. Citizen empowerment tax credit. (i) For the purposes of this para-
31 graph, "municipalities" shall mean cities with a population less than
32 one million, towns and villages incorporated on or before December thir-
33 ty-first, two thousand seventeen.

34 (ii) Within the annual amounts appropriated therefor, surviving muni-
35 cipalities following a consolidation or dissolution occurring on or
36 after the state fiscal year commencing April first, two thousand seven,
37 and any new coterminous town-village established after July first, two
38 thousand twelve that operates principally as a town or as a village but
39 not as both a town and a village, shall be awarded additional annual
40 aid, starting in the state fiscal year following the state fiscal year
41 in which such reorganization took effect, equal to fifteen percent of
42 the combined amount of real property taxes levied by all of the munici-
43 palities participating in the reorganization in the local fiscal year
44 prior to the local fiscal year in which such reorganization took effect.
45 In instances of the dissolution of a village located in more than one
46 town, such additional aid shall equal the sum of fifteen percent of the
47 real property taxes levied by such village in the village fiscal year
48 prior to the village fiscal year in which such dissolution took effect
49 plus fifteen percent of the average amount of real property taxes levied
50 by the towns in which the village was located in the town fiscal year
51 prior to the town fiscal year in which such dissolution took effect, and
52 shall be divided among such towns based on the percentage of such



1 village's population that resided in each such town as of the most
2 recent federal decennial census. In no case shall the additional annual
3 aid pursuant to this paragraph exceed one million dollars. For villages
4 in which a majority of the electors voting at a referendum on a proposed
5 dissolution pursuant to section seven hundred eighty of the general
6 municipal law vote in favor of dissolution after December thirty-first,
7 two thousand seventeen, in no case shall the additional annual aid
8 pursuant to this paragraph exceed the lesser of one million dollars or
9 the amount of real property taxes levied by such village in the village
10 fiscal year prior to the village fiscal year in which such dissolution
11 took effect. Such additional annual aid shall be apportioned and paid to
12 the chief fiscal officer of each eligible municipality on or before
13 September twenty-fifth of each such state fiscal year on audit and
14 warrant of the state comptroller out of moneys appropriated by the
15 legislature for such purpose to the credit of the local assistance fund.

16 (iii) Any municipality receiving a citizen empowerment tax credit
17 pursuant to this paragraph shall use at least seventy percent of such
18 aid for property tax relief and the balance of such aid for general
19 municipal purposes. For each local fiscal year following the effective
20 date of the chapter of the laws of two thousand eleven which amended
21 this paragraph in which such aid is payable, a statement shall be placed
22 on each property tax bill for such municipality in substantially the
23 following form: "Your property tax savings this year resulting from the
24 State Citizen Empowerment Tax Credit received as the result of local
25 government re-organization is \$_____." The property tax savings from
26 the citizen empowerment tax credit for each property tax bill shall be
27 calculated by (1) multiplying the amount of the citizen empowerment tax
28 credit used for property tax relief by the amount of property taxes
29 levied on such property by such municipality and (2) dividing the result
30 by the total amount of property taxes levied by such municipality.

31 § 2. This act shall take effect immediately.

32 PART DD

33 Section 1. This part enacts into law components of legislation relat-
34 ing to local government shared services. Each component is wholly
35 contained within a Subpart identified as Subparts A through B. The
36 effective date for each particular provision contained within such
37 Subpart is set forth in the last section of such Subpart. Any provision
38 in any section contained within a Subpart, including the effective date
39 of the Subpart, which makes a reference to a section "of this act", when
40 used in connection with that particular component, shall be deemed to
41 mean and refer to the corresponding section of the Subpart in which it
42 is found. Section three of this Part sets forth the general effective
43 date of this Part.

44 SUBPART A

45 Section 1. Section 106-b of the uniform justice court act, as added by
46 chapter 87 of the laws of 2008, is amended to read as follows:

47 § 106-b. Election of [a single] one or more town [justice] justices for
48 two or more adjacent towns.

49 1. Two or more adjacent towns within the same county, acting by and
50 through their town boards, are authorized to jointly undertake a study
51 relating to the election of [a single] one or more town [justice]
52 justices who shall preside in the town courts of each such town. Such

1 study shall be commenced upon and conducted pursuant to a joint resol-
2 ution adopted by the town board of each such adjacent town. Such joint
3 resolution or a certified copy thereof shall upon adoption be filed in
4 the office of the town clerk of each adjacent town which adopts the
5 resolution. No study authorized by this subdivision shall be commenced
6 until the joint resolution providing for the study shall have been filed
7 with the town clerks of at least two adjacent towns which adopted such
8 joint resolution.

9 2. Within thirty days after the conclusion of a study conducted pursu-
10 ant to subdivision one of this section, each town which shall have
11 adopted the joint resolution providing for the study shall publish, in
12 its official newspaper or, if there be no official newspaper, in a news-
13 paper published in the county and having a general circulation within
14 such town, notice that the study has been concluded and the time, date
15 and place of the town public hearing on such study. Each town shall
16 conduct a public hearing on the study, conducted pursuant to subdivision
17 one of this section, not less than twenty days nor more than thirty days
18 after publication of the notice of such public hearing.

19 3. The town board of each town party to the study shall conduct a
20 public hearing upon the findings of such study, and shall hear testimony
21 and receive evidence and information thereon with regard to the election
22 of one or more town [justice] justices to preside over the town courts
23 of the adjacent towns which are parties to the joint resolution provid-
24 ing for the study.

25 4. Within sixty days of the last public hearing upon a study conducted
26 pursuant to subdivision one of this section, town boards of each town
27 which participated in such study shall determine whether the town will
28 participate in a joint plan providing for the election of [a single] one
29 or more town [justice] justices to preside in the town courts of two or
30 more adjacent towns. Every such joint plan shall only be approved by a
31 town by the adoption of a resolution by the town board providing for the
32 adoption of such joint plan. In the event two or more adjacent towns
33 fail to adopt a joint plan, all proceedings authorized by this section
34 shall terminate and the town courts of such towns shall continue to
35 operate in accordance with the existing provisions of law.

36 5. Upon the adoption of a joint plan by two or more adjacent towns,
37 the town boards of the towns adopting such plan shall each adopt a joint
38 resolution providing for:

39 a. the election of [a single] one or more town [justice] justices at
40 large to preside in the town courts of the participating towns;

41 b. the abolition of the existing office of town justice in the partic-
42 ipating towns; and

43 c. the election of [such single] one or more town [justice] justices
44 shall occur at the next general election of town officers and every
45 fourth year thereafter.

46 6. Upon the adoption of a joint resolution, such [resolution shall be
47 forwarded to the state legislature, and shall constitute a municipal
48 home rule message pursuant to article nine of the state constitution and
49 the municipal home rule law. No such joint resolution shall take effect
50 until state legislation enacting the joint resolution shall have become
51 a law] joint plan that provides for the election of one or more town
52 justices to preside in the town courts of two or more adjacent towns
53 shall be deemed effective and shall be implemented in the manner
54 provided in such resolution.

55 7. Every town justice elected to preside in multiple towns pursuant to
56 this section shall have jurisdiction in each of the participating adja-

1 cent towns, shall preside in the town courts of such towns, shall main-
2 tain separate records and dockets for each town court, and shall main-
3 tain a separate bank account for each town court for the deposit of
4 moneys received by each town court.

5 8. In the event any town court operated pursuant to a joint plan
6 enacted into law pursuant to this section is without the services of the
7 [single] one or more town [justice] justices because of absence or disa-
8 bility, the provisions of section one hundred six of this article and
9 the town law shall apply.

10 § 2. This act shall take effect immediately.

11

SUBPART B

12 Section 1. Section 119-u of the general municipal law, as added by
13 chapter 242 of the laws of 1993, subdivision 3 as amended by chapter 418
14 of the laws of 1995, is amended to read as follows:

15 § 119-u. Intermunicipal cooperation in comprehensive planning and land
16 use regulation. 1. Legislative intent. This section is intended to
17 illustrate and broaden the statutory authority that any municipal corpo-
18 ration has under article five-G of this chapter and place within land
19 use, planning and zoning law express statutory authority for counties,
20 cities, towns, and villages to enter into agreements to undertake
21 comprehensive planning, zoning, and land use regulation with each other
22 or one for the other, and to provide that any city, town, or village may
23 contract with a county to carry out all or a portion of the [ministeri-
24 al] functions related to the land use, planning and zoning of such coun-
25 ty, city, town or village as may be agreed upon. By the enactment of
26 this section the legislature seeks to promote intergovernmental cooper-
27 ation that could result in increased coordination and effectiveness of
28 comprehensive planning, zoning, and land use regulation, more efficient
29 use of infrastructure and municipal revenues, as well as the enhanced
30 protection of community resources, especially where such resources span
31 municipal boundaries.

32 2. Authorization and effects. (a) In addition to any other general or
33 special powers vested in a county, city, town or village to prepare a
34 comprehensive plan and enact and administer land use regulations, by
35 local law or ordinance, rule or regulation, each county, city, town or
36 village is hereby authorized to enter into, amend, cancel and terminate
37 agreements with any other municipality or municipalities to undertake
38 all or a portion of such powers, functions and duties.

39 (b) Any one or more municipalities located in a county which has
40 established a county planning board, commission or other agency, herein-
41 after referred to as a county planning agency, are hereby authorized to
42 enter into, amend, cancel and terminate agreements with such county in
43 order to authorize the county planning agency to perform and carry out
44 certain [ministerial] functions on behalf of such municipality or muni-
45 cipalities related to land use, planning and zoning. Such functions may
46 include, but are not limited to, acting in an advisory capacity, assist-
47 ing in the preparation of comprehensive plans, zoning, and land use
48 regulations to be adopted and enforced by such municipality or muni-
49 cipalities and participating in the formation and functions of individual
50 or joint administrative boards and bodies formed by one or more muni-
51 cipalities. The administration and enforcement of zoning and land use
52 regulations may be performed in accordance with a program authorized in
53 accordance with sections one hundred nineteen-v and one hundred nine-
54 teen-w of this article.

1 (c) Such agreements shall apply only to the performance or exercise of
2 any function or power which each of the municipal corporations has the
3 authority by any general or special law to prescribe, perform, or exer-
4 cise separately.

5 3. Definitions. As used herein:

6 (a) "Municipality", means a city, town or village.

7 (b) "Land use regulation", means an ordinance or local law enacted by
8 a municipality for the regulation of any aspect of land use and communi-
9 ty resource protection and includes any zoning, subdivision, special use
10 permit or site plan regulation or any other regulations which prescribe
11 the appropriate use of property or the scale, location, and intensity of
12 development.

13 (c) "Community resource", means a specific public facility, infras-
14 tructure system, or geographic area of special economic development,
15 environmental, scenic, cultural, historic, recreational, parkland, open
16 space, natural resource, or other unique significance, located wholly or
17 partially within the boundaries of one or more given municipalities.

18 (d) "Intermunicipal overlay district", means a special land use
19 district which encompasses all or a portion of one or more munici-
20 palities for the purpose of protecting, enhancing, or developing one or
21 more community resources as provided herein.

22 4. Intermunicipal agreements. In addition to any other powers granted
23 to [municipalities] a county, city, town, or village to contract with
24 each other to undertake joint, cooperative agreements any municipality
25 may:

26 (a) create a consolidated planning board or submit a request to the
27 county legislative body for the creation of a county planning board, any
28 one of which may replace individual planning boards, if any, which
29 consolidated or county planning board shall have the powers and duties
30 as shall be determined by such agreement;

31 (b) create a consolidated zoning board of appeals or submit a request
32 to the county legislative body for the creation of a county zoning board
33 of appeals, any one of which may replace individual zoning boards of
34 appeals, if any, which consolidated or county zoning board of appeals
35 shall have the powers and duties as shall be determined by such agree-
36 ment;

37 (c) create a comprehensive plan and/or land use regulations which may
38 be adopted independently by each participating municipality;

39 (d) provide for a land use administration and enforcement program
40 which may replace individual land use administration and enforcement
41 programs, if any, the terms and conditions of which shall be set forth
42 in such agreement; and

43 (e) create an intermunicipal overlay district for the purpose of
44 protecting, enhancing, or developing community resources that encompass
45 two or more municipalities.

46 5. Special considerations. (a) Making joint agreements. Any agreement
47 made pursuant to the provisions of this section may contain provisions
48 as the parties deem to be appropriate, and including provisions relative
49 to the items designated in paragraphs a through m inclusive as set forth
50 in subdivision two of section one hundred nineteen-o of this chapter.

51 (b) Establishing the duration of agreement. Any local law developed
52 pursuant to the provisions of this section may contain procedures for
53 periodic review of the terms and conditions, including those relating to
54 the duration, extension or termination of the agreement.

55 (c) Amending local laws or ordinances. Local laws or ordinances shall
56 be amended, as appropriate, to reflect the provisions contained in

1 intermunicipal agreements established pursuant to the provisions of this
2 section.

3 6. Appeal of action by aggrieved party or parties. Any officer,
4 department, board or bureau of any municipality with the approval of the
5 legislative body, or any person or persons jointly or severally
6 aggrieved by any act or decision of a planning board, county planning
7 board, zoning board of appeals, county zoning board of appeals, or agen-
8 cy created pursuant to the provisions of this [section] article may
9 bring a proceeding by article seventy-eight of the civil practice law
10 and rules in a court of record on the ground that such decision is ille-
11 gal, in whole or in part. Such proceeding must be commenced within thir-
12 ty days after the filing of the decision in the office of the board.
13 Commencement of the proceeding by article seventy-eight of the civil
14 practice law and rules in a court shall stay all other proceedings upon
15 the decision from which the appeal is taken. All issues in any proceed-
16 ing under this [section] article shall have a preference over all other
17 civil actions and proceedings.

18 7. Any agreements made between two or more [municipalities] counties,
19 cities, towns, or villages pursuant to article five-G of this chapter or
20 other law which provides for the undertaking of any land use, planning,
21 and zoning regulation or activity on a joint, cooperative or contract
22 basis, if valid when so made, shall not be invalidated by the provisions
23 of this [section] article.

24 8. Training and attendance requirements. (a) Each member of a county
25 zoning board of appeals, county planning board, or other county body
26 established to approve land use, planning or zoning applications that is
27 subject to an agreement under this article shall complete, at a minimum,
28 four hours of training each year designed to enable such members to more
29 effectively carry out their duties. Training received by a member in
30 excess of four hours in any one year may be carried over by the member
31 into succeeding years in order to meet the requirements of this subdivi-
32 sion. Such training shall be approved by the governing board that
33 appointed the member and may include, but not be limited to, training
34 provided by a municipality, regional or county planning office or
35 commission, county planning federation, state agency, statewide municip-
36 al association, college or other similar entity. Training may be
37 provided in a variety of formats, including but not limited to, elec-
38 tronic media, video, distance learning and traditional classroom train-
39 ing.

40 (b) To be eligible for reappointment to such board, such member shall
41 have completed the training approved by the board that appointed the
42 member pursuant to law.

43 (c) The training required by this subdivision may be waived or modi-
44 fied by resolution of the board that appointed the member when, in the
45 judgment of such board, it is in the best interest of the municipality
46 to do so.

47 (d) No decision of such board shall be voided or declared invalid
48 because of a failure of any of its board members to comply with this
49 subdivision.

50 9. The provisions of this [section] article shall be in addition to
51 existing authority and shall not be deemed or constructed as a limita-
52 tion, diminution or derogation of any statutory authority authorizing
53 municipal cooperation.

54 § 2. Article 5-J of the general municipal law is amended by adding a
55 new section 119-v to read as follows:

1 § 119-v. County administration of land use regulations. A town, city,
2 or village within a county may request by local law that the legislative
3 body of its county adopt a program for the administration and enforce-
4 ment of any land use and planning regulations and any zoning ordinance
5 or local law, in force or proposed in said town, city, or village.
6 During the period in which the county legislative body is developing and
7 adopting such program, any existing planning, zoning, and other land use
8 regulations included in such county request shall remain in full force
9 and effect. The governing board of each town, city, or village request-
10 ing county administration and enforcement of the local land use and
11 planning regulations shall receive written notification that the county
12 legislative body has adopted such program. Upon such county notification
13 to the town, city, or village, the county program so developed and
14 adopted shall apply in the town, city, or village requesting county
15 administration and enforcement of any land use and planning regulations
16 from thirty days thereafter unless and until the town, city, or village
17 request has been withdrawn by local law. Nothing shall prevent a county
18 legislative body from developing and adopting a program for the county-
19 wide or part-county administration and enforcement of the land use,
20 planning and zoning regulations upon the request of two or more towns,
21 cities, and/or villages located within the county.

22 § 3. Article 5-J of the general municipal law is amended by adding a
23 new section 119-w to read as follows:

24 § 119-w. County planning commission or other similar county entity or
25 department. 1. The county legislative body may establish a county plan-
26 ning commission to implement the intermunicipal agreement created pursu-
27 ant to this article; provided however, that where a county planning
28 board, commission, or other county entity or department already exists
29 in accordance with a county charter or local law, the existing board,
30 commission, entity or department may be appointed by the county legisla-
31 tive body as the county planning commission to implement the intermunic-
32 ipal agreement authorized in this article. Planning commissions estab-
33 lished to implement provisions of this article after December
34 thirty-first, two thousand seventeen shall consist of seven members who
35 shall be appointed by the county legislative body. Three members of the
36 commission shall be appointed for terms of one year, three for terms of
37 two years and one member shall be appointed for a term of three years.
38 Successors shall be appointed for terms of three years each. A vacancy
39 occurring otherwise than by expiration of term shall be filled by
40 appointment by the legislative body of the county government for the
41 unexpired term. Such commission shall have power, within the limits of
42 the appropriation made by the legislative body of the county, to employ
43 a secretary and other necessary clerical assistants and employ or
44 contract with such technical assistants as may be necessary from time to
45 time to give full effect to the provisions of this article.

46 2. Where an intermunicipal agreement created pursuant to this article
47 so provides, the county planning commission may, at the option of the
48 local legislative body of a town, village or city of the county, have
49 control of land use, zoning, and land subdivision in such municipi-
50 palities, and no map subdividing land into lots for residential or busi-
51 ness purposes in any such municipality shall be accepted for filing by
52 the county clerk unless it shall have been first approved by the county
53 planning commission and shall have such approval endorsed thereon.

54 3. For the purpose of promoting the health, safety, morals, or the
55 general welfare of the county, the legislative body of the county, at
56 the option of the legislative body of a town, village or city of the



1 county, when an intermunicipal agreement so provides, such county is
2 authorized to adopt a local law to regulate and restrict the height,
3 number of stories and size of buildings and other structures, the
4 percentage of lot that may be occupied, the size of yards, courts, and
5 other open spaces, the density of population, and the location and use
6 of buildings, structures and land for trade, industry, residence or
7 other purposes; provided further, that all charges and expenses incurred
8 under this article for zoning and planning may be a charge upon the
9 taxable property of that part of the county.

10 4. Such county local law shall provide that a board of appeals may
11 determine and vary the application of the provisions in said local law
12 in harmony with the law's general purpose and intent, and in accordance
13 with general or specific rules therein, provided that for:

14 (a) Orders, requirements, decisions, interpretations, determinations.
15 The board of appeals may reverse or affirm, wholly or partly, or may
16 modify the order, requirement, decision, interpretation or determination
17 appealed from and shall make such order, requirement, decision, inter-
18 pretation or determination as in its opinion ought to have been made in
19 the matter by the administrative official charged with the enforcement
20 of such ordinance or local law and to that end shall have all the powers
21 of the administrative official from whose order, requirement, decision,
22 interpretation or determination the appeal is taken.

23 (b) Use variances. (1) The board of appeals, on appeal from the deci-
24 sion or determination of the administrative official charged with the
25 enforcement of such ordinance or local law, shall have the power to
26 grant use variances, as defined in this section.

27 (2) No such use variance shall be granted by the board of appeals
28 without a showing by the applicant that applicable zoning regulations
29 and restrictions have caused unnecessary hardship. In order to prove
30 such unnecessary hardship the applicant shall demonstrate to the board
31 of appeals that for each and every permitted use under the zoning regu-
32 lations for the particular district where the property is located, (i)
33 the applicant cannot realize a reasonable return, provided that lack of
34 return is substantial as demonstrated by competent financial evidence;
35 (ii) that the alleged hardship relating to the property in question is
36 unique, and does not apply to a substantial portion of the district or
37 neighborhood; (iii) that the requested use variance, if granted, will
38 not alter the essential character of the neighborhood; and (iv) that the
39 alleged hardship has not been self-created.

40 (3) The board of appeals, in the granting of use variances, shall
41 grant the minimum variance that it shall deem necessary and adequate to
42 address the unnecessary hardship proven by the applicant, and at the
43 same time preserve and protect the character of the neighborhood and the
44 health, safety and welfare of the community.

45 (c) Area variances. (1) The zoning board of appeals shall have the
46 power, upon an appeal from a decision or determination of the adminis-
47 trative official charged with the enforcement of such ordinance of local
48 law, to grant area variances as defined in this section.

49 (2) In making its determination, the zoning board of appeals shall
50 take into consideration the benefit to the applicant if the variance is
51 granted, as weighed against the detriment to the health, safety and
52 welfare of the neighborhood or community by such grant. In making such
53 determination the board shall also consider: (i) whether an undesirable
54 change will be produced in the character of the neighborhood or a detri-
55 ment to nearby properties will be created by the granting of the area
56 variance; (ii) whether the benefit sought by the applicant can be

1 achieved by some method, feasible for the applicant to pursue, other
2 than an area variance; (iii) whether the requested area variance is
3 substantial; (iv) whether the proposed variance will have an adverse
4 effect or impact on the physical or environmental conditions in the
5 neighborhood or community; and (v) whether the alleged difficulty was
6 self-created, which consideration shall be relevant to the decision of
7 the board of appeals, but shall not necessarily preclude the granting of
8 the area variance.

9 (3) The board of appeals, in the granting of area variances, shall
10 grant the minimum variance that it shall deem necessary and adequate and
11 at the same time preserve and protect the character of the neighborhood
12 and the health, safety and welfare of the community.

13 (d) Imposition of conditions. The board of appeals shall, in the
14 granting of both use variances and area variances, have the authority to
15 impose such reasonable conditions and restrictions as are directly
16 related to and incidental to the proposed use of the property. Such
17 conditions shall be consistent with the spirit and intent of the zoning
18 ordinance or local law, and shall be imposed for the purpose of minimiz-
19 ing any adverse impact such variance may have on the neighborhood or
20 community.

21 5. In addition to the foregoing, the county legislative body, at the
22 option of the legislative body of a town, village or city of the county,
23 is empowered to adopt by local law a comprehensive plan in so far as the
24 plan relates to any portion of the county addressed in said intermuni-
25 pal agreement and also any portion which relates to state highways and
26 county or town roads, county buildings and navigable waterways, irre-
27 spective of whether they may be located within the boundaries of any
28 town, city or village or elsewhere within the county. Upon the adoption
29 of any such local law, the legislative body of the county shall file
30 with the county clerk forthwith a certified copy thereof, including
31 copies of all relevant maps and plans. The county planning commission or
32 county entity or department appointed by the county legislative body,
33 may develop and recommend the county comprehensive plan to the county
34 legislative body for its adoption.

35 6. Whenever a comprehensive plan, or one or more parts thereof, shall
36 have been adopted as hereinbefore provided, no street, square, park or
37 other public way, ground, open space or other public place, public
38 building, structure or public utility (whether publicly or privately
39 owned) shall be constructed or authorized in any portion of the county
40 in respect to which said plan or part thereof has been adopted, until
41 the location, character and extent thereof shall have been submitted to
42 and approved by the county planning commission as conforming to the
43 general intent and purpose of the comprehensive plan. The county plan-
44 ning commission shall make rules relating to such matters, which shall
45 provide for notice to all parties interested, including units of local
46 government which may be affected thereby, and including the office of
47 parcs, recreation and historic preservation if the matter submitted
48 relates to any portion of the county within two hundred feet of any
49 state park or parkway. If the matter submitted relates to the territory
50 of any unit of local government which has adopted a plan of development
51 prior to the adoption of the comprehensive plan, such plan shall not be
52 superseded except by a two-thirds vote of the whole number of members of
53 the county planning commission.

54 § 4. Section 10 of the statute of local governments is amended by
55 adding a new subdivision 6-a to read as follows:

1 6-a. In the case of a county, when authorized by local law adopted by
2 the legislative body of any city, town or village of the county and in
3 accordance with an intermunicipal agreement entered into between the
4 local governments in a manner prescribed by statute, the power to adopt,
5 amend, repeal, and/or enforce zoning and other land use regulations in
6 all or part of such city, village or town, provided however, an intermu-
7 nicipal agreement entered into with a county to allow such county to
8 adopt, amend, repeal, and/or enforce zoning and other land use regu-
9 lations within a village would require the authorization from the legis-
10 lative body of such village.

11 § 5. Section four of this act shall take effect immediately after it
12 is enacted by the legislature with the approval of the governor in
13 accordance with paragraph one of subdivision (b) of section two of arti-
14 cle nine of the constitution, and provided that it is re-enacted by the
15 legislature and approved by the governor in the next calendar year in
16 accordance with such paragraph. After such re-enactment by the legisla-
17 ture and approval by the governor of section four of this act in accord-
18 ance with article nine of the constitution, sections one, two, and three
19 of this act shall take effect immediately after such date; provided,
20 further, that the governor's office shall notify the legislative bill
21 drafting commission upon the occurrence of the enactment of this legis-
22 lation provided for in this section in order that the commission may
23 maintain an accurate and timely effective data base of the official text
24 of the laws of the state of New York in furtherance of effectuating the
25 provisions of section 44 of the legislative law and section 70-b of the
26 public officers law.

27 § 2. Severability. If any clause, sentence, paragraph, subdivision,
28 section or part of this act shall be adjudged by any court of competent
29 jurisdiction to be invalid, such judgment shall not affect, impair, or
30 invalidate the remainder thereof, but shall be confined in its operation
31 to the clause, sentence, paragraph, subdivision, section or part thereof
32 directly involved in the controversy in which such judgment shall have
33 been rendered. It is hereby declared to be the intent of the legislature
34 that this act would have been enacted even if such invalid provisions
35 had not been included herein.

36 § 3. This act shall take effect immediately; provided, however, that
37 the applicable effective date of Subparts A and B of this Part shall be
38 as specifically set forth in the last section of such Subparts.

39 PART EE

40 Section 1. The general municipal law is amended by adding a new arti-
41 cle 12-I to read as follows:

42 ARTICLE 12-I

43 COUNTY-WIDE SHARED SERVICES PANELS

44 Section 239-bb. County-wide shared services panels.

45 § 239-bb. County-wide shared services panels. 1. Definitions. The
46 following terms shall have the following meanings for the purposes of
47 this article:

48 a. "County" shall mean any county not wholly contained within a city.

49 b. "County CEO" shall mean the county executive, county manager or
50 other chief executive of the county, or, where none, the chair of the
51 county legislative body.

52 c. "Panel" shall mean a county-wide shared services panel established
53 pursuant to subdivision two of this section.

1 d. "Plan" shall mean a county-wide shared services property tax
2 savings plan.

3 2. County-wide shared services panels. a. There shall be a county-wide
4 shared services panel in each county consisting of the county CEO, and
5 one representative from each city, town and village in the county. The
6 chief executive officer of each town, city and village shall be the
7 representative to a panel and shall be the mayor, if a city or a
8 village, or shall be the supervisor, if a town. The county CEO shall
9 serve as chair. All panels established in each county pursuant to part
10 BBB of chapter fifty-nine of the laws of two thousand seventeen, and
11 prior to the enactment of this article, shall continue in satisfaction
12 of this section in such form as they were established, provided that the
13 county CEO may alter the membership of the panel consistent with para-
14 graph b of this subdivision.

15 b. The county CEO may invite any school district, board of cooperative
16 educational services, fire district, fire protection district, or
17 special improvement district in the county to join a panel. Upon such
18 invitation, the governing body of such school district, board of cooper-
19 ative educational services, fire district, fire protection district, or
20 other special district may accept such invitation by selecting a repre-
21 sentative of such governing body, by majority vote, to serve as a member
22 of the panel. Such school district, board of cooperative educational
23 services, fire district, fire protection district or other special
24 district shall maintain such representation until the panel either
25 approves a plan or transmits a statement to the secretary of state on
26 the reason the panel did not approve a plan, pursuant to paragraph d of
27 subdivision seven of this section. Upon approval of a plan or a trans-
28 mission of a statement to the secretary of state that a panel did not
29 approve a plan in any calendar year, the county CEO may, but need not,
30 invite any school district, board of cooperative educational services,
31 fire district, fire protection district or special improvement district
32 in the county to join a panel thereafter convened.

33 c. Notwithstanding any provision of the education law, or any other
34 provision of law, rule or regulation, to the contrary, any school
35 district or board of cooperative educational services may join a panel
36 established pursuant to the provisions of this section, and may further
37 participate in any of the activities of such panel, with any participat-
38 ing county, town, city, village, fire district, fire protection
39 district, special improvement district, school district, or board of
40 cooperative educational services participating in such panels.

41 3. Each county CEO shall, after satisfying the requirements of part
42 BBB of chapter fifty-nine of the laws of two thousand seventeen, revise
43 and update a previously approved plan or develop a new plan. Such plans
44 shall contain new, recurring property tax savings resulting from actions
45 such as, but not limited to, the elimination of duplicative services;
46 shared service arrangements including, joint purchasing, shared highway
47 equipment, shared storage facilities, shared plowing services, and ener-
48 gy and insurance purchasing cooperatives; reducing back office adminis-
49 trative overhead; and better-coordinating services. The secretary of
50 state may provide guidance on the form and structure of such plans.

51 4. While developing a plan, the county CEO shall regularly consult
52 with, and take recommendations from, the representatives: on the panel;
53 of each collective bargaining unit of the county and the cities, towns,
54 and villages; and of each collective bargaining unit of any participat-
55 ing school district, board of cooperative educational services, fire
56 district, fire protection district, or special improvement district.

1 5. The county CEO, the county legislative body and a panel shall
 2 accept input from the public, civic, business, labor and community lead-
 3 ers on any proposed plan. The county CEO shall cause to be conducted a
 4 minimum of three public hearings prior to submission of a plan to a vote
 5 of a panel. All such public hearings shall be conducted within the coun-
 6 ty, and public notice of all such hearings shall be provided at least
 7 one week prior in the manner prescribed in subdivision one of section
 8 one hundred four of the public officers law. Civic, business, labor,
 9 and community leaders, as well as members of the public, shall be
 10 permitted to provide public testimony at any such hearings.

11 6. a. The county CEO shall submit each plan, accompanied by a certif-
 12 ication as to the accuracy of the savings contained therein, to the
 13 county legislative body at least forty-five days prior to a vote by the
 14 panel.

15 b. The county legislative body shall review and consider each plan
 16 submitted in accordance with paragraph a of this subdivision. A majority
 17 of the members of such body may issue an advisory report on each plan,
 18 making recommendations as deemed necessary. The county CEO may modify a
 19 plan based on such recommendations, which shall include an updated
 20 certification as to the accuracy of the savings contained therein.

21 7. a. A panel shall duly consider any plan properly submitted to the
 22 panel by the county CEO and may approve such plan by a majority vote of
 23 the panel. Each member of a panel may, prior to the panel-wide vote,
 24 cause to be removed from a plan any proposed action affecting the unit
 25 of government represented by the respective member. Written notice of
 26 such removal shall be provided to the county CEO prior to a panel-wide
 27 vote on a plan.

28 b. Plans approved by a panel shall be transmitted to the secretary of
 29 state no later than thirty days from the date of approval by a panel
 30 accompanied by a certification as to the accuracy of the savings accom-
 31 panied therein, and shall be publicly disseminated to residents of the
 32 county in a concise, clear, and coherent manner using words with common
 33 and everyday meaning.

34 c. The county CEO shall conduct a public presentation of any approved
 35 plan no later than thirty days from the date of approval by a panel.
 36 Public notice of such presentation shall be provided at least one week
 37 prior in the manner prescribed in subdivision one of section one hundred
 38 four of the public officers law.

39 d. Beginning in two thousand twenty, by January fifteenth following
 40 any calendar year during which a panel did not approve a plan and trans-
 41 mit such plan to the secretary of state pursuant to paragraph b of this
 42 subdivision, such panel shall release to the public and transmit to the
 43 secretary of state a statement explaining why the panel did not approve
 44 a plan that year, including, for each vote on a plan, the vote taken by
 45 each panel member and an explanation by each panel member of their vote.

46 8. The secretary of state may solicit, and the panels shall provide at
 47 her or his request, advice, guidance and recommendations concerning
 48 matters related to the operations of local governments and shared
 49 services initiatives, including, but not limited to, making recommenda-
 50 tions regarding grant proposals incorporating elements of shared
 51 services, government dissolutions, government and service consol-
 52 idations, or property taxes and such other grants where the secretary
 53 deems the input of the panels to be in the best interest of the public.
 54 The panel shall advance such advice, guidance or recommendations by a
 55 vote of the majority of the members present at such meeting.

1 § 2. If any clause, sentence, paragraph, subdivision, section or part
2 of this act shall be adjudged by any court of competent jurisdiction to
3 be invalid, such judgment shall not affect, impair, or invalidate the
4 remainder thereof, but shall be confined in its operation to the clause,
5 sentence, paragraph, subdivision, section or part thereof directly
6 involved in the controversy in which such judgment shall have been
7 rendered. It is hereby declared to be the intent of the legislature that
8 this act would have been enacted even if such invalid provisions had not
9 been included herein.

10 § 3. This act shall take effect immediately.

11 PART FF

12 Section 1. Subdivision 7 of section 2046-c of the public authorities
13 law, as added by chapter 632 of the laws of the 1982, is amended to read
14 as follows:

15 7. There shall be an annual independent audit of the accounts and
16 business practices of the agency performed by independent outside audi-
17 tors [nominated by the director of the division of the budget]. Any such
18 auditor shall serve no more than three consecutive years.

19 § 2. This act shall take effect immediately.

20 PART GG

21 Section 1. The state comptroller is hereby authorized and directed to
22 loan money in accordance with the provisions set forth in subdivision 5
23 of section 4 of the state finance law to the following funds and/or
24 accounts:

- 25 1. Proprietary vocational school supervision account (20452).
- 26 2. Local government records management account (20501).
- 27 3. Child health plus program account (20810).
- 28 4. EPIC premium account (20818).
- 29 5. Education - New (20901).
- 30 6. VLT - Sound basic education fund (20904).
- 31 7. Sewage treatment program management and administration fund
32 (21000).
- 33 8. Hazardous bulk storage account (21061).
- 34 9. Federal grants indirect cost recovery account (21065).
- 35 10. Low level radioactive waste account (21066).
- 36 11. Recreation account (21067).
- 37 12. Public safety recovery account (21077).
- 38 13. Environmental regulatory account (21081).
- 39 14. Natural resource account (21082).
- 40 15. Mined land reclamation program account (21084).
- 41 16. Great lakes restoration initiative account (21087).
- 42 17. Environmental protection and oil spill compensation fund (21200).
- 43 18. Public transportation systems account (21401).
- 44 19. Metropolitan mass transportation (21402).
- 45 20. Operating permit program account (21451).
- 46 21. Mobile source account (21452).
- 47 22. Statewide planning and research cooperative system account
48 (21902).
- 49 23. New York state thruway authority account (21905).
- 50 24. Mental hygiene program fund account (21907).
- 51 25. Mental hygiene patient income account (21909).
- 52 26. Financial control board account (21911).

- 1 27. Regulation of racing account (21912).
- 2 28. New York Metropolitan Transportation Council account (21913).
- 3 29. State university dormitory income reimbursable account (21937).
- 4 30. Criminal justice improvement account (21945).
- 5 31. Environmental laboratory reference fee account (21959).
- 6 32. Clinical laboratory reference system assessment account (21962).
- 7 33. Indirect cost recovery account (21978).
- 8 34. High school equivalency program account (21979).
- 9 35. Multi-agency training account (21989).
- 10 36. Interstate reciprocity for post-secondary distance education
- 11 account (23800).
- 12 37. Bell jar collection account (22003).
- 13 38. Industry and utility service account (22004).
- 14 39. Real property disposition account (22006).
- 15 40. Parking account (22007).
- 16 41. Courts special grants (22008).
- 17 42. Asbestos safety training program account (22009).
- 18 43. Batavia school for the blind account (22032).
- 19 44. Investment services account (22034).
- 20 45. Surplus property account (22036).
- 21 46. Financial oversight account (22039).
- 22 47. Regulation of Indian gaming account (22046).
- 23 48. Rome school for the deaf account (22053).
- 24 49. Seized assets account (22054).
- 25 50. Administrative adjudication account (22055).
- 26 51. Federal salary sharing account (22056).
- 27 52. New York City assessment account (22062).
- 28 53. Cultural education account (22063).
- 29 54. Local services account (22078).
- 30 55. DHCR mortgage servicing account (22085).
- 31 56. Housing indirect cost recovery account (22090).
- 32 57. DHCR-HCA application fee account (22100).
- 33 58. Low income housing monitoring account (22130).
- 34 59. Corporation administration account (22135).
- 35 60. Montrose veteran's home account (22144).
- 36 61. Deferred compensation administration account (22151).
- 37 62. Rent revenue other New York City account (22156).
- 38 63. Rent revenue account (22158).
- 39 64. Tax revenue arrearage account (22168).
- 40 65. Youth facility per diem account (22186).
- 41 66. State university general income offset account (22654).
- 42 67. Lake George park trust fund account (22751).
- 43 68. State police motor vehicle law enforcement account (22802).
- 44 69. Highway safety program account (23001).
- 45 70. DOH drinking water program account (23102).
- 46 71. NYCCC operating offset account (23151).
- 47 72. Commercial gaming revenue account (23701).
- 48 73. Commercial gaming regulation account (23702).
- 49 74. Highway use tax administration account (23801).
- 50 75. Fantasy sports administration account (24951).
- 51 76. Highway and bridge capital account (30051).
- 52 77. Aviation purpose account (30053).
- 53 78. State university residence hall rehabilitation fund (30100).
- 54 79. State parks infrastructure account (30351).
- 55 80. Clean water/clean air implementation fund (30500).
- 56 81. Hazardous waste remedial cleanup account (31506).



- 1 82. Youth facilities improvement account (31701).
- 2 83. Housing assistance fund (31800).
- 3 84. Housing program fund (31850).
- 4 85. Highway facility purpose account (31951).
- 5 86. Information technology capital financing account (32215).
- 6 87. New York racing account (32213).
- 7 88. Capital miscellaneous gifts account (32214).
- 8 89. New York environmental protection and spill remediation account
- 9 (32219).
- 10 90. Mental hygiene facilities capital improvement fund (32300).
- 11 91. Correctional facilities capital improvement fund (32350).
- 12 92. New York State Storm Recovery Capital Fund (33000).
- 13 93. OGS convention center account (50318).
- 14 94. Empire Plaza Gift Shop (50327).
- 15 95. Centralized services fund (55000).
- 16 96. Archives records management account (55052).
- 17 97. Federal single audit account (55053).
- 18 98. Civil service EHS occupational health program account (55056).
- 19 99. Banking services account (55057).
- 20 100. Cultural resources survey account (55058).
- 21 101. Neighborhood work project account (55059).
- 22 102. Automation & printing chargeback account (55060).
- 23 103. OPT NYT account (55061).
- 24 104. Data center account (55062).
- 25 105. Intrusion detection account (55066).
- 26 106. Domestic violence grant account (55067).
- 27 107. Centralized technology services account (55069).
- 28 108. Labor contact center account (55071).
- 29 109. Human services contact center account (55072).
- 30 110. Tax contact center account (55073).
- 31 111. Executive direction internal audit account (55251).
- 32 112. CIO Information technology centralized services account (55252).
- 33 113. Health insurance internal service account (55300).
- 34 114. Civil service employee benefits division administrative account
- 35 (55301).
- 36 115. Correctional industries revolving fund (55350).
- 37 116. Employees health insurance account (60201).
- 38 117. Medicaid management information system escrow fund (60900).
- 39 118. Department of law civil recoveries account.
- 40 § 1-a. The state comptroller is hereby authorized and directed to loan
- 41 money in accordance with the provisions set forth in subdivision 5 of
- 42 section 4 of the state finance law to any account within the following
- 43 federal funds, provided the comptroller has made a determination that
- 44 sufficient federal grant award authority is available to reimburse such
- 45 loans:
- 46 1. Federal USDA-food and nutrition services fund (25000).
- 47 2. Federal health and human services fund (25100).
- 48 3. Federal education fund (25200).
- 49 4. Federal block grant fund (25250).
- 50 5. Federal miscellaneous operating grants fund (25300).
- 51 6. Federal unemployment insurance administration fund (25900).
- 52 7. Federal unemployment insurance occupational training fund (25950).
- 53 8. Federal emergency employment act fund (26000).
- 54 9. Federal capital projects fund (31350).
- 55 § 1-b. The state comptroller is hereby authorized and directed to loan
- 56 money in accordance with the provisions set forth in subdivision 5 of

1 section 4 of the state finance law to any fund within the special reven-
2 ue, capital projects, proprietary or fiduciary funds for the purpose of
3 payment of any fringe benefit or indirect cost liabilities or obli-
4 gations incurred.

5 § 2. Notwithstanding any law to the contrary, and in accordance with
6 section 4 of the state finance law, the comptroller is hereby authorized
7 and directed to transfer, upon request of the director of the budget, on
8 or before March 31, 2019, up to the unencumbered balance or the follow-
9 ing amounts:

10 Economic Development and Public Authorities:

11 1. \$175,000 from the miscellaneous special revenue fund, underground
12 facilities safety training account (22172), to the general fund.

13 2. \$2,500,000 from the miscellaneous special revenue fund, cable tele-
14 vision account (21971), to the general fund.

15 3. An amount up to the unencumbered balance from the miscellaneous
16 special revenue fund, business and licensing services account (21977),
17 to the general fund.

18 4. \$14,810,000 from the miscellaneous special revenue fund, code
19 enforcement account (21904), to the general fund.

20 5. \$3,000,000 from the general fund to the miscellaneous special
21 revenue fund, tax revenue arrearage account (22168).

22 Education:

23 1. \$2,294,000,000 from the general fund to the state lottery fund,
24 education account (20901), as reimbursement for disbursements made from
25 such fund for supplemental aid to education pursuant to section 92-c of
26 the state finance law that are in excess of the amounts deposited in
27 such fund for such purposes pursuant to section 1612 of the tax law.

28 2. \$906,800,000 from the general fund to the state lottery fund, VLT
29 education account (20904), as reimbursement for disbursements made from
30 such fund for supplemental aid to education pursuant to section 92-c of
31 the state finance law that are in excess of the amounts deposited in
32 such fund for such purposes pursuant to section 1612 of the tax law.

33 3. \$140,040,000 from the general fund to the New York state commercial
34 gaming fund, commercial gaming revenue account (23701), as reimbursement
35 for disbursements made from such fund for supplemental aid to education
36 pursuant to section 97-nnnn of the state finance law that are in excess
37 of the amounts deposited in such fund for purposes pursuant to section
38 1352 of the racing, pari-mutuel wagering and breeding law.

39 4. Moneys from the state lottery fund (20900) up to an amount deposit-
40 ed in such fund pursuant to section 1612 of the tax law in excess of the
41 current year appropriation for supplemental aid to education pursuant to
42 section 92-c of the state finance law.

43 5. \$300,000 from the New York state local government records manage-
44 ment improvement fund, local government records management account
45 (20501), to the New York state archives partnership trust fund, archives
46 partnership trust maintenance account (20351).

47 6. \$900,000 from the general fund to the miscellaneous special revenue
48 fund, Batavia school for the blind account (22032).

49 7. \$900,000 from the general fund to the miscellaneous special revenue
50 fund, Rome school for the deaf account (22053).

51 8. \$343,400,000 from the state university dormitory income fund
52 (40350) to the miscellaneous special revenue fund, state university
53 dormitory income reimbursable account (21937).

54 9. \$20,000,000 from any of the state education department special
55 revenue and internal service funds to the miscellaneous special revenue
56 fund, indirect cost recovery account (21978).



1 10. \$8,318,000 from the general fund to the state university income
2 fund, state university income offset account (22654), for the state's
3 share of repayment of the STIP loan.

4 11. \$44,000,000 from the state university income fund, state universi-
5 ty hospitals income reimbursable account (22656) to the general fund for
6 hospital debt service for the period April 1, 2018 through March 31,
7 2019.

8 12. \$4,300,000 from the miscellaneous special revenue fund, office of
9 the professions account (22051), to the miscellaneous capital projects
10 fund, office of the professions electronic licensing account (32200).

11 Environmental Affairs:

12 1. \$16,000,000 from any of the department of environmental conserva-
13 tion's special revenue federal funds to the environmental conservation
14 special revenue fund, federal indirect recovery account (21065).

15 2. \$5,000,000 from any of the department of environmental conserva-
16 tion's special revenue federal funds to the conservation fund (21150) as
17 necessary to avoid diversion of conservation funds.

18 3. \$3,000,000 from any of the office of parks, recreation and historic
19 preservation capital projects federal funds and special revenue federal
20 funds to the miscellaneous special revenue fund, federal grant indirect
21 cost recovery account (22188).

22 4. \$1,000,000 from any of the office of parks, recreation and historic
23 preservation special revenue federal funds to the miscellaneous capital
24 projects fund, I love NY water account (32212).

25 5. \$28,000,000 from the general fund to the environmental protection
26 fund, environmental protection fund transfer account (30451).

27 6. \$6,500,000 from the general fund to the hazardous waste remedial
28 fund, hazardous waste oversight and assistance account (31505).

29 7. An amount up to or equal to the cash balance within the special
30 revenue-other waste management & cleanup account (21053) to the capital
31 projects fund (30000).

32 Family Assistance:

33 1. \$7,000,000 from any of the office of children and family services,
34 office of temporary and disability assistance, or department of health
35 special revenue federal funds and the general fund, in accordance with
36 agreements with social services districts, to the miscellaneous special
37 revenue fund, office of human resources development state match account
38 (21967).

39 2. \$4,000,000 from any of the office of children and family services
40 or office of temporary and disability assistance special revenue federal
41 funds to the miscellaneous special revenue fund, family preservation and
42 support services and family violence services account (22082).

43 3. \$18,670,000 from any of the office of children and family services,
44 office of temporary and disability assistance, or department of health
45 special revenue federal funds and any other miscellaneous revenues
46 generated from the operation of office of children and family services
47 programs to the general fund.

48 4. \$140,000,000 from any of the office of temporary and disability
49 assistance or department of health special revenue funds to the general
50 fund.

51 5. \$2,500,000 from any of the office of temporary and disability
52 assistance special revenue funds to the miscellaneous special revenue
53 fund, office of temporary and disability assistance program account
54 (21980).

55 6. \$7,400,000 from any of the office of children and family services,
56 office of temporary and disability assistance, department of labor, and

1 department of health special revenue federal funds to the office of
2 children and family services miscellaneous special revenue fund, multi-
3 agency training contract account (21989).

4 7. \$205,000,000 from the miscellaneous special revenue fund, youth
5 facility per diem account (22186), to the general fund.

6 8. \$621,850 from the general fund to the combined gifts, grants, and
7 bequests fund, WB Hoyt Memorial account (20128).

8 9. \$5,000,000 from the miscellaneous special revenue fund, state
9 central registry (22028), to the general fund.

10 General Government:

11 1. \$1,566,000 from the miscellaneous special revenue fund, examination
12 and miscellaneous revenue account (22065) to the general fund.

13 2. \$8,083,000 from the general fund to the health insurance revolving
14 fund (55300).

15 3. \$192,400,000 from the health insurance reserve receipts fund
16 (60550) to the general fund.

17 4. \$150,000 from the general fund to the not-for-profit revolving loan
18 fund (20650).

19 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
20 general fund.

21 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
22 property account (22036), to the general fund.

23 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
24 arrearage account (22024), to the general fund.

25 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
26 arrearage account (22024), to the miscellaneous special revenue fund,
27 authority budget office account (22138).

28 9. \$1,000,000 from the miscellaneous special revenue fund, parking
29 services account (22007), to the general fund, for the purpose of reim-
30 bursing the costs of debt service related to state parking facilities.

31 10. \$21,778,000 from the general fund to the centralized services
32 fund, COPS account (55013).

33 11. \$13,960,000 from the general fund to the agencies internal service
34 fund, central technology services account (55069), for the purpose of
35 enterprise technology projects.

36 12. \$5,500,000 from the miscellaneous special revenue fund, technology
37 financing account (22207) to the internal service fund, data center
38 account (55062).

39 13. \$12,500,000 from the internal service fund, human services telecom
40 account (55063) to the internal service fund, data center account
41 (55062).

42 14. \$300,000 from the internal service fund, learning management
43 systems account (55070) to the internal service fund, data center
44 account (55062).

45 15. \$15,000,000 from the miscellaneous special revenue fund, workers'
46 compensation account (21995), to the miscellaneous capital projects
47 fund, workers' compensation board IT business process design fund,
48 (32218).

49 16. \$12,000,000 from the miscellaneous special revenue fund, parking
50 services account (22007), to the centralized services, building support
51 services account (55018).

52 17. \$6,000,000 from the general fund to the internal service fund,
53 business services center account (55022).

54 Health:

55 1. A transfer from the general fund to the combined gifts, grants and
56 bequests fund, breast cancer research and education account (20155), up

1 to an amount equal to the monies collected and deposited into that
2 account in the previous fiscal year.

3 2. A transfer from the general fund to the combined gifts, grants and
4 bequests fund, prostate cancer research, detection, and education
5 account (20183), up to an amount equal to the moneys collected and
6 deposited into that account in the previous fiscal year.

7 3. A transfer from the general fund to the combined gifts, grants and
8 bequests fund, Alzheimer's disease research and assistance account
9 (20143), up to an amount equal to the moneys collected and deposited
10 into that account in the previous fiscal year.

11 4. \$33,134,000 from the HCRA resources fund (20800) to the miscella-
12 neous special revenue fund, empire state stem cell trust fund account
13 (22161).

14 5. \$6,000,000 from the miscellaneous special revenue fund, certificate
15 of need account (21920), to the miscellaneous capital projects fund,
16 healthcare IT capital subfund (32216).

17 6. \$2,000,000 from the miscellaneous special revenue fund, vital
18 health records account (22103), to the miscellaneous capital projects
19 fund, healthcare IT capital subfund (32216).

20 7. \$2,000,000 from the miscellaneous special revenue fund, profes-
21 sional medical conduct account (22088), to the miscellaneous capital
22 projects fund, healthcare IT capital subfund (32216).

23 8. \$91,304,000 from the HCRA resources fund (20800) to the capital
24 projects fund (30000).

25 9. \$6,550,000 from the general fund to the medical marihuana trust
26 fund, health operation and oversight account (23755).

27 10. \$1,086,000 from the miscellaneous special revenue fund, certifi-
28 cate of need account (21920), to the general fund.

29 Labor:

30 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
31 penalty account (21923), to the child performer's protection fund, child
32 performer protection account (20401).

33 2. \$11,700,000 from the unemployment insurance interest and penalty
34 fund, unemployment insurance special interest and penalty account
35 (23601), to the general fund.

36 3. \$5,000,000 from the miscellaneous special revenue fund, workers'
37 compensation account (21995), to the training and education program
38 occupation safety and health fund, OSHA-training and education account
39 (21251) and occupational health inspection account (21252).

40 Mental Hygiene:

41 1. \$10,000,000 from the general fund, to the miscellaneous special
42 revenue fund, federal salary sharing account (22056).

43 2. \$1,800,000,000 from the general fund to the miscellaneous special
44 revenue fund, mental hygiene patient income account (21909).

45 3. \$2,200,000,000 from the general fund to the miscellaneous special
46 revenue fund, mental hygiene program fund account (21907).

47 4. \$100,000,000 from the miscellaneous special revenue fund, mental
48 hygiene program fund account (21907), to the general fund.

49 5. \$100,000,000 from the miscellaneous special revenue fund, mental
50 hygiene patient income account (21909), to the general fund.

51 6. \$3,800,000 from the general fund, to the agencies internal service
52 fund, civil service EHS occupational health program account (55056).

53 7. \$15,000,000 from the chemical dependence service fund, substance
54 abuse services fund account (22700), to the capital projects fund
55 (30000).



1 8. \$3,000,000 from the chemical dependence service fund, substance
2 abuse services fund account (22700), to the mental hygiene capital
3 improvement fund (32305).

4 9. \$3,000,000 from the chemical dependence service fund, substance
5 abuse services fund account (22700), to the general fund.

6 Public Protection:

7 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
8 management account (21944), to the general fund.

9 2. \$2,087,000 from the general fund to the miscellaneous special
10 revenue fund, recruitment incentive account (22171).

11 3. \$20,773,000 from the general fund to the correctional industries
12 revolving fund, correctional industries internal service account
13 (55350).

14 4. \$60,000,000 from any of the division of homeland security and emer-
15 gency services special revenue federal funds to the general fund.

16 5. \$8,600,000 from the miscellaneous special revenue fund, criminal
17 justice improvement account (21945), to the general fund.

18 6. \$115,420,000 from the state police motor vehicle law enforcement
19 and motor vehicle theft and insurance fraud prevention fund, state
20 police motor vehicle enforcement account (22802), to the general fund
21 for state operation expenses of the division of state police.

22 7. \$118,500,000 from the general fund to the correctional facilities
23 capital improvement fund (32350).

24 8. \$5,000,000 from the general fund to the dedicated highway and
25 bridge trust fund (30050) for the purpose of work zone safety activities
26 provided by the division of state police for the department of transpor-
27 tation.

28 9. \$10,000,000 from the miscellaneous special revenue fund, statewide
29 public safety communications account (22123), to the capital projects
30 fund (30000).

31 10. \$9,830,000 from the miscellaneous special revenue fund, legal
32 services assistance account (22096), to the general fund.

33 11. \$1,000,000 from the general fund to the agencies internal service
34 fund, neighborhood work project account (55059).

35 12. \$7,980,000 from the miscellaneous special revenue fund, finger-
36 print identification & technology account (21950), to the general fund.

37 13. \$1,100,000 from the state police motor vehicle law enforcement and
38 motor vehicle theft and insurance fraud prevention fund, motor vehicle
39 theft and insurance fraud account (22801), to the general fund.

40 Transportation:

41 1. \$17,672,000 from the federal miscellaneous operating grants fund to
42 the miscellaneous special revenue fund, New York Metropolitan Transpor-
43 tation Council account (21913).

44 2. \$20,147,000 from the federal capital projects fund to the miscella-
45 neous special revenue fund, New York Metropolitan Transportation Council
46 account (21913).

47 3. \$15,058,017 from the general fund to the mass transportation oper-
48 ating assistance fund, public transportation systems operating assist-
49 ance account (21401), of which \$12,000,000 constitutes the base need for
50 operations.

51 4. \$265,900,000 from the general fund to the dedicated highway and
52 bridge trust fund (30050).

53 5. \$244,250,000 from the general fund to the MTA financial assistance
54 fund, mobility tax trust account (23651).

55 6. \$5,000,000 from the miscellaneous special revenue fund, transporta-
56 tion regulation account (22067) to the dedicated highway and bridge

1 trust fund (30050), for disbursements made from such fund for motor
2 carrier safety that are in excess of the amounts deposited in the dedi-
3 cated highway and bridge trust fund (30050) for such purpose pursuant to
4 section 94 of the transportation law.

5 7. \$3,000,000 from the miscellaneous special revenue fund, traffic
6 adjudication account (22055), to the general fund.

7 8. \$17,421,000 from the mass transportation operating assistance fund,
8 metropolitan mass transportation operating assistance account (21402),
9 to the capital projects fund (30000).

10 9. \$5,000,000 from the miscellaneous special revenue fund, transporta-
11 tion regulation account (22067) to the general fund, for disbursements
12 made from such fund for motor carrier safety that are in excess of the
13 amounts deposited in the general fund for such purpose pursuant to
14 section 94 of the transportation law.

15 Miscellaneous:

16 1. \$250,000,000 from the general fund to any funds or accounts for the
17 purpose of reimbursing certain outstanding accounts receivable balances.

18 2. \$500,000,000 from the general fund to the debt reduction reserve
19 fund (40000).

20 3. \$450,000,000 from the New York state storm recovery capital fund
21 (33000) to the revenue bond tax fund (40152).

22 4. \$18,550,000 from the general fund, community projects account GG
23 (10256), to the general fund, state purposes account (10050).

24 5. \$100,000,000 from any special revenue federal fund to the general
25 fund, state purposes account (10050).

26 § 3. Notwithstanding any law to the contrary, and in accordance with
27 section 4 of the state finance law, the comptroller is hereby authorized
28 and directed to transfer, on or before March 31, 2019:

29 1. Upon request of the commissioner of environmental conservation, up
30 to \$12,531,400 from revenues credited to any of the department of envi-
31 ronmental conservation special revenue funds, including \$4,000,000 from
32 the environmental protection and oil spill compensation fund (21200),
33 and \$1,819,600 from the conservation fund (21150), to the environmental
34 conservation special revenue fund, indirect charges account (21060).

35 2. Upon request of the commissioner of agriculture and markets, up to
36 \$3,000,000 from any special revenue fund or enterprise fund within the
37 department of agriculture and markets to the general fund, to pay appro-
38 priate administrative expenses.

39 3. Upon request of the commissioner of agriculture and markets, up to
40 \$2,000,000 from the state exposition special fund, state fair receipts
41 account (50051) to the miscellaneous capital projects fund, state fair
42 capital improvement account (32208).

43 4. Upon request of the commissioner of the division of housing and
44 community renewal, up to \$6,221,000 from revenues credited to any divi-
45 sion of housing and community renewal federal or miscellaneous special
46 revenue fund to the miscellaneous special revenue fund, housing indirect
47 cost recovery account (22090).

48 5. Upon request of the commissioner of the division of housing and
49 community renewal, up to \$5,500,000 may be transferred from any miscel-
50 laneous special revenue fund account, to any miscellaneous special
51 revenue fund.

52 6. Upon request of the commissioner of health up to \$8,500,000 from
53 revenues credited to any of the department of health's special revenue
54 funds, to the miscellaneous special revenue fund, administration account
55 (21982).

1 § 4. On or before March 31, 2019, the comptroller is hereby authorized
2 and directed to deposit earnings that would otherwise accrue to the
3 general fund that are attributable to the operation of section 98-a of
4 the state finance law, to the agencies internal service fund, banking
5 services account (55057), for the purpose of meeting direct payments
6 from such account.

7 § 5. Notwithstanding any law to the contrary, upon the direction of
8 the director of the budget and upon requisition by the state university
9 of New York, the dormitory authority of the state of New York is
10 directed to transfer, up to \$22,000,000 in revenues generated from the
11 sale of notes or bonds, the state university income fund general revenue
12 account (22653) for reimbursement of bondable equipment for further
13 transfer to the state's general fund.

14 § 6. Notwithstanding any law to the contrary, and in accordance with
15 section 4 of the state finance law, the comptroller is hereby authorized
16 and directed to transfer, upon request of the director of the budget and
17 upon consultation with the state university chancellor or his or her
18 designee, on or before March 31, 2019, up to \$16,000,000 from the state
19 university income fund general revenue account (22653) to the state
20 general fund for debt service costs related to campus supported capital
21 project costs for the NY-SUNY 2020 challenge grant program at the
22 University at Buffalo.

23 § 7. Notwithstanding any law to the contrary, and in accordance with
24 section 4 of the state finance law, the comptroller is hereby authorized
25 and directed to transfer, upon request of the director of the budget and
26 upon consultation with the state university chancellor or his or her
27 designee, on or before March 31, 2019, up to \$6,500,000 from the state
28 university income fund general revenue account (22653) to the state
29 general fund for debt service costs related to campus supported capital
30 project costs for the NY-SUNY 2020 challenge grant program at the
31 University at Albany.

32 § 8. Notwithstanding any law to the contrary, the state university
33 chancellor or his or her designee is authorized and directed to transfer
34 estimated tuition revenue balances from the state university collection
35 fund (61000) to the state university income fund, state university
36 general revenue offset account (22655) on or before March 31, 2019.

37 § 9. Notwithstanding any law to the contrary, and in accordance with
38 section 4 of the state finance law, the comptroller is hereby authorized
39 and directed to transfer, upon request of the director of the budget, up
40 to \$1,000,778,300 from the general fund to the state university income
41 fund, state university general revenue offset account (22655) during the
42 period of July 1, 2018 through June 30, 2019 to support operations at
43 the state university.

44 § 10. Notwithstanding any law to the contrary, and in accordance with
45 section 4 of the state financial law, the comptroller is hereby author-
46 ized and directed to transfer, upon request of the director of the budg-
47 et, up to \$20,000,000 from the general fund to the state university
48 income fund, state university general revenue offset account (22655)
49 during the period of July 1, 2018 to June 30, 2019 to support operations
50 at the state university in accordance with the maintenance of effort
51 pursuant to clause (v) of subparagraph (4) of paragraph h of subdivision
52 2 of section 355 of the education law.

53 § 11. Notwithstanding any law to the contrary, and in accordance with
54 section 4 of the state finance law, the comptroller is hereby authorized
55 and directed to transfer, upon request of the state university chancel-
56 lor or his or her designee, up to \$126,000,000 from the state university

1 income fund, state university hospitals income reimbursable account
2 (22656), for services and expenses of hospital operations and capital
3 expenditures at the state university hospitals; and the state university
4 income fund, Long Island veterans' home account (22652) to the state
5 university capital projects fund (32400) on or before June 30, 2019.

6 § 12. Notwithstanding any law to the contrary, and in accordance with
7 section 4 of the state finance law, the comptroller, after consultation
8 with the state university chancellor or his or her designee, is hereby
9 authorized and directed to transfer moneys, in the first instance, from
10 the state university collection fund, Stony Brook hospital collection
11 account (61006), Brooklyn hospital collection account (61007), and Syra-
12 cuse hospital collection account (61008) to the state university income
13 fund, state university hospitals income reimbursable account (22656) in
14 the event insufficient funds are available in the state university
15 income fund, state university hospitals income reimbursable account
16 (22656) to permit the full transfer of moneys authorized for transfer,
17 to the general fund for payment of debt service related to the SUNY
18 hospitals. Notwithstanding any law to the contrary, the comptroller is
19 also hereby authorized and directed, after consultation with the state
20 university chancellor or his or her designee, to transfer moneys from
21 the state university income fund to the state university income fund,
22 state university hospitals income reimbursable account (22656) in the
23 event insufficient funds are available in the state university income
24 fund, state university hospitals income reimbursable account (22656) to
25 pay hospital operating costs or to permit the full transfer of moneys
26 authorized for transfer, to the general fund for payment of debt service
27 related to the SUNY hospitals on or before March 31, 2019.

28 § 13. Notwithstanding any law to the contrary, upon the direction of
29 the director of the budget and the chancellor of the state university of
30 New York or his or her designee, and in accordance with section 4 of the
31 state finance law, the comptroller is hereby authorized and directed to
32 transfer monies from the state university dormitory income fund (40350)
33 to the state university residence hall rehabilitation fund (30100), and
34 from the state university residence hall rehabilitation fund (30100) to
35 the state university dormitory income fund (40350), in an amount not to
36 exceed \$80 million from each fund.

37 § 14. Notwithstanding any law to the contrary, and in accordance with
38 section 4 of the state finance law, the comptroller is hereby authorized
39 and directed to transfer monies, upon request of the director of the
40 budget, on or before March 31, 2019, from and to any of the following
41 accounts: the miscellaneous special revenue fund, patient income account
42 (21909), the miscellaneous special revenue fund, mental hygiene program
43 fund account (21907), the miscellaneous special revenue fund, federal
44 salary sharing account (22056), or the general fund in any combination,
45 the aggregate of which shall not exceed \$350 million.

46 § 15. Subdivision 5 of section 97-f of the state finance law, as
47 amended by chapter 18 of the laws of 2003, is amended to read as
48 follows:

49 5. The comptroller shall from time to time, but in no event later than
50 the fifteenth day of each month, pay over for deposit in the mental
51 hygiene [patient income] general fund state operations account all
52 moneys in the mental health services fund in excess of the amount of
53 money required to be maintained on deposit in the mental health services
54 fund. The amount required to be maintained in such fund shall be (i)
55 twenty percent of the amount of the next payment coming due relating to
56 the mental health services facilities improvement program under any

1 agreement between the facilities development corporation and the New
2 York state medical care facilities finance agency multiplied by the
3 number of months from the date of the last such payment with respect to
4 payments under any such agreement required to be made semi-annually,
5 plus (ii) those amounts specified in any such agreement with respect to
6 payments required to be made other than semi-annually, including for
7 variable rate bonds, interest rate exchange or similar agreements or
8 other financing arrangements permitted by law. Prior to making any such
9 payment, the comptroller shall make and deliver to the director of the
10 budget and the chairmen of the facilities development corporation and
11 the New York state medical care facilities finance agency, a certificate
12 stating the aggregate amount to be maintained on deposit in the mental
13 health services fund to comply in full with the provisions of this
14 subdivision.

15 § 16. Notwithstanding any law to the contrary, and in accordance with
16 section 4 of the state finance law, the comptroller is hereby authorized
17 and directed to transfer, at the request of the director of the budget,
18 up to \$800 million from the unencumbered balance of any special revenue
19 fund or account, agency fund or account, internal service fund or
20 account, enterprise fund or account, or any combination of such funds
21 and accounts, to the general fund. The amounts transferred pursuant to
22 this authorization shall be in addition to any other transfers expressly
23 authorized in the 2018-19 budget. Transfers from federal funds, debt
24 service funds, capital projects funds, the community projects fund, or
25 funds that would result in the loss of eligibility for federal benefits
26 or federal funds pursuant to federal law, rule, or regulation as assent-
27 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
28 1951 are not permitted pursuant to this authorization.

29 § 17. Notwithstanding any law to the contrary, and in accordance with
30 section 4 of the state finance law, the comptroller is hereby authorized
31 and directed to transfer, at the request of the director of the budget,
32 up to \$100 million from any non-general fund or account, or combination
33 of funds and accounts, to the miscellaneous special revenue fund, tech-
34 nology financing account (22207), the miscellaneous capital projects
35 fund, information technology capital financing account (32215), or the
36 centralized technology services account (55069), for the purpose of
37 consolidating technology procurement and services. The amounts trans-
38 ferred to the miscellaneous special revenue fund, technology financing
39 account (22207) pursuant to this authorization shall be equal to or less
40 than the amount of such monies intended to support information technolo-
41 gy costs which are attributable, according to a plan, to such account
42 made in pursuance to an appropriation by law. Transfers to the technolo-
43 gy financing account shall be completed from amounts collected by non-
44 general funds or accounts pursuant to a fund deposit schedule or perma-
45 nent statute, and shall be transferred to the technology financing
46 account pursuant to a schedule agreed upon by the affected agency
47 commissioner. Transfers from funds that would result in the loss of
48 eligibility for federal benefits or federal funds pursuant to federal
49 law, rule, or regulation as assented to in chapter 683 of the laws of
50 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to
51 this authorization.

52 § 18. Notwithstanding any other law to the contrary, up to \$145
53 million of the assessment reserves remitted to the chair of the workers'
54 compensation board pursuant to subdivision 6 of section 151 of the work-
55 ers' compensation law shall, at the request of the director of the budg-
56 et, be transferred to the state insurance fund, for partial payment and

1 partial satisfaction of the state's obligations to the state insurance
2 fund under section 88-c of the workers' compensation law.

3 § 19. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer, at the request of the director of the budget,
6 up to \$400 million from any non-general fund or account, or combination
7 of funds and accounts, to the general fund for the purpose of consol-
8 idating technology procurement and services. The amounts transferred
9 pursuant to this authorization shall be equal to or less than the amount
10 of such monies intended to support information technology costs which
11 are attributable, according to a plan, to such account made in pursuance
12 to an appropriation by law. Transfers to the general fund shall be
13 completed from amounts collected by non-general funds or accounts pursu-
14 ant to a fund deposit schedule. Transfers from funds that would result
15 in the loss of eligibility for federal benefits or federal funds pursu-
16 ant to federal law, rule, or regulation as assented to in chapter 683 of
17 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
18 pursuant to this authorization.

19 § 20. Notwithstanding any provision of law to the contrary, as deemed
20 feasible and advisable by its trustees, the power authority of the state
21 of New York is authorized and directed to transfer to the state treasury
22 to the credit of the general fund \$20,000,000 for the state fiscal year
23 commencing April 1, 2018, the proceeds of which will be utilized to
24 support energy-related state activities.

25 § 21. Notwithstanding any provision of law, rule or regulation to the
26 contrary, the New York state energy research and development authority
27 is authorized and directed to make the following contributions to the
28 state treasury to the credit of the general fund on or before March 31,
29 2019: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the
30 authority from the auction or sale of carbon dioxide emission allowances
31 allocated by the department of environmental conservation.

32 § 22. Subdivision 5 of section 97-rrr of the state finance law, as
33 amended by section 21 of part XXX of chapter 59 of the laws of 2017, is
34 amended to read as follows:

35 5. Notwithstanding the provisions of section one hundred seventy-one-a
36 of the tax law, as separately amended by chapters four hundred eighty-
37 one and four hundred eighty-four of the laws of nineteen hundred eight-
38 y-one, and notwithstanding the provisions of chapter ninety-four of the
39 laws of two thousand eleven, or any other provisions of law to the
40 contrary, during the fiscal year beginning April first, two thousand
41 [seventeen] eighteen, the state comptroller is hereby authorized and
42 directed to deposit to the fund created pursuant to this section from
43 amounts collected pursuant to article twenty-two of the tax law and
44 pursuant to a schedule submitted by the director of the budget, up to
45 [[\$2,679,997,000] \$2,409,909,000, as may be certified in such schedule as
46 necessary to meet the purposes of such fund for the fiscal year begin-
47 ning April first, two thousand [seventeen] eighteen.

48 § 23. Notwithstanding any law to the contrary, the comptroller is
49 hereby authorized and directed to transfer, upon request of the director
50 of the budget, on or before March 31, 2019, the following amounts from
51 the following special revenue accounts to the capital projects fund
52 (30000), for the purposes of reimbursement to such fund for expenses
53 related to the maintenance and preservation of state assets:

54 1. \$43,000 from the miscellaneous special revenue fund, administrative
55 program account (21982).

1 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
2 hospital account (22140).

3 3. \$366,000 from the miscellaneous special revenue fund, New York city
4 veterans' home account (22141).

5 4. \$513,000 from the miscellaneous special revenue fund, New York
6 state home for veterans' and their dependents at oxford account (22142).

7 5. \$159,000 from the miscellaneous special revenue fund, western New
8 York veterans' home account (22143).

9 6. \$323,000 from the miscellaneous special revenue fund, New York
10 state for veterans in the lower-hudson valley account (22144).

11 7. \$2,550,000 from the miscellaneous special revenue fund, patron
12 services account (22163).

13 8. \$830,000 from the miscellaneous special revenue fund, long island
14 veterans' home account (22652).

15 9. \$5,379,000 from the miscellaneous special revenue fund, state
16 university general income reimbursable account (22653).

17 10. \$112,556,000 from the miscellaneous special revenue fund, state
18 university revenue offset account (22655).

19 11. \$557,000 from the miscellaneous special revenue fund, state
20 university of New York tuition reimbursement account (22659).

21 12. \$41,930,000 from the state university dormitory income fund, state
22 university dormitory income fund (40350).

23 13. \$1,000,000 from the miscellaneous special revenue fund, litigation
24 settlement and civil recovery account (22117).

25 § 24. Subdivisions 2 and 4 of section 97-rrr of the state finance law,
26 subdivision 2 as amended by section 45 of part H of chapter 56 of the
27 laws of 2000 and subdivision 4 as added by section 22-b of part XXX of
28 chapter 59 of the laws of 2017, is amended to read as follows:

29 2. Such fund shall consist of all monies credited or transferred ther-
30 eto from the general fund or from any other fund or sources pursuant to
31 law, and include an amount equal to fifty percent of any estimated cash-
32 basis surplus in the general fund, as certified by the director of the
33 budget on or before the twenty-fifth day of March of each fiscal year.
34 Upon request of the director of the budget, the state comptroller shall
35 transfer such surplus amount from the general fund to the debt reduction
36 reserve fund. The director of the budget shall calculate the surplus as
37 the excess of estimated aggregate receipts above the estimated aggregate
38 disbursements at the end of the fiscal year. Notwithstanding paragraph
39 (a) of subdivision four of section seventy-two of this article, the
40 state comptroller shall retain any balance of monies in the debt
41 reduction reserve fund at the end of any fiscal year in such fund.

42 4. Any amounts disbursed from such fund shall be excluded from the
43 calculation of annual spending growth in state operating funds [until
44 June 30, 2019].

45 § 25. Subdivision 6 of section 4 of the state finance law, as amended
46 by section 24 of part UU of chapter 54 of the laws of 2016, is amended
47 to read as follows:

48 6. Notwithstanding any law to the contrary, at the beginning of the
49 state fiscal year, the state comptroller is hereby authorized and
50 directed to receive for deposit to the credit of a fund and/or an
51 account such monies as are identified by the director of the budget as
52 having been intended for such deposit to support disbursements from such
53 fund and/or account made in pursuance of an appropriation by law. As
54 soon as practicable upon enactment of the budget, the director of the
55 budget shall, but not less than three days following preliminary
56 submission to the chairs of the senate finance committee and the assem-

1 bly ways and means committee, file with the state comptroller an iden-
2 tification of specific monies to be so deposited. Any subsequent change
3 regarding the monies to be so deposited shall be filed by the director
4 of the budget, as soon as practicable, but not less than three days
5 following preliminary submission to the chairs of the senate finance
6 committee and the assembly ways and means committee.

7 All monies identified by the director of the budget to be deposited to
8 the credit of a fund and/or account shall be consistent with the intent
9 of the budget for the then current state fiscal year as enacted by the
10 legislature.

11 [The provisions of this subdivision shall expire on March thirty-
12 first, two thousand eighteen.]

13 § 26. Subdivision 4 of section 40 of the state finance law, as amended
14 by section 25 of part UU of chapter 54 of the laws of 2016, is amended
15 to read as follows:

16 4. Every appropriation made from a fund or account to a department or
17 agency shall be available for the payment of prior years' liabilities in
18 such fund or account for fringe benefits, indirect costs, and telecommu-
19 nications expenses and expenses for other centralized services fund
20 programs without limit. Every appropriation shall also be available for
21 the payment of prior years' liabilities other than those indicated
22 above, but only to the extent of one-half of one percent of the total
23 amount appropriated to a department or agency in such fund or account.

24 [The provisions of this subdivision shall expire March thirty-first,
25 two thousand eighteen.]

26 § 27. Notwithstanding any provision of law to the contrary, in the
27 event that federal legislation, federal regulatory actions, federal
28 executive actions or federal judicial actions reduce federal financial
29 participation in Medicaid funding to New York state or its subdivisions
30 by \$850 million or more in state fiscal years 2018-19 through 2019-20,
31 the director of the division of the budget shall notify the temporary
32 president of the senate and the speaker of the assembly in writing that
33 the federal actions will reduce expected funding to New York state. The
34 director of the division of the budget shall prepare a plan that shall
35 be submitted to the legislature, which shall (a) specify the total
36 amount of the reduction in federal financial participation in Medicaid,
37 (b) itemize the specific programs and activities that will be affected
38 by the reduction in federal financial participation in Medicaid, and (c)
39 identify the general fund and state special revenue fund appropriations
40 and related disbursements that shall be reduced, and in what program
41 areas, provided, however, that such reductions to appropriations and
42 disbursements shall be applied equally and proportionally to the
43 programs affected by the reduction in federal financial participation in
44 Medicaid. Upon such submission, the legislature shall have 90 days after
45 such submission to either prepare its own plan, which may be adopted by
46 concurrent resolution passed by both houses, or if after 90 days the
47 legislature fails to adopt their own plan, the reductions to the general
48 fund and state special revenue fund appropriations and related disburse-
49 ments identified in the division of the budget plan will go into effect
50 automatically.

51 § 28. Notwithstanding any provision of law to the contrary, in the
52 event that federal legislation, federal regulatory actions, federal
53 executive actions or federal judicial actions reduce federal financial
54 participation or other federal aid in funding to New York state that
55 affects the state operating funds financial plan by \$850 million or more
56 in state fiscal years 2018-19 through 2019-20, exclusive of any cuts to

1 Medicaid, the director of the division of the budget shall notify the
2 temporary president of the senate and the speaker of the assembly in
3 writing that the federal actions will reduce expected funding to New
4 York state. The director of the division of the budget shall prepare a
5 plan that shall be submitted to the legislature, which shall (a) specify
6 the total amount of the reduction in federal aid, (b) itemize the
7 specific programs and activities that will be affected by the federal
8 reductions, exclusive of Medicaid, and (c) identify the general fund and
9 state special revenue fund appropriations and related disbursements that
10 shall be reduced, and in what program areas, provided, however, that
11 such reductions to appropriations and disbursements shall be applied
12 equally and proportionally. Upon such submission, the legislature shall
13 have 90 days after such submission to either prepare its own plan, which
14 may be adopted by concurrent resolution passed by both houses, or if
15 after 90 days the legislature fails to adopt their own plan, the
16 reductions to the general fund and state special revenue fund appropri-
17 ations and related disbursements identified in the division of the budg-
18 et plan will go into effect automatically.

19 § 28-a. The state finance law is amended by adding a new section 28 to
20 read as follows:

21 § 28. Reductions to enacted appropriations. 1. Notwithstanding any
22 other provision of law to the contrary, to maintain a balanced budget in
23 the event that the annual estimate for tax receipts for fiscal year two
24 thousand eighteen-nineteen is reduced by five hundred million dollars or
25 more compared to estimate in the fiscal year two thousand eighteen-nine-
26 teen Executive Budget Financial Plan, the appropriations and related
27 cash disbursements for all general fund and state special revenue fund
28 aid to localities appropriations shall be uniformly reduced by the
29 percentage set forth in a written allocation plan prepared by the direc-
30 tor of the budget, provided, however, that the uniform percentage
31 reduction shall not exceed three percent. The following types of appro-
32 priations shall be exempt from uniform reduction: (a) public assistance
33 payments for families and individuals and payments for eligible aged,
34 blind and disabled persons related to supplemental social security; (b)
35 any reductions that would violate federal law; (c) payments of debt
36 service and related expenses for which the state is constitutionally
37 obligated to pay debt service or is contractually obligated to pay debt
38 service, subject to an appropriation, including where the state has a
39 contingent contractual obligation; (d) payments the state is obligated
40 to make pursuant to court orders or judgments; (e) payments for CUNY
41 senior colleges; (f) school aid; (g) Medicaid; and (h) payments from the
42 community projects fund.

43 2. Reductions under this section shall commence within ten days
44 following the publication of a financial plan required under sections
45 twenty-two or twenty-three of this article stating that the annual esti-
46 mate for tax receipts for fiscal year two thousand eighteen-nineteen is
47 reduced by five hundred million dollars or more compared to estimate in
48 the fiscal year two thousand eighteen-nineteen Executive Budget Finan-
49 cial Plan. Such reductions shall be uniformly reduced in accordance
50 with a written allocation plan prepared by the director of the budget,
51 which shall be filed with the state comptroller, the chairman of the
52 senate finance committee and the chairman of the assembly ways and means
53 committee. Such written allocation plan shall include a summary of the
54 methodology for calculating the percentage reductions to the payments
55 from non-exempt appropriations and cash disbursements and the reasons
56 for any exemptions, and a detailed schedule of the reductions and



1 exemptions. The director of the budget shall prepare appropriately
2 reduced certificates, which shall be filed with the state comptroller,
3 the chair of the senate finance committee and the chair of the assembly
4 ways and means committee.

5 3. On March thirty-first, two thousand nineteen, the director of the
6 budget shall calculate the difference, if any, between the annual esti-
7 mate in tax receipts contained in the fiscal year 2019 Executive Budget
8 Financial Plan and actual tax collections for fiscal year two thousand
9 eighteen-nineteen. If actual tax receipts for fiscal year two thousand
10 eighteen-nineteen were not less than five hundred million dollars below
11 the annual estimate in tax receipts contained in the Executive Budget
12 Financial Plan for fiscal year two thousand eighteen-nineteen, then the
13 amounts withheld under this section shall be payable as soon as practi-
14 cable thereafter in the fiscal year two thousand twenty-one.

15 4. Notwithstanding any inconsistent provision of law, rule or regu-
16 lation, the effectiveness of the provisions of sections twenty-eight
17 hundred seven and thirty-six hundred fourteen of the public health law,
18 section eighteen of chapter two of the laws of nineteen hundred eighty-
19 eight, and 18 NYCRR § 505.14(h), as they relate to time frames for
20 notice, approval or certification of rates of payment, are hereby
21 suspended and without force or effect for purposes of implementing the
22 provisions of this act.

23 § 29. Section 8-b of the state finance law, as added by chapter 169 of
24 the laws of 1994, is amended to read as follows:

25 § 8-b. Additional duties of the comptroller. 1. The comptroller is
26 hereby authorized and directed to assess fringe benefit and central
27 service agency indirect costs on all non-general funds, and on the
28 general fund upon request and at the sole discretion of the director of
29 the budget, and to [bill] charge such assessments [on] to such funds.
30 Such fringe benefit and indirect costs [billings] assessments shall be
31 based on rates provided to the comptroller by the director of the budg-
32 et. Copies of such rates shall be provided to the legislative fiscal
33 committees.

34 2. Receipts derived from such indirect costs assessments, paid pursu-
35 ant to appropriations, shall be [deposited to the indirect costs recov-
36 ery account] refunded to the originating general fund appropriations, or
37 as directed by the director of the budget, in consultation with the
38 comptroller. Receipts derived from the fringe benefit assessments, paid
39 pursuant to appropriations, shall be [deposited to the fringe benefit
40 escrow account. If any of the fringe benefit escrow accounts have avail-
41 able balances, such balances may be applied to other categories in the
42 general state charges schedule as determined by the director of the
43 budget] refunded to any originating general state charge appropriation,
44 pursuant to a schedule submitted by the director of the budget to the
45 comptroller.

46 § 30. Notwithstanding any other law, rule, or regulation to the
47 contrary, the state comptroller is hereby authorized and directed to use
48 any balance remaining in the mental health services fund debt service
49 appropriation, after payment by the state comptroller of all obligations
50 required pursuant to any lease, sublease, or other financing arrangement
51 between the dormitory authority of the state of New York as successor to
52 the New York state medical care facilities finance agency, and the
53 facilities development corporation pursuant to chapter 83 of the laws of
54 1995 and the department of mental hygiene for the purpose of making
55 payments to the dormitory authority of the state of New York for the
56 amount of the earnings for the investment of monies deposited in the

1 mental health services fund that such agency determines will or may have
2 to be rebated to the federal government pursuant to the provisions of
3 the internal revenue code of 1986, as amended, in order to enable such
4 agency to maintain the exemption from federal income taxation on the
5 interest paid to the holders of such agency's mental services facilities
6 improvement revenue bonds. Annually on or before each June 30th, such
7 agency shall certify to the state comptroller its determination of the
8 amounts received in the mental health services fund as a result of the
9 investment of monies deposited therein that will or may have to be
10 rebated to the federal government pursuant to the provisions of the
11 internal revenue code of 1986, as amended.

12 § 31. Subdivision 1 of section 47 of section 1 of chapter 174 of the
13 laws of 1968, constituting the New York state urban development corpo-
14 ration act, as amended by section 24 of part XXX of chapter 59 of the
15 laws of 2017, is amended to read as follows:

16 1. Notwithstanding the provisions of any other law to the contrary,
17 the dormitory authority and the corporation are hereby authorized to
18 issue bonds or notes in one or more series for the purpose of funding
19 project costs for the office of information technology services, depart-
20 ment of law, and other state costs associated with such capital
21 projects. The aggregate principal amount of bonds authorized to be
22 issued pursuant to this section shall not exceed [four hundred fifty
23 million five hundred forty thousand dollars] five hundred forty million
24 nine hundred fifty-four thousand dollars, excluding bonds issued to fund
25 one or more debt service reserve funds, to pay costs of issuance of such
26 bonds, and bonds or notes issued to refund or otherwise repay such bonds
27 or notes previously issued. Such bonds and notes of the dormitory
28 authority and the corporation shall not be a debt of the state, and the
29 state shall not be liable thereon, nor shall they be payable out of any
30 funds other than those appropriated by the state to the dormitory
31 authority and the corporation for principal, interest, and related
32 expenses pursuant to a service contract and such bonds and notes shall
33 contain on the face thereof a statement to such effect. Except for
34 purposes of complying with the internal revenue code, any interest
35 income earned on bond proceeds shall only be used to pay debt service on
36 such bonds.

37 § 32. Subdivision 1 of section 16 of part D of chapter 389 of the laws
38 of 1997, relating to the financing of the correctional facilities
39 improvement fund and the youth facility improvement fund, as amended by
40 section 25 of part XXX of chapter 59 of the laws of 2017, is amended to
41 read as follows:

42 1. Subject to the provisions of chapter 59 of the laws of 2000, but
43 notwithstanding the provisions of section 18 of section 1 of chapter 174
44 of the laws of 1968, the New York state urban development corporation is
45 hereby authorized to issue bonds, notes and other obligations in an
46 aggregate principal amount not to exceed [seven] eight billion [seven
47 hundred forty-one] eighty-two million [one] eight hundred ninety-nine
48 thousand dollars [\$7,741,199,000] \$8,082,899,000, and shall include all
49 bonds, notes and other obligations issued pursuant to chapter 56 of the
50 laws of 1983, as amended or supplemented. The proceeds of such bonds,
51 notes or other obligations shall be paid to the state, for deposit in
52 the correctional facilities capital improvement fund to pay for all or
53 any portion of the amount or amounts paid by the state from appropri-
54 ations or reappropriations made to the department of corrections and
55 community supervision from the correctional facilities capital improve-
56 ment fund for capital projects. The aggregate amount of bonds, notes or

1 other obligations authorized to be issued pursuant to this section shall
2 exclude bonds, notes or other obligations issued to refund or otherwise
3 repay bonds, notes or other obligations theretofore issued, the proceeds
4 of which were paid to the state for all or a portion of the amounts
5 expended by the state from appropriations or reappropriations made to
6 the department of corrections and community supervision; provided,
7 however, that upon any such refunding or repayment the total aggregate
8 principal amount of outstanding bonds, notes or other obligations may be
9 greater than [seven] eight billion [seven hundred forty-one] eighty-two
10 million [one] eight hundred ninety-nine thousand dollars
11 [\$7,741,199,000] \$8,082,899,000, only if the present value of the aggregate
12 debt service of the refunding or repayment bonds, notes or other
13 obligations to be issued shall not exceed the present value of the
14 aggregate debt service of the bonds, notes or other obligations so to be
15 refunded or repaid. For the purposes hereof, the present value of the
16 aggregate debt service of the refunding or repayment bonds, notes or
17 other obligations and of the aggregate debt service of the bonds, notes
18 or other obligations so refunded or repaid, shall be calculated by
19 utilizing the effective interest rate of the refunding or repayment
20 bonds, notes or other obligations, which shall be that rate arrived at
21 by doubling the semi-annual interest rate (compounded semi-annually)
22 necessary to discount the debt service payments on the refunding or
23 repayment bonds, notes or other obligations from the payment dates thereof
24 to the date of issue of the refunding or repayment bonds, notes or
25 other obligations and to the price bid including estimated accrued
26 interest or proceeds received by the corporation including estimated
27 accrued interest from the sale thereof.

28 § 33. Paragraph (a) of subdivision 2 of section 47-e of the private
29 housing finance law, as amended by section 26 of part XXX of chapter 59
30 of the laws of 2017, is amended to read as follows:

31 (a) Subject to the provisions of chapter fifty-nine of the laws of two
32 thousand, in order to enhance and encourage the promotion of housing
33 programs and thereby achieve the stated purposes and objectives of such
34 housing programs, the agency shall have the power and is hereby authorized
35 from time to time to issue negotiable housing program bonds and
36 notes in such principal amount as shall be necessary to provide sufficient
37 funds for the repayment of amounts disbursed (and not previously
38 reimbursed) pursuant to law or any prior year making capital appropriations
39 or reappropriations for the purposes of the housing program;
40 provided, however, that the agency may issue such bonds and notes in an
41 aggregate principal amount not exceeding \$5,691,399,000 five billion
42 [three] six hundred [eighty-four] ninety-one million [one] three hundred
43 ninety-nine thousand dollars, plus a principal amount of bonds issued to
44 fund the debt service reserve fund in accordance with the debt service
45 reserve fund requirement established by the agency and to fund any other
46 reserves that the agency reasonably deems necessary for the security or
47 marketability of such bonds and to provide for the payment of fees and
48 other charges and expenses, including underwriters' discount, trustee
49 and rating agency fees, bond insurance, credit enhancement and liquidity
50 enhancement related to the issuance of such bonds and notes. No reserve
51 fund securing the housing program bonds shall be entitled or eligible to
52 receive state funds apportioned or appropriated to maintain or restore
53 such reserve fund at or to a particular level, except to the extent of
54 any deficiency resulting directly or indirectly from a failure of the
55 state to appropriate or pay the agreed amount under any of the contracts
56 provided for in subdivision four of this section.

1 § 34. Subdivision (b) of section 11 of chapter 329 of the laws of
2 1991, amending the state finance law and other laws relating to the
3 establishment of the dedicated highway and bridge trust fund, as amended
4 by section 27 of part XXX of chapter 59 of the laws of 2017, is amended
5 to read as follows:

6 (b) Any service contract or contracts for projects authorized pursuant
7 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
8 14-k of the transportation law, and entered into pursuant to subdivision
9 (a) of this section, shall provide for state commitments to provide
10 annually to the thruway authority a sum or sums, upon such terms and
11 conditions as shall be deemed appropriate by the director of the budget,
12 to fund, or fund the debt service requirements of any bonds or any obli-
13 gations of the thruway authority issued to fund or to reimburse the
14 state for funding such projects having a cost not in excess of
15 ~~[\$9,699,586,000]~~ \$10,186,939,000 cumulatively by the end of fiscal year
16 ~~[2017-18]~~ 2018-19.

17 § 35. Subdivision 1 of section 1689-i of the public authorities law,
18 as amended by section 28 of part XXX of chapter 59 of the laws of 2017,
19 is amended to read as follows:

20 1. The dormitory authority is authorized to issue bonds, at the
21 request of the commissioner of education, to finance eligible library
22 construction projects pursuant to section two hundred seventy-three-a of
23 the education law, in amounts certified by such commissioner not to
24 exceed a total principal amount of one hundred ~~[eighty-three]~~ ninety-
25 seven million dollars.

26 § 36. Subdivision (a) of section 27 of part Y of chapter 61 of the
27 laws of 2005, relating to providing for the administration of certain
28 funds and accounts related to the 2005-2006 budget, as amended by
29 section 29 of part XXX of chapter 59 of the laws of 2017, is amended to
30 read as follows:

31 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
32 notwithstanding any provisions of law to the contrary, the urban devel-
33 opment corporation is hereby authorized to issue bonds or notes in one
34 or more series in an aggregate principal amount not to exceed
35 ~~[\$173,600,000]~~ \$220,100,000 two hundred twenty million one hundred thou-
36 sand dollars, excluding bonds issued to finance one or more debt service
37 reserve funds, to pay costs of issuance of such bonds, and bonds or
38 notes issued to refund or otherwise repay such bonds or notes previously
39 issued, for the purpose of financing capital projects including IT
40 initiatives for the division of state police, debt service and leases;
41 and to reimburse the state general fund for disbursements made therefor.
42 Such bonds and notes of such authorized issuer shall not be a debt of
43 the state, and the state shall not be liable thereon, nor shall they be
44 payable out of any funds other than those appropriated by the state to
45 such authorized issuer for debt service and related expenses pursuant to
46 any service contract executed pursuant to subdivision (b) of this
47 section and such bonds and notes shall contain on the face thereof a
48 statement to such effect. Except for purposes of complying with the
49 internal revenue code, any interest income earned on bond proceeds shall
50 only be used to pay debt service on such bonds.

51 § 37. Section 44 of section 1 of chapter 174 of the laws of 1968,
52 constituting the New York state urban development corporation act, as
53 amended by section 30 of part XXX of chapter 59 of the laws of 2017, is
54 amended to read as follows:

55 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
56 provisions of any other law to the contrary, the dormitory authority and

1 the corporation are hereby authorized to issue bonds or notes in one or
2 more series for the purpose of funding project costs for the regional
3 economic development council initiative, the economic transformation
4 program, state university of New York college for nanoscale and science
5 engineering, projects within the city of Buffalo or surrounding envi-
6 rons, the New York works economic development fund, projects for the
7 retention of professional football in western New York, the empire state
8 economic development fund, the clarkson-trudeau partnership, the New
9 York genome center, the cornell university college of veterinary medi-
10 cine, the olympic regional development authority, projects at nano
11 Utica, onondaga county revitalization projects, Binghamton university
12 school of pharmacy, New York power electronics manufacturing consortium,
13 regional infrastructure projects, high tech innovation and economic
14 development infrastructure program, high technology manufacturing
15 projects in Chautauqua and Erie county, an industrial scale research and
16 development facility in Clinton county, upstate revitalization initi-
17 ative projects, downstate revitalization initiative market New York
18 projects, fairground buildings, equipment or facilities used to house
19 and promote agriculture, the state fair, the empire state trail, the
20 moynihan station development project, the Kingsbridge armory project,
21 strategic economic development projects, the cultural, arts and public
22 spaces fund, water infrastructure in the city of Auburn and town of
23 Owasco, a life sciences laboratory public health initiative, not-for-
24 profit pounds, shelters and humane societies, arts and cultural facili-
25 ties improvement program, restore New York's communities initiative,
26 heavy equipment, economic development and infrastructure projects, [and]
27 other state costs associated with such projects and Roosevelt Island
28 operating corporation capital projects. The aggregate principal amount
29 of bonds authorized to be issued pursuant to this section shall not
30 exceed [six] eight billion [seven] one hundred [eight] fifty-eight
31 million [two] five hundred [fifty-seven] ninety thousand dollars,
32 excluding bonds issued to fund one or more debt service reserve funds,
33 to pay costs of issuance of such bonds, and bonds or notes issued to
34 refund or otherwise repay such bonds or notes previously issued. Such
35 bonds and notes of the dormitory authority and the corporation shall not
36 be a debt of the state, and the state shall not be liable thereon, nor
37 shall they be payable out of any funds other than those appropriated by
38 the state to the dormitory authority and the corporation for principal,
39 interest, and related expenses pursuant to a service contract and such
40 bonds and notes shall contain on the face thereof a statement to such
41 effect. Except for purposes of complying with the internal revenue code,
42 any interest income earned on bond proceeds shall only be used to pay
43 debt service on such bonds.

44 2. Notwithstanding any other provision of law to the contrary, in
45 order to assist the dormitory authority and the corporation in undertak-
46 ing the financing for project costs for the regional economic develop-
47 ment council initiative, the economic transformation program, state
48 university of New York college for nanoscale and science engineering,
49 projects within the city of Buffalo or surrounding environs, the New
50 York works economic development fund, projects for the retention of
51 professional football in western New York, the empire state economic
52 development fund, the clarkson-trudeau partnership, the New York genome
53 center, the cornell university college of veterinary medicine, the olym-
54 pic regional development authority, projects at nano Utica, onondaga
55 county revitalization projects, Binghamton university school of pharma-
56 cy, New York power electronics manufacturing consortium, regional

1 infrastructure projects, high technology manufacturing projects in Chau-
2 tauqua and Erie county, an industrial scale research and development
3 facility in Clinton county, upstate revitalization initiative projects,
4 market New York projects, fairground buildings, equipment or facilities
5 used to house and promote agriculture, the state fair, the empire state
6 trail, the moynihan station development project, the Kingsbridge armory
7 project, strategic economic development projects, the cultural, arts and
8 public spaces fund, water infrastructure in the city of Auburn and town
9 of Owasco, a life sciences laboratory public health initiative, not-for-
10 profit pounds, shelters and humane societies, arts and cultural facili-
11 ties improvement program, restore New York's communities initiative,
12 heavy equipment, economic development and infrastructure projects, and
13 other state costs associated with such projects, the director of the
14 budget is hereby authorized to enter into one or more service contracts
15 with the dormitory authority and the corporation, none of which shall
16 exceed thirty years in duration, upon such terms and conditions as the
17 director of the budget and the dormitory authority and the corporation
18 agree, so as to annually provide to the dormitory authority and the
19 corporation, in the aggregate, a sum not to exceed the principal, inter-
20 est, and related expenses required for such bonds and notes. Any service
21 contract entered into pursuant to this section shall provide that the
22 obligation of the state to pay the amount therein provided shall not
23 constitute a debt of the state within the meaning of any constitutional
24 or statutory provision and shall be deemed executory only to the extent
25 of monies available and that no liability shall be incurred by the state
26 beyond the monies available for such purpose, subject to annual appro-
27 priation by the legislature. Any such contract or any payments made or
28 to be made thereunder may be assigned and pledged by the dormitory
29 authority and the corporation as security for its bonds and notes, as
30 authorized by this section.

31 § 38. Subdivisions 1 and 3 of section 1285-p of the public authorities
32 law, as amended by section 31 of part XXX of chapter 59 of the laws of
33 2017, are amended to read as follows:

34 1. Subject to chapter fifty-nine of the laws of two thousand, but
35 notwithstanding any other provisions of law to the contrary, in order to
36 assist the corporation in undertaking the administration and the financ-
37 ing of the design, acquisition, construction, improvement, installation,
38 and related work for all or any portion of any of the following environ-
39 mental infrastructure projects and for the provision of funds to the
40 state for any amounts disbursed therefor: (a) projects authorized under
41 the environmental protection fund, or for which appropriations are made
42 to the environmental protection fund including, but not limited to
43 municipal parks and historic preservation, stewardship, farmland
44 protection, non-point source, pollution control, Hudson River Park, land
45 acquisition, and waterfront revitalization; (b) department of environ-
46 mental conservation capital appropriations for Onondaga Lake for certain
47 water quality improvement projects in the same manner as set forth in
48 paragraph (d) of subdivision one of section 56-0303 of the environmental
49 conservation law; (c) for the purpose of the administration, management,
50 maintenance, and use of the real property at the western New York nucle-
51 ar service center; (d) department of environmental conservation capital
52 appropriations for the administration, design, acquisition,
53 construction, improvement, installation, and related work on department
54 of environmental conservation environmental infrastructure projects; (e)
55 office of parks, recreation and historic preservation appropriations or
56 reappropriations from the state parks infrastructure fund; (f) capital



1 grants for the cleaner, greener communities program; (g) capital costs
2 of water quality infrastructure projects and (h) capital costs of clean
3 water infrastructure projects the director of the division of budget and
4 the corporation are each authorized to enter into one or more service
5 contracts, none of which shall exceed twenty years in duration, upon
6 such terms and conditions as the director and the corporation may agree,
7 so as to annually provide to the corporation in the aggregate, a sum not
8 to exceed the annual debt service payments and related expenses required
9 for any bonds and notes authorized pursuant to section twelve hundred
10 ninety of this title. Any service contract entered into pursuant to this
11 section shall provide that the obligation of the state to fund or to pay
12 the amounts therein provided for shall not constitute a debt of the
13 state within the meaning of any constitutional or statutory provision
14 and shall be deemed executory only to the extent of moneys available for
15 such purposes, subject to annual appropriation by the legislature. Any
16 such service contract or any payments made or to be made thereunder may
17 be assigned and pledged by the corporation as security for its bonds and
18 notes, as authorized pursuant to section twelve hundred ninety of this
19 title.

20 3. The maximum amount of bonds that may be issued for the purpose of
21 financing environmental infrastructure projects authorized by this
22 section shall be [four] five billion [nine] two hundred [fifty-one]
23 ninety-six million [seven] one hundred sixty thousand dollars, exclusive
24 of bonds issued to fund any debt service reserve funds, pay costs of
25 issuance of such bonds, and bonds or notes issued to refund or otherwise
26 repay bonds or notes previously issued. Such bonds and notes of the
27 corporation shall not be a debt of the state, and the state shall not be
28 liable thereon, nor shall they be payable out of any funds other than
29 those appropriated by the state to the corporation for debt service and
30 related expenses pursuant to any service contracts executed pursuant to
31 subdivision one of this section, and such bonds and notes shall contain
32 on the face thereof a statement to such effect.

33 § 39. Subdivision 1 of section 45 of section 1 of chapter 174 of the
34 laws of 1968, constituting the New York state urban development corpo-
35 ration act, as amended by section 32 of part XXX of chapter 59 of the
36 laws of 2017, is amended to read as follows:

37 1. Notwithstanding the provisions of any other law to the contrary,
38 the urban development corporation of the state of New York is hereby
39 authorized to issue bonds or notes in one or more series for the purpose
40 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
41 2020 challenge grant program subject to the approval of a NY-SUNY and
42 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
43 the state university of New York or the chancellor of the city universi-
44 ty of New York, as applicable. The aggregate principal amount of bonds
45 authorized to be issued pursuant to this section shall not exceed
46 \$660,000,000, excluding bonds issued to fund one or more debt service
47 reserve funds, to pay costs of issuance of such bonds, and bonds or
48 notes issued to refund or otherwise repay such bonds or notes previously
49 issued. Such bonds and notes of the corporation shall not be a debt of
50 the state, and the state shall not be liable thereon, nor shall they be
51 payable out of any funds other than those appropriated by the state to
52 the corporation for principal, interest, and related expenses pursuant
53 to a service contract and such bonds and notes shall contain on the face
54 thereof a statement to such effect. Except for purposes of complying
55 with the internal revenue code, any interest income earned on bond
56 proceeds shall only be used to pay debt service on such bonds.

1 § 40. Subdivision (a) of section 48 of part K of chapter 81 of the
2 laws of 2002, relating to providing for the administration of certain
3 funds and accounts related to the 2002-2003 budget, as amended by
4 section 33 of part XXX of chapter 59 of the laws of 2017, is amended to
5 read as follows:

6 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
7 notwithstanding the provisions of section 18 of the urban development
8 corporation act, the corporation is hereby authorized to issue bonds or
9 notes in one or more series in an aggregate principal amount not to
10 exceed ~~[\$250,000,000]~~ \$253,000,000 two-hundred fifty-three million
11 dollars excluding bonds issued to fund one or more debt service reserve
12 funds, to pay costs of issuance of such bonds, and bonds or notes issued
13 to refund or otherwise repay such bonds or notes previously issued, for
14 the purpose of financing capital costs related to homeland security and
15 training facilities for the division of state police, the division of
16 military and naval affairs, and any other state agency, including the
17 reimbursement of any disbursements made from the state capital projects
18 fund, and is hereby authorized to issue bonds or notes in one or more
19 series in an aggregate principal amount not to exceed ~~[\$654,800,000]~~
20 \$744,800,000, seven hundred forty-four million eight hundred thousand
21 dollars, excluding bonds issued to fund one or more debt service reserve
22 funds, to pay costs of issuance of such bonds, and bonds or notes issued
23 to refund or otherwise repay such bonds or notes previously issued, for
24 the purpose of financing improvements to State office buildings and
25 other facilities located statewide, including the reimbursement of any
26 disbursements made from the state capital projects fund. Such bonds and
27 notes of the corporation shall not be a debt of the state, and the state
28 shall not be liable thereon, nor shall they be payable out of any funds
29 other than those appropriated by the state to the corporation for debt
30 service and related expenses pursuant to any service contracts executed
31 pursuant to subdivision (b) of this section, and such bonds and notes
32 shall contain on the face thereof a statement to such effect.

33 § 41. Subdivision 1 of section 386-b of the public authorities law, as
34 amended by section 34 of part XXX of chapter 59 of the laws of 2017, is
35 amended to read as follows:

36 1. Notwithstanding any other provision of law to the contrary, the
37 authority, the dormitory authority and the urban development corporation
38 are hereby authorized to issue bonds or notes in one or more series for
39 the purpose of financing peace bridge projects and capital costs of
40 state and local highways, parkways, bridges, the New York state thruway,
41 Indian reservation roads, and facilities, and transportation infrastruc-
42 ture projects including aviation projects, non-MTA mass transit
43 projects, and rail service preservation projects, including work appur-
44 tenant and ancillary thereto. The aggregate principal amount of bonds
45 authorized to be issued pursuant to this section shall not exceed four
46 billion ~~[three]~~ four hundred ~~[sixty-four]~~ eighty million dollars
47 ~~[\$4,364,000,000]~~ \$4,480,000,000, excluding bonds issued to fund one or
48 more debt service reserve funds, to pay costs of issuance of such bonds,
49 and to refund or otherwise repay such bonds or notes previously issued.
50 Such bonds and notes of the authority, the dormitory authority and the
51 urban development corporation shall not be a debt of the state, and the
52 state shall not be liable thereon, nor shall they be payable out of any
53 funds other than those appropriated by the state to the authority, the
54 dormitory authority and the urban development corporation for principal,
55 interest, and related expenses pursuant to a service contract and such
56 bonds and notes shall contain on the face thereof a statement to such

1 effect. Except for purposes of complying with the internal revenue code,
2 any interest income earned on bond proceeds shall only be used to pay
3 debt service on such bonds.

4 § 42. Paragraph (c) of subdivision 19 of section 1680 of the public
5 authorities law, as amended by section 35 of part XXX of chapter 59 of
6 the laws of 2017, is amended to read as follows:

7 (c) Subject to the provisions of chapter fifty-nine of the laws of two
8 thousand, the dormitory authority shall not issue any bonds for state
9 university educational facilities purposes if the principal amount of
10 bonds to be issued when added to the aggregate principal amount of bonds
11 issued by the dormitory authority on and after July first, nineteen
12 hundred eighty-eight for state university educational facilities will
13 exceed twelve billion [three] nine hundred [forty-three] forty-eight
14 million eight hundred sixty-four thousand dollars \$12,948,864,000;
15 provided, however, that bonds issued or to be issued shall be excluded
16 from such limitation if: (1) such bonds are issued to refund state
17 university construction bonds and state university construction notes
18 previously issued by the housing finance agency; or (2) such bonds are
19 issued to refund bonds of the authority or other obligations issued for
20 state university educational facilities purposes and the present value
21 of the aggregate debt service on the refunding bonds does not exceed the
22 present value of the aggregate debt service on the bonds refunded there-
23 by; provided, further that upon certification by the director of the
24 budget that the issuance of refunding bonds or other obligations issued
25 between April first, nineteen hundred ninety-two and March thirty-first,
26 nineteen hundred ninety-three will generate long term economic benefits
27 to the state, as assessed on a present value basis, such issuance will
28 be deemed to have met the present value test noted above. For purposes
29 of this subdivision, the present value of the aggregate debt service of
30 the refunding bonds and the aggregate debt service of the bonds
31 refunded, shall be calculated by utilizing the true interest cost of the
32 refunding bonds, which shall be that rate arrived at by doubling the
33 semi-annual interest rate (compounded semi-annually) necessary to
34 discount the debt service payments on the refunding bonds from the
35 payment dates thereof to the date of issue of the refunding bonds to the
36 purchase price of the refunding bonds, including interest accrued there-
37 on prior to the issuance thereof. The maturity of such bonds, other than
38 bonds issued to refund outstanding bonds, shall not exceed the weighted
39 average economic life, as certified by the state university construction
40 fund, of the facilities in connection with which the bonds are issued,
41 and in any case not later than the earlier of thirty years or the expi-
42 ration of the term of any lease, sublease or other agreement relating
43 thereto; provided that no note, including renewals thereof, shall mature
44 later than five years after the date of issuance of such note. The
45 legislature reserves the right to amend or repeal such limit, and the
46 state of New York, the dormitory authority, the state university of New
47 York, and the state university construction fund are prohibited from
48 covenanting or making any other agreements with or for the benefit of
49 bondholders which might in any way affect such right.

50 § 43. Paragraph (c) of subdivision 14 of section 1680 of the public
51 authorities law, as amended by section 36 of part XXX of chapter 59 of
52 the laws of 2017, is amended to read as follows:

53 (c) Subject to the provisions of chapter fifty-nine of the laws of two
54 thousand, (i) the dormitory authority shall not deliver a series of
55 bonds for city university community college facilities, except to refund
56 or to be substituted for or in lieu of other bonds in relation to city

1 university community college facilities pursuant to a resolution of the
2 dormitory authority adopted before July first, nineteen hundred eighty-
3 five or any resolution supplemental thereto, if the principal amount of
4 bonds so to be issued when added to all principal amounts of bonds
5 previously issued by the dormitory authority for city university commu-
6 nity college facilities, except to refund or to be substituted in lieu
7 of other bonds in relation to city university community college facili-
8 ties will exceed the sum of four hundred twenty-five million dollars and
9 (ii) the dormitory authority shall not deliver a series of bonds issued
10 for city university facilities, including community college facilities,
11 pursuant to a resolution of the dormitory authority adopted on or after
12 July first, nineteen hundred eighty-five, except to refund or to be
13 substituted for or in lieu of other bonds in relation to city university
14 facilities and except for bonds issued pursuant to a resolution supple-
15 mental to a resolution of the dormitory authority adopted prior to July
16 first, nineteen hundred eighty-five, if the principal amount of bonds so
17 to be issued when added to the principal amount of bonds previously
18 issued pursuant to any such resolution, except bonds issued to refund or
19 to be substituted for or in lieu of other bonds in relation to city
20 university facilities, will exceed [seven] eight billion [nine] three
21 hundred [eighty-one] fourteen million [nine] six hundred [sixty-eight]
22 ninety-one thousand dollars \$8,314,691,000. The legislature reserves
23 the right to amend or repeal such limit, and the state of New York, the
24 dormitory authority, the city university, and the fund are prohibited
25 from covenanting or making any other agreements with or for the benefit
26 of bondholders which might in any way affect such right.

27 § 44. Subdivision 10-a of section 1680 of the public authorities law,
28 as amended by section 37 of part XXX of chapter 59 of the laws of 2017,
29 is amended to read as follows:

30 10-a. Subject to the provisions of chapter fifty-nine of the laws of
31 two thousand, but notwithstanding any other provision of the law to the
32 contrary, the maximum amount of bonds and notes to be issued after March
33 thirty-first, two thousand two, on behalf of the state, in relation to
34 any locally sponsored community college, shall be nine hundred [four-
35 teen] fifty-three million [five] two hundred [ninety] sixty-five thou-
36 sand dollars \$953,265,000. Such amount shall be exclusive of bonds and
37 notes issued to fund any reserve fund or funds, costs of issuance and to
38 refund any outstanding bonds and notes, issued on behalf of the state,
39 relating to a locally sponsored community college.

40 § 45. Subdivision 1 of section 17 of part D of chapter 389 of the laws
41 of 1997, relating to the financing of the correctional facilities
42 improvement fund and the youth facility improvement fund, as amended by
43 section 38 of part XXX of chapter 59 of the laws of 2017, is amended to
44 read as follows:

45 1. Subject to the provisions of chapter 59 of the laws of 2000, but
46 notwithstanding the provisions of section 18 of section 1 of chapter 174
47 of the laws of 1968, the New York state urban development corporation is
48 hereby authorized to issue bonds, notes and other obligations in an
49 aggregate principal amount not to exceed [six] seven hundred [eighty-
50 two] sixty-nine million [nine] six hundred fifteen thousand dollars
51 [(\$682,915,000)] (\$769,615,000), which authorization increases the
52 aggregate principal amount of bonds, notes and other obligations author-
53 ized by section 40 of chapter 309 of the laws of 1996, and shall include
54 all bonds, notes and other obligations issued pursuant to chapter 211 of
55 the laws of 1990, as amended or supplemented. The proceeds of such
56 bonds, notes or other obligations shall be paid to the state, for depos-

1 it in the youth facilities improvement fund, to pay for all or any
2 portion of the amount or amounts paid by the state from appropriations
3 or reappropriations made to the office of children and family services
4 from the youth facilities improvement fund for capital projects. The
5 aggregate amount of bonds, notes and other obligations authorized to be
6 issued pursuant to this section shall exclude bonds, notes or other
7 obligations issued to refund or otherwise repay bonds, notes or other
8 obligations theretofore issued, the proceeds of which were paid to the
9 state for all or a portion of the amounts expended by the state from
10 appropriations or reappropriations made to the office of children and
11 family services; provided, however, that upon any such refunding or
12 repayment the total aggregate principal amount of outstanding bonds,
13 notes or other obligations may be greater than [six] seven hundred
14 [eighty-two] sixty-nine million [nine] six hundred fifteen thousand
15 dollars [(\$682,915,000)] (\$769,615,000), only if the present value of
16 the aggregate debt service of the refunding or repayment bonds, notes or
17 other obligations to be issued shall not exceed the present value of the
18 aggregate debt service of the bonds, notes or other obligations so to be
19 refunded or repaid. For the purposes hereof, the present value of the
20 aggregate debt service of the refunding or repayment bonds, notes or
21 other obligations and of the aggregate debt service of the bonds, notes
22 or other obligations so refunded or repaid, shall be calculated by
23 utilizing the effective interest rate of the refunding or repayment
24 bonds, notes or other obligations, which shall be that rate arrived at
25 by doubling the semi-annual interest rate (compounded semi-annually)
26 necessary to discount the debt service payments on the refunding or
27 repayment bonds, notes or other obligations from the payment dates ther-
28 eof to the date of issue of the refunding or repayment bonds, notes or
29 other obligations and to the price bid including estimated accrued
30 interest or proceeds received by the corporation including estimated
31 accrued interest from the sale thereof.

32 § 46. Paragraph b of subdivision 2 of section 9-a of section 1 of
33 chapter 392 of the laws of 1973, constituting the New York state medical
34 care facilities finance agency act, as amended by section 39 of part XXX
35 of chapter 59 of the laws of 2017, is amended to read as follows:

36 b. The agency shall have power and is hereby authorized from time to
37 time to issue negotiable bonds and notes in conformity with applicable
38 provisions of the uniform commercial code in such principal amount as,
39 in the opinion of the agency, shall be necessary, after taking into
40 account other moneys which may be available for the purpose, to provide
41 sufficient funds to the facilities development corporation, or any
42 successor agency, for the financing or refinancing of or for the design,
43 construction, acquisition, reconstruction, rehabilitation or improvement
44 of mental health services facilities pursuant to paragraph a of this
45 subdivision, the payment of interest on mental health services improve-
46 ment bonds and mental health services improvement notes issued for such
47 purposes, the establishment of reserves to secure such bonds and notes,
48 the cost or premium of bond insurance or the costs of any financial
49 mechanisms which may be used to reduce the debt service that would be
50 payable by the agency on its mental health services facilities improve-
51 ment bonds and notes and all other expenditures of the agency incident
52 to and necessary or convenient to providing the facilities development
53 corporation, or any successor agency, with funds for the financing or
54 refinancing of or for any such design, construction, acquisition, recon-
55 struction, rehabilitation or improvement and for the refunding of mental
56 hygiene improvement bonds issued pursuant to section 47-b of the private

1 housing finance law; provided, however, that the agency shall not issue
2 mental health services facilities improvement bonds and mental health
3 services facilities improvement notes in an aggregate principal amount
4 exceeding eight billion [three] seven hundred [ninety-two] fifty-eight
5 million [eight] seven hundred [fifteen] eleven thousand dollars, exclud-
6 ing mental health services facilities improvement bonds and mental
7 health services facilities improvement notes issued to refund outstand-
8 ing mental health services facilities improvement bonds and mental
9 health services facilities improvement notes; provided, however, that
10 upon any such refunding or repayment of mental health services facili-
11 ties improvement bonds and/or mental health services facilities improve-
12 ment notes the total aggregate principal amount of outstanding mental
13 health services facilities improvement bonds and mental health facili-
14 ties improvement notes may be greater than eight billion [three] seven
15 hundred [ninety-two] fifty-eight million [eight] seven hundred [fifteen]
16 eleven thousand dollars \$8,758,711,000 only if, except as hereinafter
17 provided with respect to mental health services facilities bonds and
18 mental health services facilities notes issued to refund mental hygiene
19 improvement bonds authorized to be issued pursuant to the provisions of
20 section 47-b of the private housing finance law, the present value of
21 the aggregate debt service of the refunding or repayment bonds to be
22 issued shall not exceed the present value of the aggregate debt service
23 of the bonds to be refunded or repaid. For purposes hereof, the present
24 values of the aggregate debt service of the refunding or repayment
25 bonds, notes or other obligations and of the aggregate debt service of
26 the bonds, notes or other obligations so refunded or repaid, shall be
27 calculated by utilizing the effective interest rate of the refunding or
28 repayment bonds, notes or other obligations, which shall be that rate
29 arrived at by doubling the semi-annual interest rate (compounded semi-
30 annually) necessary to discount the debt service payments on the refund-
31 ing or repayment bonds, notes or other obligations from the payment
32 dates thereof to the date of issue of the refunding or repayment bonds,
33 notes or other obligations and to the price bid including estimated
34 accrued interest or proceeds received by the authority including esti-
35 mated accrued interest from the sale thereof. Such bonds, other than
36 bonds issued to refund outstanding bonds, shall be scheduled to mature
37 over a term not to exceed the average useful life, as certified by the
38 facilities development corporation, of the projects for which the bonds
39 are issued, and in any case shall not exceed thirty years and the maxi-
40 mum maturity of notes or any renewals thereof shall not exceed five
41 years from the date of the original issue of such notes. Notwithstanding
42 the provisions of this section, the agency shall have the power and is
43 hereby authorized to issue mental health services facilities improvement
44 bonds and/or mental health services facilities improvement notes to
45 refund outstanding mental hygiene improvement bonds authorized to be
46 issued pursuant to the provisions of section 47-b of the private housing
47 finance law and the amount of bonds issued or outstanding for such
48 purposes shall not be included for purposes of determining the amount of
49 bonds issued pursuant to this section. The director of the budget shall
50 allocate the aggregate principal authorized to be issued by the agency
51 among the office of mental health, office for people with developmental
52 disabilities, and the office of alcoholism and substance abuse services,
53 in consultation with their respective commissioners to finance bondable
54 appropriations previously approved by the legislature.



1 § 47. Subdivision 1 of section 1680-r of the public authorities law,
2 as amended by section 41 of part XXX of chapter 59 of the laws of 2017,
3 is amended to read as follows:

4 1. Notwithstanding the provisions of any other law to the contrary,
5 the dormitory authority and the urban development corporation are hereby
6 authorized to issue bonds or notes in one or more series for the purpose
7 of funding project costs for the capital restructuring financing program
8 for health care and related facilities licensed pursuant to the public
9 health law or the mental hygiene law and other state costs associated
10 with such capital projects, the health care facility transformation
11 programs, and the essential health care provider program. The aggregate
12 principal amount of bonds authorized to be issued pursuant to this
13 section shall not exceed [two] three billion [seven hundred million]
14 dollars, excluding bonds issued to fund one or more debt service reserve
15 funds, to pay costs of issuance of such bonds, and bonds or notes issued
16 to refund or otherwise repay such bonds or notes previously issued. Such
17 bonds and notes of the dormitory authority and the urban development
18 corporation shall not be a debt of the state, and the state shall not be
19 liable thereon, nor shall they be payable out of any funds other than
20 those appropriated by the state to the dormitory authority and the urban
21 development corporation for principal, interest, and related expenses
22 pursuant to a service contract and such bonds and notes shall contain on
23 the face thereof a statement to such effect. Except for purposes of
24 complying with the internal revenue code, any interest income earned on
25 bond proceeds shall only be used to pay debt service on such bonds.

26 § 48. Section 50 of section 1 of chapter 174 of the laws of 1968
27 constituting the New York state urban development corporation act, as
28 added by section 42 of part XXX of chapter 59 of the laws of 2017, is
29 amended to read as follows:

30 § 50. 1. Notwithstanding the provisions of any other law to the
31 contrary, the dormitory authority and the urban development corporation
32 are hereby authorized to issue bonds or notes in one or more series for
33 the purpose of funding project costs undertaken by or on behalf of
34 special act school districts, state-supported schools for the blind and
35 deaf, approved private special education schools, non-public schools,
36 community centers, day care facilities, and other state costs associated
37 with such capital projects. The aggregate principal amount of bonds
38 authorized to be issued pursuant to this section shall not exceed
39 fifty-five million dollars, excluding bonds issued to fund one or more
40 debt service reserve funds, to pay costs of issuance of such bonds, and
41 bonds or notes issued to refund or otherwise repay such bonds or notes
42 previously issued. Such bonds and notes of the dormitory authority and
43 the urban development corporation shall not be a debt of the state, and
44 the state shall not be liable thereon, nor shall they be payable out of
45 any funds other than those appropriated by the state to the dormitory
46 authority and the urban development corporation for principal, interest,
47 and related expenses pursuant to a service contract and such bonds and
48 notes shall contain on the face thereof a statement to such effect.
49 Except for purposes of complying with the internal revenue code, any
50 interest income earned on bond proceeds shall only be used to pay debt
51 service on such bonds.

52 2. Notwithstanding any other provision of law to the contrary, in
53 order to assist the dormitory authority and the urban development corpo-
54 ration in undertaking the financing for project costs undertaken by or
55 on behalf of special act school districts, state-supported schools for
56 the blind and deaf and approved private special education schools, non-

1 public schools, community centers, day care facilities, and other state
2 costs associated with such capital projects, the director of the budget
3 is hereby authorized to enter into one or more service contracts with
4 the dormitory authority and the urban development corporation, none of
5 which shall exceed thirty years in duration, upon such terms and condi-
6 tions as the director of the budget and the dormitory authority and the
7 urban development corporation agree, so as to annually provide to the
8 dormitory authority and the urban development corporation, in the aggre-
9 gate, a sum not to exceed the principal, interest, and related expenses
10 required for such bonds and notes. Any service contract entered into
11 pursuant to this section shall provide that the obligation of the state
12 to pay the amount therein provided shall not constitute a debt of the
13 state within the meaning of any constitutional or statutory provision
14 and shall be deemed executory only to the extent of monies available and
15 that no liability shall be incurred by the state beyond the monies
16 available for such purpose, subject to annual appropriation by the
17 legislature. Any such contract or any payments made or to be made there-
18 under may be assigned and pledged by the dormitory authority and the
19 urban development corporation as security for its bonds and notes, as
20 authorized by this section.

21 § 49. Subdivision (a) of section 28 of part Y of chapter 61 of the
22 laws of 2005, relating to providing for the administration of certain
23 funds and accounts related to the 2005-2006 budget, as amended by
24 section 42-a of part XXX of chapter 59 of the laws of 2017, is amended
25 to read as follows:

26 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
27 notwithstanding any provisions of law to the contrary, one or more
28 authorized issuers as defined by section 68-a of the state finance law
29 are hereby authorized to issue bonds or notes in one or more series in
30 an aggregate principal amount not to exceed ~~[\$47,000,000]~~ \$67,000,000,
31 sixty-seven million dollars excluding bonds issued to finance one or
32 more debt service reserve funds, to pay costs of issuance of such bonds,
33 and bonds or notes issued to refund or otherwise repay such bonds or
34 notes previously issued, for the purpose of financing capital projects
35 for public protection facilities in the Division of Military and Naval
36 Affairs, debt service and leases; and to reimburse the state general
37 fund for disbursements made therefor. Such bonds and notes of such
38 authorized issuer shall not be a debt of the state, and the state shall
39 not be liable thereon, nor shall they be payable out of any funds other
40 than those appropriated by the state to such authorized issuer for debt
41 service and related expenses pursuant to any service contract executed
42 pursuant to subdivision (b) of this section and such bonds and notes
43 shall contain on the face thereof a statement to such effect. Except for
44 purposes of complying with the internal revenue code, any interest
45 income earned on bond proceeds shall only be used to pay debt service on
46 such bonds.

47 § 50. Subdivision 1 of section 49 of section 1 of chapter 174 of the
48 laws of 1968, constituting the New York state urban development corpo-
49 ration act, as amended by section 42-b of part XXX of chapter 59 of the
50 laws of 2017, is amended to read as follows:

51 1. Notwithstanding the provisions of any other law to the contrary,
52 the dormitory authority and the corporation are hereby authorized to
53 issue bonds or notes in one or more series for the purpose of funding
54 project costs for the state and municipal facilities program and other
55 state costs associated with such capital projects. The aggregate princi-
56 pal amount of bonds authorized to be issued pursuant to this section

1 shall not exceed one billion nine hundred [twenty-five] thirty-eight
2 million five hundred thousand dollars, excluding bonds issued to fund
3 one or more debt service reserve funds, to pay costs of issuance of such
4 bonds, and bonds or notes issued to refund or otherwise repay such bonds
5 or notes previously issued. Such bonds and notes of the dormitory
6 authority and the corporation shall not be a debt of the state, and the
7 state shall not be liable thereon, nor shall they be payable out of any
8 funds other than those appropriated by the state to the dormitory
9 authority and the corporation for principal, interest, and related
10 expenses pursuant to a service contract and such bonds and notes shall
11 contain on the face thereof a statement to such effect. Except for
12 purposes of complying with the internal revenue code, any interest
13 income earned on bond proceeds shall only be used to pay debt service on
14 such bonds.

15 § 51. Subdivision 1 of section 51 of section 1 of chapter 174 of the
16 laws of 1968, constituting the New York state urban development corpo-
17 ration act, as amended by section 42-c of part XXX of chapter 59 of the
18 laws of 2017, is amended to read as follows:

19 1. Notwithstanding the provisions of any other law to the contrary,
20 the dormitory authority and the urban development corporation are hereby
21 authorized to issue bonds or notes in one or more series for the purpose
22 of funding project costs for the nonprofit infrastructure capital
23 investment program and other state costs associated with such capital
24 projects. The aggregate principal amount of bonds authorized to be
25 issued pursuant to this section shall not exceed one hundred twenty
26 million dollars, excluding bonds issued to fund one or more debt service
27 reserve funds, to pay costs of issuance of such bonds, and bonds or
28 notes issued to refund or otherwise repay such bonds or notes previously
29 issued. Such bonds and notes of the dormitory authority and the urban
30 development corporation shall not be a debt of the state, and the state
31 shall not be liable thereon, nor shall they be payable out of any funds
32 other than those appropriated by the state to the dormitory authority
33 and the urban development corporation for principal, interest, and
34 related expenses pursuant to a service contract and such bonds and notes
35 shall contain on the face thereof a statement to such effect. Except for
36 purposes of complying with the internal revenue code, any interest
37 income earned on bond proceeds shall only be used to pay debt service on
38 such bonds.

39 § 52. Paragraph (b) of subdivision 4 of section 72 of the state
40 finance law, as amended by section 43 of part XXX of chapter 59 of the
41 laws of 2017, is amended to read as follows:

42 (b) On or before the beginning of each quarter, the director of the
43 budget may certify to the state comptroller the estimated amount of
44 monies that shall be reserved in the general debt service fund for the
45 payment of debt service and related expenses payable by such fund during
46 each month of the state fiscal year, excluding payments due from the
47 revenue bond tax fund. Such certificate may be periodically updated, as
48 necessary. Notwithstanding any provision of law to the contrary, the
49 state comptroller shall reserve in the general debt service fund the
50 amount of monies identified on such certificate as necessary for the
51 payment of debt service and related expenses during the current or next
52 succeeding quarter of the state fiscal year. Such monies reserved shall
53 not be available for any other purpose. Such certificate shall be
54 reported to the chairpersons of the Senate Finance Committee and the
55 Assembly Ways and Means Committee. The provisions of this paragraph
56 shall expire June thirtieth, two thousand twenty.

1 § 53. The opening paragraph of paragraph (a) and paragraph (g) of
2 subdivision 2 of section 56 of the state finance law, as amended by
3 section 48 of part XXX of chapter 59 of the laws of 2017, are amended to
4 read as follows:

5 Refunding bonds shall be issued only when the comptroller shall have
6 certified that, as a result of the refunding, there will be a debt
7 service savings to the state on a present value basis as a result of the
8 refunding transaction and that either (i) the refunding will benefit
9 state taxpayers over the life of the refunding bonds by achieving an
10 actual debt service savings each year or state fiscal year during the
11 term to maturity of the refunding bonds when debt service on the refund-
12 ing bonds is expected to be paid from legislative appropriations or (ii)
13 debt service on the refunding bonds shall be payable in annual install-
14 ments of principal and interest which result in substantially level or
15 declining debt service payments pursuant to paragraph (b) of subdivision
16 two of section fifty-seven of this article. Such certification by the
17 comptroller shall be conclusive as to matters contained therein after
18 the refunding bonds have been issued.

19 (g) Any refunding bonds issued pursuant to this section shall be paid
20 in annual installments which shall, so long as any refunding bonds are
21 outstanding, be made in each year or state fiscal year in which install-
22 ments were due on the bonds to be refunded and shall be in an amount
23 which shall result in annual debt service payments which shall be less
24 in each year or state fiscal year than the annual debt service payments
25 on the bonds to be refunded unless debt service on the refunding bonds
26 is payable in annual installments of principal and interest which will
27 result in substantially level or declining debt service payments pursu-
28 ant to paragraph (b) of subdivision two of section fifty-seven of this
29 article.

30 § 54. Subdivisions 1, 2 and 6 of section 57 of the state finance law,
31 as amended by section 49 of part XXX of chapter 59 of the laws of 2017,
32 are amended to read as follows:

33 1. Whenever the legislature, after authorization of a bond issue by
34 the people at a general election, as provided by section eleven of arti-
35 cle seven of the state constitution, or as provided by section three of
36 article eighteen of the state constitution, shall have authorized, by
37 one or more laws, the creation of a state debt or debts, bonds of the
38 state, to the amount of the debt or debts so authorized, shall be issued
39 and sold by the state comptroller. Any appropriation from the proceeds
40 of the sale of bonds, pursuant to this section, shall be deemed to be an
41 authorization for the creation of a state debt or debts to the extent of
42 such appropriation. The state comptroller may issue and sell a single
43 series of bonds pursuant to one or more such authorizations and for one
44 or more duly authorized works or purposes. As part of the proceedings
45 for each such issuance and sale of bonds, the state comptroller shall
46 designate the works or purposes for which they are issued. It shall not
47 be necessary for him to designate the works or purposes for which the
48 bonds are issued on the face of the bonds. The proceeds from the sale of
49 bonds for more than one work or purpose shall be separately accounted
50 for according to the works or purposes designated for such sale by the
51 comptroller and the proceeds received for each work or purpose shall be
52 expended only for such work or purpose. The bonds shall bear interest at
53 such rate or rates as in the judgment of the state comptroller may be
54 sufficient or necessary to effect a sale of the bonds, and such interest
55 shall be payable at least semi-annually, in the case of bonds with a
56 fixed interest rate, and at least annually, in the case of bonds with an

1 interest rate that varies periodically, in the city of New York unless
2 annual payments of principal and interest result in substantially level
3 or declining debt service payments over the life of an issue of bonds
4 pursuant to paragraph (b) of subdivision two of this section or unless
5 accrued interest is contributed to a sinking fund in accordance with
6 subdivision three of section twelve of article seven of the state
7 constitution, in which case interest shall be paid at such times and at
8 such places as shall be determined by the state comptroller prior to
9 issuance of the bonds.

10 2. Such bonds, or the portion thereof at any time issued, shall be
11 made payable (a) in equal annual principal installments or (b) in annual
12 installments of principal and interest which result in substantially
13 level or declining debt service payments, over the life of the bonds,
14 the first of which annual installments shall be payable not more than
15 one year from the date of issue and the last of which shall be payable
16 at such time as the comptroller may determine but not more than forty
17 years or state fiscal years after the date of issue, not more than fifty
18 years after the date of issue in the case of housing bonds, and not more
19 than twenty-five years in the case of urban renewal bonds. Where bonds
20 are payable pursuant to paragraph (b) of this subdivision, except for
21 the year or state fiscal year of initial issuance if less than a full
22 year of debt service is to become due in that year or state fiscal year,
23 either (i) the greatest aggregate amount of debt service payable in any
24 year or state fiscal year shall not differ from the lowest aggregate
25 amount of debt service payable in any other year or state fiscal year by
26 more than five percent or (ii) the aggregate amount of debt service in
27 each year or state fiscal year shall be less than the aggregate amount
28 of debt service in the immediately preceding year or state fiscal year.
29 For purposes of this subdivision, debt service shall include all princi-
30 pal, redemption price, sinking fund installments or contributions, and
31 interest scheduled to become due. For purposes of determining whether
32 debt service is level or declining on bonds issued with a variable rate
33 of interest pursuant to paragraph b of subdivision four of this section,
34 the comptroller shall assume a market rate of interest as of the date of
35 issuance. Where the comptroller determines that interest on any bonds
36 shall be compounded and payable at maturity, such bonds shall be payable
37 only in accordance with paragraph (b) of this subdivision unless accrued
38 interest is contributed to a sinking fund in accordance with subdivision
39 three of section twelve of article seven of the state constitution. In
40 no case shall any bonds or portion thereof be issued for a period longer
41 than the probable life of the work or purpose, or part thereof, to which
42 the proceeds of the bonds are to be applied, or in the alternative, the
43 weighted average period of the probable life of the works or purposes to
44 which the proceeds of the bonds are to be applied taking into consider-
45 ation the respective amounts of bonds issued for each work or purpose,
46 as may be determined under section sixty-one of this article and in
47 accordance with the certificate of the commissioner of general services,
48 and/or the commissioner of transportation, state architect, state
49 commissioner of housing and urban renewal, or other authority, as the
50 case may be, having charge by law of the acquisition, construction, work
51 or improvement for which the debt was authorized. Such certificate shall
52 be filed in the office of the state comptroller and shall state the
53 group, or, where the probable lives of two or more separable parts of
54 the work or purposes are different, the groups, specified in such
55 section, for which the amount or amounts, shall be provided by the issu-
56 ance and sale of bonds. Weighted average period of probable life shall

1 be determined by computing the sum of the products derived from multi-
2 plying the dollar value of the portion of the debt contracted for each
3 work or purpose (or class of works or purposes) by the probable life of
4 such work or purpose (or class of works or purposes) and dividing the
5 resulting sum by the dollar value of the entire debt after taking into
6 consideration any original issue discount. Any costs of issuance
7 financed with bond proceeds shall be prorated among the various works or
8 purposes. Such bonds, or the portion thereof at any time sold, shall be
9 of such denominations, subject to the foregoing provisions, as the state
10 comptroller may determine. Notwithstanding the foregoing provisions of
11 this subdivision, the comptroller may issue all or a portion of such
12 bonds as serial debt, term debt or a combination thereof, maturing as
13 required by this subdivision, provided that the comptroller shall have
14 provided for the retirement each year or state fiscal year, or otherwise
15 have provided for the payment of, through sinking fund installment
16 payments or otherwise, a portion of such term bonds in an amount meeting
17 the requirements of paragraph (a) or (b) of this subdivision or shall
18 have established a sinking fund and provided for contributions thereto
19 as provided in subdivision eight of this section and section twelve of
20 article seven of the state constitution.

21 6. Except with respect to bonds issued in the manner provided in para-
22 graph (c) of subdivision seven of this section, all bonds of the state
23 of New York which the comptroller of the state of New York is authorized
24 to issue and sell, shall be executed in the name of the state of New
25 York by the manual or facsimile signature of the state comptroller and
26 his seal (or a facsimile thereof) shall be thereunto affixed, imprinted,
27 engraved or otherwise reproduced. In case the state comptroller who
28 shall have signed and sealed any of the bonds shall cease to hold the
29 office of state comptroller before the bonds so signed and sealed shall
30 have been actually countersigned and delivered by the fiscal agent or
31 trustee, such bonds may, nevertheless, be countersigned and delivered as
32 herein provided, and may be issued as if the state comptroller who
33 signed and sealed such bonds had not ceased to hold such office. Any
34 bond of a series may be signed and sealed on behalf of the state of New
35 York by such person as at the actual time of the execution of such bond
36 shall hold the office of comptroller of the state of New York, although
37 at the date of the bonds of such series such person may not have held
38 such office. The coupons to be attached to the coupon bonds of each
39 series shall be signed by the facsimile signature of the state comp-
40 troller of the state of New York or by any person who shall have held
41 the office of state comptroller of the state of New York on or after the
42 date of the bonds of such series, notwithstanding that such person may
43 not have been such state comptroller at the date of any such bond or may
44 have ceased to be such state comptroller at the date when any such bond
45 shall be actually countersigned and delivered. The bonds of each series
46 shall be countersigned with the manual signature of an authorized
47 employee of the fiscal agent or trustee of the state of New York. No
48 bond and no coupon thereunto appertaining shall be valid or obligatory
49 for any purpose until such manual countersignature of an authorized
50 employee of the fiscal agent or trustee of the state of New York shall
51 have been duly affixed to such bond.

52 § 55. Section 62 of the state finance law, as amended by section 51 of
53 part XXX of chapter 59 of the laws of 2017, is amended to read as
54 follows:

55 § 62. Replacement of lost certificates. The comptroller, who may act
56 through his duly authorized fiscal agent or trustee appointed pursuant

1 to section sixty-five of this article, may issue to the lawful owner of
2 any certificate or bond issued by him in behalf of this state, which he
3 or such duly authorized fiscal agent or trustee is satisfied, by due
4 proof filed in his office or with such duly authorized fiscal agent or
5 trustee, has been lost or casually destroyed, a new certificate or bond,
6 corresponding in date, number and amount with the certificate or bond so
7 lost or destroyed, and expressing on its face that it is a renewed
8 certificate or bond. No such renewed certificate or bond shall be issued
9 unless sufficient security is given to satisfy the lawful claim of any
10 person to the original certificate or bond, or to any interest therein.
11 The comptroller shall report annually to the legislature the number and
12 amount of all renewed certificates or bonds so issued. If the renewed
13 certificate is issued by the state's duly authorized fiscal agent or
14 trustee and such agent or trustee agrees to be responsible for any loss
15 suffered as a result of unauthorized payment, the security shall be
16 provided to and approved by the fiscal agent or trustee and no addi-
17 tional approval by the comptroller or the attorney general shall be
18 required.

19 § 56. Section 65 of the state finance law, as amended by section 52 of
20 part XXX of chapter 59 of the laws of 2017, is amended to read as
21 follows:

22 § 65. Appointment of fiscal agent or trustee; powers and duties. 1.
23 Notwithstanding any other provisions of this chapter, the comptroller,
24 on behalf of the state, may contract from time to time for a period or
25 periods not exceeding ten years each, except in the case of a bank or
26 trust company agreeing to act as issuing, paying and/or tender agent
27 with respect to a particular issue of variable interest rate bonds in
28 which case the comptroller, on behalf of the state, may contract for a
29 period not to exceed the term of such particular issue of bonds, with
30 one or more banks or trust companies located in the city of New York, to
31 act as fiscal agent, trustee, or agents of the state, and for the main-
32 tenance of an office for the registration, conversion, reconversion and
33 transfer of the bonds and notes of the state, including the preparation
34 and substitution of new bonds and notes, for the payment of the princi-
35 pal thereof and interest thereon, for related services, and to otherwise
36 effectuate the powers and duties of a fiscal agent or trustee on behalf
37 of the state in all such respects as may be determined by the comp-
38 troller for such bonds and notes, and for the payment by the state of
39 such compensation therefor as the comptroller may determine. Any such
40 fiscal agent or trustee may, where authorized pursuant to the terms of
41 its contract, accept delivery of obligations purchased by the state and
42 of securities deposited with the state pursuant to sections one hundred
43 five and one hundred six of this chapter and hold the same in safekeep-
44 ing, make delivery to purchasers of obligations sold by the state, and
45 accept deposit of such proceeds of sale without securing the same. Any
46 such contract may also provide that such fiscal agent or trustee may,
47 upon the written instruction of the comptroller, deposit any obligations
48 or securities which it receives pursuant to such contract, in an account
49 with a federal reserve bank, to be held in such account in the form of
50 entries on the books of the federal reserve bank, and to be transferred
51 in the event of any assignment, sale, redemption, maturity or other
52 disposition of such obligations or securities, by entries on the books
53 of the federal reserve bank. Any such bank or trust company shall be
54 responsible to the people of this state for the faithful and safe
55 conduct of the business of said office, for the fidelity and integrity
56 of its officers and agents employed in such office, and for all loss or

1 damage which may result from any failure to discharge their duties, and
2 for any improper and incorrect discharge of those duties, and shall save
3 the state free and harmless from any and all loss or damage occasioned
4 by or incurred in the performance of such services. Any such contract
5 may be terminated by the comptroller at any time. In the event of any
6 change in any office maintained pursuant to any such contract, the comp-
7 troller shall give public notice thereof in such form as he may deter-
8 mine appropriate.

9 2. The comptroller shall prescribe rules and regulations for the
10 registration, conversion, reconversion and transfer of the bonds and
11 notes of the state, including the preparation and substitution of new
12 bonds, for the payment of the principal thereof and interest thereon,
13 and for other authorized services to be performed by such fiscal agent
14 or trustee. Such rules and regulations, and all amendments thereof,
15 shall be prepared in duplicate, one copy of which shall be filed in the
16 office of the department of audit and control and the other in the
17 office of the department of state. A copy thereof may be filed as a
18 public record in such other offices as the comptroller may determine.
19 Such rules and regulations shall be obligatory on all persons having any
20 interests in bonds and notes of the state heretofore or hereafter
21 issued.

22 § 57. Subdivision 2 of section 365 of the public authorities law, as
23 amended by section 54 of part XXX of chapter 59 of the laws of 2017, is
24 amended to read as follows:

25 2. The notes and bonds shall be authorized by resolution of the board,
26 shall bear such date or dates and mature at such time or times, in the
27 case of notes and any renewals thereof within five years after their
28 respective dates and in the case of bonds not exceeding forty years from
29 their respective dates, as such resolution or resolutions may provide.
30 The notes and bonds shall bear interest at such rate or rates, be in
31 such denominations, be in such form, either coupon or registered, carry
32 such registration privileges, be executed in such manner, be payable in
33 such medium of payment, at such place or places, and be subject to such
34 terms of redemption as such resolution or resolutions may provide. Bonds
35 and notes shall be sold by the authority, at public or private sale, at
36 such price or prices as the authority may determine. Bonds and notes of
37 the authority shall not be sold by the authority at private sale unless
38 such sale and the terms thereof have been approved in writing by the
39 comptroller, where such sale is not to the comptroller, or by the direc-
40 tor of the budget, where such sale is to the comptroller.

41 § 58. Section 55 of chapter 59 of the laws of 2017 relating to provid-
42 ing for the administration of certain funds and accounts related to the
43 2017-18 budget and authorizing certain payments and transfers, is
44 amended to read as follows:

45 § 55. This act shall take effect immediately and shall be deemed to
46 have been in full force and effect on and after April 1, 2017; provided,
47 however, that the provisions of sections one, two, three, four, five,
48 six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen,
49 eighteen, nineteen, twenty, [twenty-one,] twenty-two, twenty-two-e and
50 twenty-two-f of this act shall expire March 31, 2018 when upon such date
51 the provisions of such sections shall be deemed repealed; and provided,
52 further, that section twenty-two-c of this act shall expire March 31,
53 2021.

54 § 59. Paragraph (b) of subdivision 3 and clause (B) of subparagraph
55 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-
56 ter 63 of the laws of 2005, relating to the composition and responsibil-

1 ities of the New York state higher education capital matching grant
2 board, as amended by section 45 of part UU of chapter 54 of the laws of
3 2016, are amended to read as follows:

4 (b) Within amounts appropriated therefor, the board is hereby author-
5 ized and directed to award matching capital grants totaling [240] two
6 hundred seventy million dollars. Each college shall be eligible for a
7 grant award amount as determined by the calculations pursuant to subdi-
8 vision five of this section. In addition, such colleges shall be eligi-
9 ble to compete for additional funds pursuant to paragraph (h) of subdi-
10 vision four of this section.

11 (B) The dormitory authority shall not issue any bonds or notes in an
12 amount in excess of [240] two hundred seventy million dollars for the
13 purposes of this section; excluding bonds or notes issued to fund one or
14 more debt service reserve funds, to pay costs of issuance of such bonds,
15 and bonds or notes issued to refund or otherwise repay such bonds or
16 notes previously issued. Except for purposes of complying with the
17 internal revenue code, any interest on bond proceeds shall only be used
18 to pay debt service on such bonds.

19 § 60. Subdivision 1 of section 1680-n of the public authorities law,
20 as added by section 46 of part T of chapter 57 of the laws of 2007, is
21 amended to read as follows:

22 1. Notwithstanding the provisions of any other law to the contrary,
23 the authority and the urban development corporation are hereby author-
24 ized to issue bonds or notes in one or more series for the purpose of
25 funding project costs for the acquisition of state buildings and other
26 facilities. The aggregate principal amount of bonds authorized to be
27 issued pursuant to this section shall not exceed one hundred [forty]
28 sixty-five million dollars, excluding bonds issued to fund one or more
29 debt service reserve funds, to pay costs of issuance of such bonds, and
30 bonds or notes issued to refund or otherwise repay such bonds or notes
31 previously issued. Such bonds and notes of the authority and the urban
32 development corporation shall not be a debt of the state, and the state
33 shall not be liable thereon, nor shall they be payable out of any funds
34 other than those appropriated by the state to the authority and the
35 urban development corporation for principal, interest, and related
36 expenses pursuant to a service contract and such bonds and notes shall
37 contain on the face thereof a statement to such effect. Except for
38 purposes of complying with the internal revenue code, any interest
39 income earned on bond proceeds shall only be used to pay debt service on
40 such bonds.

41 § 61. Subdivision 1 of section 386-a of the public authorities law, as
42 amended by section 46 of part I of chapter 60 of the laws of 2015, is
43 amended to read as follows:

44 1. Notwithstanding any other provision of law to the contrary, the
45 authority, the dormitory authority and the urban development corporation
46 are hereby authorized to issue bonds or notes in one or more series for
47 the purpose of assisting the metropolitan transportation authority in
48 the financing of transportation facilities as defined in subdivision
49 seventeen of section twelve hundred sixty-one of this chapter. The
50 aggregate principal amount of bonds authorized to be issued pursuant to
51 this section shall not exceed one billion [five] six hundred [twenty]
52 ninety-four million dollars [(\$1,520,000,000)] \$1,694,000,000, excluding
53 bonds issued to fund one or more debt service reserve funds, to pay
54 costs of issuance of such bonds, and to refund or otherwise repay such
55 bonds or notes previously issued. Such bonds and notes of the authority,
56 the dormitory authority and the urban development corporation shall not

1 be a debt of the state, and the state shall not be liable thereon, nor
2 shall they be payable out of any funds other than those appropriated by
3 the state to the authority, the dormitory authority and the urban devel-
4 opment corporation for principal, interest, and related expenses pursu-
5 ant to a service contract and such bonds and notes shall contain on the
6 face thereof a statement to such effect. Except for purposes of comply-
7 ing with the internal revenue code, any interest income earned on bond
8 proceeds shall only be used to pay debt service on such bonds.

9 § 62. Subdivision 1 of section 1680-k of the public authorities law,
10 as added by section 5 of part J-1 of chapter 109 of the laws of 2006, is
11 amended to read as follows:

12 1. Subject to the provisions of chapter fifty-nine of the laws of two
13 thousand, but notwithstanding any provisions of law to the contrary, the
14 dormitory authority is hereby authorized to issue bonds or notes in one
15 or more series in an aggregate principal amount not to exceed forty
16 million seven hundred fifteen thousand dollars excluding bonds issued to
17 finance one or more debt service reserve funds, to pay costs of issuance
18 of such bonds, and bonds or notes issued to refund or otherwise repay
19 such bonds or notes previously issued, for the purpose of financing the
20 construction of the New York state agriculture and markets food labora-
21 tory. Eligible project costs may include, but not be limited to the cost
22 of design, financing, site investigations, site acquisition and prepara-
23 tion, demolition, construction, rehabilitation, acquisition of machinery
24 and equipment, and infrastructure improvements. Such bonds and notes of
25 such authorized issuers shall not be a debt of the state, and the state
26 shall not be liable thereon, nor shall they be payable out of any funds
27 other than those appropriated by the state to such authorized issuers
28 for debt service and related expenses pursuant to any service contract
29 executed pursuant to subdivision two of this section and such bonds and
30 notes shall contain on the face thereof a statement to such effect.
31 Except for purposes of complying with the internal revenue code, any
32 interest income earned on bond proceeds shall only be used to pay debt
33 service on such bonds.

34 § 63. Subdivisions 13-d and 13-e of section 5 of section 1 of chapter
35 359 of the laws of 1968, constituting the facilities development corpo-
36 ration act, subdivision 13-d as amended by chapter 166 of the laws of
37 1991 and subdivision 13-e as amended by chapter 90 of the laws of 1989,
38 is amended to read as follows:

39 13-d. 1. Subject to the terms and conditions of any lease, sublease,
40 loan or other financing agreement with the medical care facilities
41 finance agency in accordance with subdivision 13-c of this section, to
42 make loans to voluntary agencies for the purpose of financing or refi-
43 nancing the design, construction, acquisition, reconstruction, rehabili-
44 tation and improvement of mental hygiene facilities owned or leased by
45 such voluntary agencies provided, however, that with respect to such
46 facilities which are leased by a voluntary agency, the term of repayment
47 of such loan shall not exceed the term of such lease including any
48 option to renew such lease. Notwithstanding any other provisions of law,
49 such loans may be made jointly to one or more voluntary agencies which
50 own and one or more voluntary agencies which will operate any such
51 mental hygiene facility.

52 2. Subject to the terms and conditions of any lease, sublease, loan or
53 other financing agreement with the medical care facilities finance agen-
54 cy, to make grants to voluntary agencies or provide proceeds of mental
55 health services facilities bonds or notes to the department to make
56 grants to voluntary agencies or to reimburse disbursements made there-

1 for, in each case, for the purpose of financing or refinancing the
2 design, construction, acquisition, reconstruction, rehabilitation and
3 improvement of mental hygiene facilities owned or leased by such volun-
4 tary agencies.

5 13-e. To receive from the comptroller state aid payments pledged or
6 agreed to be paid by any voluntary agency in accordance with any lease,
7 sublease, loan, or other financing agreement or grant agreement entered
8 into with such voluntary agency by the corporation or, in the case of
9 grants made to voluntary agencies by the department pursuant to subdivi-
10 sion 13-d, by the department. Such pledges may be made from sources of
11 state aid including but not limited to payments made pursuant to: arti-
12 cles nineteen, twenty-five and forty-one of the mental hygiene law.

13 § 64. Paragraph a of subdivision 4 of section 9 of section 1 of chap-
14 ter 359 of the laws of 1968, constituting the facilities development
15 corporation act, as amended by chapter 90 of the laws of 1989, is
16 amended to read as follows:

17 4. Agreements. a. Upon certification by the director of the budget of
18 the availability of required appropriation authority, the corporation,
19 or any successor agency, is hereby authorized and empowered to enter
20 into leases, subleases, loans and other financing agreements with the
21 state housing finance agency and/or the state medical care facilities
22 finance agency, and to enter into such amendments thereof as the direc-
23 tors of the corporation, or any successor agency, may deem necessary or
24 desirable, which shall provide for (i) the financing or refinancing of
25 or the design, construction, acquisition, reconstruction, rehabilitation
26 or improvement of one or more mental hygiene facilities or for the refi-
27 nancing of any such facilities for which bonds have previously been
28 issued and are outstanding, and the purchase or acquisition of the
29 original furnishings, equipment, machinery and apparatus to be used in
30 such facilities upon the completion of work, (ii) the leasing to the
31 state housing finance agency or the state medical care facilities
32 finance agency of all or any portion of one or more existing mental
33 hygiene facilities and one or more mental hygiene facilities to be
34 designed, constructed, acquired, reconstructed, rehabilitated or
35 improved, or of real property related to the work to be done, including
36 real property originally acquired by the appropriate commissioner or
37 director of the department in the name of the state pursuant to article
38 seventy-one of the mental hygiene law, (iii) the subleasing of such
39 facilities and property by the corporation upon completion of design,
40 construction, acquisition, reconstruction, rehabilitation or improve-
41 ment, such leases, subleases, loans or other financing agreements to be
42 upon such other terms and conditions as may be agreed upon, including
43 terms and conditions relating to length of term, maintenance and repair
44 of mental hygiene facilities during any such term, and the annual
45 rentals to be paid for the use of such facilities, property,
46 furnishings, equipment, machinery and apparatus, and (iv) the receipt
47 and disposition, including loans or grants to voluntary agencies, of
48 proceeds of mental health service facilities bonds or notes issued
49 pursuant to section nine-a of the New York state medical care facilities
50 finance agency act. For purposes of the design, construction, acquisi-
51 tion, reconstruction, rehabilitation or improvement work required by the
52 terms of any such lease, sublease or agreement, the corporation shall
53 act as agent for the state housing finance agency or the state medical
54 care facilities finance agency. In the event that the corporation enters
55 into an agreement for the financing of any of the aforementioned facili-
56 ties with the state housing finance agency or the state medical care



1 facilities finance agency, or in the event that the corporation enters
2 into an agreement for the financing or refinancing of any of the afore-
3 mentioned facilities with one or more voluntary agencies, it shall act
4 on its own behalf and not as agent. The appropriate commissioner or
5 director of the department on behalf of the department shall approve any
6 such lease, sublease, loan or other financing agreement and shall be a
7 party thereto. All such leases, subleases, loans or other financing
8 agreements shall be approved prior to execution by no less than three
9 directors of the corporation.

10 § 65. This act shall take effect immediately and shall be deemed to
11 have been in full force and effect on and after April 1, 2018; provided,
12 however, that the provisions of sections one, two, three, four, five,
13 six, seven, eight, twelve, thirteen, fourteen, sixteen, seventeen, eigh-
14 teen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-
15 seven, twenty-eight, and twenty-eight-a of this act shall expire March
16 31, 2019 when upon such date the provisions of such sections shall be
17 deemed repealed.

18

PART HH

19 Section 1. Paragraph (a) of subdivision 1 of section 125.25 of the
20 penal law, as amended by chapter 791 of the laws of 1967, is amended to
21 read as follows:

22 (a) The defendant acted under the influence of extreme emotional
23 disturbance for which there was a reasonable explanation or excuse, the
24 reasonableness of which is to be determined from the viewpoint of a
25 person in the defendant's situation under the circumstances as the
26 defendant believed them to be. For purposes of determining whether the
27 defendant acted under the influence of extreme emotional disturbance,
28 the explanation or excuse for such extreme emotional disturbance is not
29 reasonable if it resulted from the discovery of, knowledge about, or
30 potential disclosure of the victim's actual or perceived gender, gender
31 identity, gender expression, or sexual orientation. Nothing in this
32 paragraph shall preclude the jury from considering all relevant facts to
33 determine the defendant's actual belief. Nothing contained in this para-
34 graph shall constitute a defense to a prosecution for, or preclude a
35 conviction of, manslaughter in the first degree or any other crime; or

36 § 2. This act shall take effect immediately.

37

PART II

38 Section 1. The social services law is amended by adding a new section
39 131-y to read as follows:

40 § 131-y. Placement of sex offenders. Notwithstanding any inconsistent
41 provision of law, neither the office of temporary and disability assist-
42 ance, nor a social services official acting on his or her own or as an
43 agent pursuant to this title, shall permit or cause the placement of any
44 sex offender who has been assigned a level-two or level-three desig-
45 nation pursuant to article six-C of the correction law into any tempo-
46 rary emergency housing or homeless shelters used to house families with
47 children.

48 § 2. Subdivision 14 of section 259-c of the executive law, as amended
49 by section 38-b of subpart A of part C of chapter 62 of the laws of
50 2011, is amended to read as follows:

51 14. [notwithstanding] Notwithstanding any other provision of law to
52 the contrary, where a person serving a sentence for an offense defined

1 in article one hundred thirty, one hundred thirty-five or two hundred
2 sixty-three of the penal law or section 255.25, 255.26 or 255.27 of the
3 penal law and the victim of such offense was under the age of eighteen
4 at the time of such offense or such person has been designated a level
5 three sex offender pursuant to subdivision six of section one hundred
6 sixty-eight-1 of the correction law, is released on parole or condi-
7 tionally released pursuant to subdivision one or two of this section,
8 the board shall require, as a mandatory condition of such release, that
9 such sentenced offender shall refrain from knowingly entering into or
10 upon any school grounds, as that term is defined in subdivision fourteen
11 of section 220.00 of the penal law, or any other facility or institution
12 primarily used for the care or treatment of persons under the age of
13 eighteen while one or more of such persons under the age of eighteen are
14 present[, provided however, that]. Moreover, where a person serving a
15 sentence for an offense defined in article one hundred thirty, one
16 hundred thirty-five or two hundred sixty-three of the penal law or
17 section 255.25, 255.26 or 255.27 of the penal law and the victim of such
18 offense was under the age of thirteen at the time of such offense, is
19 released on parole or conditionally released pursuant to subdivision one
20 or two of this section, the board shall further require, as a mandatory
21 condition of such release, that such sentenced offender shall refrain
22 from knowingly entering within one thousand feet of any facility or
23 institution where pre-kindergarten or kindergarten instruction is
24 provided. However, when such sentenced offender is a registered student
25 or participant or an employee of such facility or institution or entity
26 contracting therewith or has a family member enrolled in such facility
27 or institution, such sentenced offender may, with the written authori-
28 zation of his or her parole officer and the superintendent or chief
29 administrator of such facility, institution or grounds, enter such
30 facility, institution or upon such grounds for the limited purposes
31 authorized by the parole officer and superintendent or chief officer.
32 Nothing in this subdivision shall be construed as restricting any lawful
33 condition of supervision that may be imposed on such sentenced offender.
34 § 3. Paragraph (a) of subdivision 4-a of section 65.10 of the penal
35 law, as amended by chapter 67 of the laws of 2008, is amended to read as
36 follows:

37 (a) When imposing a sentence of probation or conditional discharge
38 upon a person convicted of an offense defined in article one hundred
39 thirty, two hundred thirty-five or two hundred sixty-three of this chap-
40 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim
41 of such offense was under the age of eighteen at the time of such
42 offense or such person has been designated a level three sex offender
43 pursuant to subdivision six of section [168-1] one hundred sixty-eight-1
44 of the correction law, the court shall require, as a mandatory condition
45 of such sentence, that such sentenced offender shall refrain from know-
46 ingly entering into or upon any school grounds, as that term is defined
47 in subdivision fourteen of section 220.00 of this chapter, or any other
48 facility or institution primarily used for the care or treatment of
49 persons under the age of eighteen while one or more of such persons
50 under the age of eighteen are present[, provided however, that]. More-
51 over, where a person serving a sentence for an offense defined in arti-
52 cle one hundred thirty, one hundred thirty-five or two hundred sixty-
53 three of this chapter or section 255.25, 255.26 or 255.27 of this
54 chapter and the victim of such offense was under the age of thirteen at
55 the time of such offense, is released on parole or conditionally
56 released pursuant to subdivision one or two of this section, the state

1 board of parole shall further require, as a mandatory condition of such
2 release, that such sentenced offender shall refrain from knowingly
3 entering within one thousand feet of any facility or institution where
4 pre-kindergarten or kindergarten instruction is provided. However, when
5 such sentenced offender is a registered student or participant or an
6 employee of such facility or institution or entity contracting therewith
7 or has a family member enrolled in such facility or institution, such
8 sentenced offender may, with the written authorization of his or her
9 probation officer or the court and the superintendent or chief adminis-
10 trator of such facility, institution or grounds, enter such facility,
11 institution or upon such grounds for the limited purposes authorized by
12 the probation officer or the court and superintendent or chief officer.
13 Nothing in this subdivision shall be construed as restricting any lawful
14 condition of supervision that may be imposed on such sentenced offender.

15 § 4. The executive law is amended by adding a new section 259-f to
16 read as follows:

17 § 259-f. Quarterly reports of schools. 1. On a quarterly basis, the
18 commissioner of education shall provide to the commissioner an updated
19 list of every elementary school and secondary school in the state and of
20 every other facility or institution where pre-kindergarten or kindergar-
21 ten instruction is provided.

22 2. The commissioner shall distribute the information received pursuant
23 to subdivision one of this section to the board and to the director of
24 probation and correctional alternatives.

25 3. On or before February first each year, the commissioner shall noti-
26 fy the governor, the temporary president of the senate, the speaker of
27 the assembly, the minority leader of the senate, and the minority leader
28 of the assembly on the compliance with this section.

29 § 5. This act shall take effect on the first of July next succeeding
30 the date on which it shall have become a law.

31

PART JJ

32 Section 1. Paragraph (i) of subdivision 3 of section 130.05 of the
33 penal law, as added by section 2 of part G of chapter 501 of the laws of
34 2012, is amended and a new paragraph (j) is added to read as follows:

35 (i) a resident or inpatient of a residential facility operated,
36 licensed or certified by (i) the office of mental health; (ii) the
37 office for people with developmental disabilities; or (iii) the office
38 of alcoholism and substance abuse services, and the actor is an employee
39 of the facility not married to such resident or inpatient. For purposes
40 of this paragraph, "employee" means either: an employee of the agency
41 operating the residential facility, who knows or reasonably should know
42 that such person is a resident or inpatient of such facility and who
43 provides direct care services, case management services, medical or
44 other clinical services, habilitative services or direct supervision of
45 the residents in the facility in which the resident resides; or an offi-
46 cer or other employee, consultant, contractor or volunteer of the resi-
47 dential facility, who knows or reasonably should know that the person is
48 a resident of such facility and who is in direct contact with residents
49 or inpatients; provided, however, that the provisions of this paragraph
50 shall only apply to a consultant, contractor or volunteer providing
51 services pursuant to a contractual arrangement with the agency operating
52 the residential facility or, in the case of a volunteer, a written
53 agreement with such facility, provided that the person received written
54 notice concerning the provisions of this paragraph; provided further,



1 however, "employee" shall not include a person with a developmental
2 disability who is or was receiving services and is also an employee of a
3 service provider and who has sexual contact with another service recipi-
4 ent who is a consenting adult who has consented to such contact[.]; or
5 (j) detained or otherwise in the custody of a police officer, peace
6 officer, or other law enforcement official and the actor is a police
7 officer, peace officer or other law enforcement official who either: (i)
8 is detaining or maintaining custody of such person; or (ii) knows, or
9 reasonably should know, that at the time of the offense, such person was
10 detained or in custody.

11 § 2. Subdivision 4 of section 130.10 of the penal law, as amended by
12 chapter 205 of the laws of 2011, is amended to read as follows:

13 4. In any prosecution under this article in which the victim's lack of
14 consent is based solely on his or her incapacity to consent because he
15 or she was less than seventeen years old, mentally disabled, a client or
16 patient and the actor is a health care provider, detained or otherwise
17 in custody of law enforcement under the circumstances described in para-
18 graph (j) of subdivision three of section 130.05 of this article, or
19 committed to the care and custody or supervision of the state department
20 of corrections and community supervision or a hospital and the actor is
21 an employee, it shall be a defense that the defendant was married to the
22 victim as defined in subdivision four of section 130.00 of this article.

23 § 3. This act shall take effect on the thirtieth day after it shall
24 have become a law.

25

PART KK

26 Section 1. Subdivision 4 of section 7 of the correction law is
27 REPEALED.

28 § 2. Subdivisions 1 and 6 of section 8 of the correction law, as
29 amended by section 6 of subpart A of part C of chapter 62 of the laws of
30 2011, are amended to read as follows:

31 1. Any applicant for employment with the department as a correction
32 officer [at a facility of the department], institution safety officer,
33 parole officer, or warrant and transfer officer shall be tested in
34 accordance with the requirements of this section.

35 6. Notwithstanding any other provision of law, the results of the
36 tests administered pursuant to this section shall be used solely for the
37 qualification of a candidate for correction officer, institution safety
38 officer, parole officer, or warrant and transfer officer and the vali-
39 dation of the psychological instruments utilized. For all other
40 purposes, the results of the examination shall be confidential and the
41 records sealed by the department of corrections and community super-
42 vision, and not be available to any other agency or person except by
43 authorization of the applicant or, upon written notice by order of a
44 court of this state or the United States.

45 § 3. Subdivisions 2 and 3 of section 10 of the correction law are
46 REPEALED and subdivision 4 is renumbered subdivision 2.

47 § 4. Section 22-a of the correction law, as added by chapter 134 of
48 the laws of 1984, is amended to read as follows:

49 § 22-a. Qualification for employment as a correction officer, institu-
50 tion safety officer, parole officer, or warrant and transfer officer.
51 1. The commissioner shall not appoint any person as a correction offi-
52 cer, institution safety officer, parole officer or warrant and transfer
53 officer, unless such person has attained his or her twenty-first birth-
54 day.

1 2. The commissioner shall not appoint any person as a correction offi-
2 cer or warrant and transfer officer, unless such person is a high school
3 graduate or a holder of a high school equivalency diploma issued by an
4 education department of any of the states of the United States or a
5 holder of a comparable diploma issued by any commonwealth, territory or
6 possession of the United States or by the canal zone or a holder of a
7 report from the United States armed forces certifying his or her
8 successful completion of the tests of general educational development,
9 high school level. In addition, the diploma issued to the high school
10 graduate must be from an accredited public or private school recognized
11 by the education department. Diplomas issued through a home study course
12 and not by an appropriate educational authority will not be accepted.

13 3. The commissioner shall not appoint any person as a parole officer,
14 unless such person possesses a baccalaureate degree conferred by a post-
15 secondary institution accredited by an accrediting agency recognized by
16 the Unites States department of education. Parole officer selection
17 shall be based on definite qualifications as to character, ability and
18 training with an emphasis on capacity and ability to provide a balanced
19 approach to influencing human behavior and to use judgement in the
20 enforcement of the rules and regulations of community supervision.
21 Parole officers shall be persons likely to exercise a strong and helpful
22 influence upon persons placed under their supervision while retaining
23 the goal of protecting society.

24 4. There are no specific education requirements for the position of
25 institution safety officer.

26 5. No person, on or after the effective date of this section, may be
27 appointed to the position of a correction officer [in any], institution
28 safety officer, parole officer, or warrant and transfer officer in the
29 department who has been convicted of a felony or of any offense in any
30 other jurisdiction which if committed in this state would constitute a
31 felony. The commissioner may in his discretion, bar the appointment of a
32 person, on or after the effective date of this section, to the position
33 of correction officer [in any], institution safety officer, parole offi-
34 cer, or warrant and transfer officer, in the department, who has been
35 convicted of a misdemeanor or of any offense in any other jurisdiction
36 which if committed in this state would constitute a misdemeanor where he
37 has determined that the employment of such person is not in the best
38 interest of the department, who is not fit physically, or who, after a
39 thorough investigation, is determined to not be of good moral character.
40 Notwithstanding the foregoing provisions of this section, no person
41 shall be disqualified pursuant to this section unless he shall have
42 first been furnished a written statement of the reasons for such
43 disqualification and afforded an opportunity by the commissioner, or his
44 designee, to make an explanation and to submit facts in opposition ther-
45 eto.

46 6. Notwithstanding any other provision of law, the commissioner, in
47 his or her discretion may terminate the employment of any employee who
48 is convicted of a crime whenever the commissioner determines that the
49 continued employment of such person would not be in the best interest of
50 the department. Notwithstanding the foregoing, no employee shall be
51 terminated pursuant to this section unless he or she shall first have
52 been furnished with a written statement of the reasons for such determi-
53 nation and afforded an opportunity by the commissioner, or his or her
54 designee, to make an explanation and to submit facts in opposition ther-
55 eto.

1 § 5. The correction law is amended by adding a new section 12 to read
2 as follows:

3 § 12. Commissioner's authority to discipline certain serious miscon-
4 duct. 1. Acts of misconduct. Notwithstanding any other provision of law,
5 when an employee is alleged to have committed an act of serious miscon-
6 duct consisting of any of the following: an act of excessive use of
7 force; an act of false reporting regarding one or more acts of excessive
8 use of force; an intentional failure to report an excessive use of force
9 act; the use or possession of a controlled substance or marihuana as
10 defined in articles two hundred twenty and two hundred twenty-one of the
11 penal law or synthetic cannabinoids as defined in section eight hundred
12 twelve of title twenty-one of the United States code; the introduction
13 of a controlled substance, marihuana or other significantly incapacitat-
14 ing substance to a department facility; or an inappropriate sexual
15 relationship or contact with an inmate or parolee; then the disciplinary
16 process that may be applied to such employee shall not be governed by
17 any collective bargaining agreement or by section seventy-five of the
18 civil service law, but shall be governed by the provisions of this
19 section.

20 2. Disciplinary action. A person described in paragraph (a), (b) or
21 (c) of this subdivision shall not be removed or otherwise subjected to
22 any disciplinary penalty provided in this section except for serious
23 misconduct, as set forth in subdivision one of this section, after a
24 hearing upon stated charges pursuant to this section.

25 (a) a person holding a position by permanent appointment in the
26 competitive class of the classified civil service; or

27 (b) a person holding a position by permanent appointment or employment
28 in the classified service of the state, who was honorably discharged or
29 released under honorable circumstances from the armed forces of the
30 United States having served therein as such member in time of war as
31 defined in section eighty-five of the civil service law, or who is an
32 exempt volunteer firefighter as defined in the general municipal law,
33 except when a person described in this paragraph holds the position of
34 private secretary, cashier or deputy of any official or department; or

35 (c) an employee holding a position in the non-competitive class other
36 than a position designated in the rules of the state civil service
37 commission as confidential or requiring the performance of functions
38 influencing policy, who since his or her last entry into service has
39 completed at least five years of continuous service in the non-competi-
40 tive class in a position or positions not so designated in the rules as
41 confidential or requiring the performance of functions influencing poli-
42 cy.

43 3. Procedure. An employee as described in subdivision two of this
44 section who at the time of questioning appears to be a potential subject
45 of disciplinary action for an act of serious misconduct shall have a
46 right to representation by his or her certified or recognized employee
47 organization under article fourteen of the civil service law and shall
48 be notified in advance, in writing, of such right. An employee as
49 described in subdivision two of this section who is designated manageri-
50 al or confidential under article fourteen of the civil service law,
51 shall have, at the time of questioning, where it appears that such
52 employee is a potential subject of disciplinary action for an act of
53 serious misconduct, a right to representation and shall be notified in
54 advance, in writing, of such right. If representation is requested, a
55 reasonable period of time shall be afforded to obtain such represen-
56 tation. If the employee is unable to obtain representation within a



1 reasonable period of time, then the department may proceed with ques-
2 tioning the employee. A hearing officer appointed under this section
3 shall determine if a reasonable period of time was or was not afforded.
4 In the event the hearing officer finds that a reasonable period of time
5 was not afforded then any and all statements obtained from said ques-
6 tioning, as well as any evidence or information obtained as a result of
7 said questioning shall be excluded. A person against whom removal or
8 other disciplinary action is proposed shall be provided written notice
9 and shall be furnished a copy of the charges preferred against him or
10 her and shall be allowed at least eight days for answering the same in
11 writing. The hearing upon such charges shall be held by a hearing offi-
12 cer, selected by the commissioner or his or her designee. The hearing
13 officer shall be vested with all the powers of the commissioner and
14 shall make a record of such hearing, which shall, along with his or her
15 recommendation, be referred to the commissioner for review and final
16 determination. The person holding such hearing shall, upon the request
17 of the employee against whom charges are preferred, permit him or her
18 to be represented by counsel, or by a representative of a recognized or
19 certified employee organization, and shall allow him or her to summon
20 witnesses on his or her behalf. The burden of proving serious misconduct
21 shall be upon the department. Compliance with technical rules of
22 evidence shall not be required.

23 4. Suspension pending determination of charges; penalties. Pending the
24 hearing and determination of charges of serious misconduct, the employee
25 against whom such charges have been preferred may be suspended without
26 pay. If the employee is found guilty of the charges, the recommended
27 penalty or punishment may consist of any combination of the following:

- 28 (a) a letter of reprimand;
29 (b) removal from work location and transfer;
30 (c) a fine to be deducted from the salary or wages of such employee;
31 (d) probation for a specified period, provided any further violation
32 can lead to termination;
33 (e) suspension without pay;
34 (f) demotion in grade and title; or
35 (g) dismissal from the service and loss of accumulated leave credits.

36 Provided, however, that the time during the pendency of the hearing,
37 in which an employee is suspended without pay, may be considered as
38 part of the penalty.

39 The final determination of the commissioner on the recommendation from
40 the hearing officer shall be made within ten business days of receipt of
41 such recommendation. If the employee is acquitted of all charges, he or
42 she shall be restored to his or her position with full pay for the peri-
43 od of suspension less the amount of any unemployment insurance benefits
44 that may have been received.

45 If such employee is found guilty of one or more of the charges, a copy
46 of the charges, his or her written answer, a transcript of the hearing,
47 and the final determination of the commissioner shall be filed in the
48 bureau of labor relations and the employee's personnel file. A copy of
49 the transcript of the hearing shall, upon request of the affected
50 employee, be furnished to him or her without charge.

51 5. Appeal. When an employee believes he or she is aggrieved by a
52 penalty of fine, probation, suspension, demotion or dismissal from
53 service imposed pursuant to this section, he or she may make an applica-
54 tion to the appropriate court in accordance with the provision of arti-
55 cle seventy-eight of the civil practice law and rules.



1 § 6. Paragraph (h) of subdivision 4 of section 50 of the civil service
2 law, as added by chapter 790 of the laws of 1958, is amended and a new
3 paragraph (i) is added to read as follows:

4 (h) who has been dismissed from private employments because of habitu-
5 ally poor performance[.]; or

6 (i) who has been disciplined for an act of serious misconduct as set
7 forth in subdivision one of section twelve of the correction law.

8 § 7. Subdivision 1 of section 61 of the civil service law, as added by
9 chapter 790 of the laws of 1958, is amended to read as follows:

10 1. Appointment or promotion from eligible lists. Appointment or
11 promotion from an eligible list to a position in the competitive class
12 shall be made by the selection of one of the three persons certified by
13 the appropriate civil service commission as standing highest on such
14 eligible list who are willing to accept such appointment or promotion;
15 provided, however, that the state or a municipal commission may provide,
16 by rule, that where it is necessary to break ties among eligibles having
17 the same final examination ratings in order to determine their respec-
18 tive standings on the eligible list, appointment or promotion may be
19 made by the selection of any eligible whose final examination rating is
20 equal to or higher than the final examination rating of the third high-
21 est standing eligible willing to accept such appointment or promotion;
22 provided, further, that an individual's name shall be suspended from the
23 eligible list pending the outcome of the review of the applicant's qual-
24 ifications pursuant to subdivision four of section fifty of this
25 article. Appointments and promotions shall be made from the eligible
26 list most nearly appropriate for the position to be filled.

27 § 8. Subdivision 1 of section 112 of the correction law, as amended by
28 section 19 of subpart A of part C of chapter 62 of the laws of 2011, is
29 amended to read as follows:

30 1. The commissioner [of corrections and community supervision] shall
31 have the superintendence, management and control of the correctional
32 facilities in the department and of the inmates confined therein, and of
33 all matters relating to the government, discipline, policing, contracts
34 and fiscal concerns thereof. He or she shall have the power and it shall
35 be his or her duty to inquire into all matters connected with said
36 correctional facilities. He or she shall make such rules and regu-
37 lations, not in conflict with the statutes of this state, for the
38 government of the officers and other employees of the department
39 assigned to said facilities, and in regard to the duties to be performed
40 by them, and for the government and discipline of each correctional
41 facility, as he or she may deem proper, and shall cause such rules and
42 regulations to be recorded by the superintendent of the facility, and a
43 copy thereof to be furnished to each employee assigned to the facility.
44 With due consideration for overall safety and security, he or she shall
45 also have the power to place reasonable limits or restrictions on the
46 size of any container or bag an employee may wish to bring into a
47 correctional facility or community supervision office when reporting for
48 duty, including but not limited to reasonable limits or restrictions on
49 the size or type of lunch container or bag, as well as reasonable limits
50 or restrictions on items that can pose a threat or be used as a weapon.
51 He or she shall also prescribe a system of accounts and records to be
52 kept at each correctional facility, which system shall be uniform at all
53 of said facilities, and he or she shall also make rules and regulations
54 for a record of photographs and other means of identifying each inmate
55 received into said facilities. He or she shall appoint and remove,
56 subject to the civil service law and rules, subordinate officers and

1 other employees of the department who are assigned to correctional
2 facilities.

3 § 9. This act shall take effect on the thirtieth day after it shall
4 have become a law; provided, however, that the amendments to subdivi-
5 sions 1 and 6 of section 8 of the correction law made by section two of
6 this act shall not affect the expiration of such section and shall be
7 deemed to expire therewith; provided, further, that sections four and
8 five of this act shall take effect upon the expiration of the current
9 collective bargaining agreement that governs impacted employees of the
10 department of corrections and community supervision, provided that the
11 commissioner of corrections and community supervision shall notify the
12 legislative bill drafting commission upon the expiration of the current
13 collective bargaining agreement that governs impacted employees of the
14 department of corrections and community supervision in order that the
15 commission may maintain an accurate and timely effective data base of
16 the official text of the laws of the state of New York in furtherance of
17 effectuating the provisions of section 44 of the legislative law and
18 section 70-b of the public officers law. Provided further, that
19 notwithstanding any other provision of law to the contrary, once these
20 provisions take effect they cannot be abrogated, amended, enhanced or
21 modified in any way by future collective bargain.

22

PART LL

23 Section 1. Paragraph (b) of subdivision 2 of section 1676 of the
24 public authorities law is amended by adding a new undesignated paragraph
25 to read as follows:

26 An authorized agency as defined by subdivision ten of section three
27 hundred seventy-one of the social services law, or a local probation
28 department as defined by sections two hundred fifty-five and two hundred
29 fifty-six of the executive law for the provision of detention facilities
30 certified by the office of children and family services or by such
31 office in conjunction with the state commission of correction or for the
32 provision of residential facilities licensed by the office of children
33 and family services including all necessary and usual attendant and
34 related facilities and equipment.

35 § 2. Subdivision 1 of section 1680 of the public authorities law is
36 amended by adding a new undesignated paragraph to read as follows:

37 An authorized agency as defined by subdivision ten of section three
38 hundred seventy-one of the social services law, or a local probation
39 department as defined by sections two hundred fifty-five and two hundred
40 fifty-six of the executive law for the provision of detention facilities
41 certified by the office of children and family services or by such
42 office in conjunction with the state commission of correction or for the
43 provision of residential facilities licensed by the office of children
44 and family services including all necessary and usual attendant and
45 related facilities and equipment.

46 § 3. Subdivision 2 of section 1680 of the public authorities law is
47 amended by adding a new paragraph k to read as follows:

48 k. (1) For purposes of this section, the following provisions shall
49 apply to the powers in connection with the provision of detention facil-
50 ities certified by the office of children and family services or by such
51 office in conjunction with the state commission of correction or for the
52 provision of residential facilities licensed by the office of children
53 and family services including all necessary and usual attendant and
54 related facilities and equipment.

1 (2) Notwithstanding any other provision of law, any entity as listed
2 above shall have full power and authority to enter into such agreements
3 with the dormitory authority as are necessary to finance and/or
4 construct detention or residential facilities described above, including
5 without limitation, the provision of fees and amounts necessary to pay
6 debt service on any obligations issued by the dormitory authority for
7 same, and to assign and pledge to the dormitory authority, any and all
8 public funds to be apportioned or otherwise made payable by the United
9 States, any agency thereof, the state, any agency thereof, a political
10 subdivision, as defined in section one hundred of the general municipal
11 law, any social services district in the state or any other governmental
12 entity in an amount sufficient to make all payments required to be made
13 by any such entity as listed above pursuant to any lease, sublease or
14 other agreement entered into between any such entity as listed above and
15 the dormitory authority. All state and local officers are hereby author-
16 ized and required to pay all such funds so assigned and pledged to the
17 dormitory authority or, upon the direction of the dormitory authority,
18 to any trustee of any dormitory authority bond or note issued, pursuant
19 to a certificate filed with any such state or local officer by the
20 dormitory authority pursuant to the provisions of this section.

21 § 4. This act shall take effect immediately.

22 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
23 sion, section or part of this act shall be adjudged by any court of
24 competent jurisdiction to be invalid, such judgment shall not affect,
25 impair, or invalidate the remainder thereof, but shall be confined in
26 its operation to the clause, sentence, paragraph, subdivision, section
27 or part thereof directly involved in the controversy in which such judg-
28 ment shall have been rendered. It is hereby declared to be the intent of
29 the legislature that this act would have been enacted even if such
30 invalid provisions had not been included herein.

31 § 3. This act shall take effect immediately provided, however, that
32 the applicable effective date of Parts A through LL of this act shall be
33 as specifically set forth in the last section of such Parts.