



*New York State Assembly*  
**2011 ANNUAL REPORT**

*committee on*  
**CODES**

*Joseph R. Lentol*  
*Chairman*



*Sheldon Silver*  
*Speaker*

December 15, 2011

Honorable Sheldon Silver  
Speaker of the Assembly  
Room 932, Legislative Office Building  
Albany, New York 12248

**Re: Annual Report of the Committee on Codes - 2011**

Dear Speaker Silver:

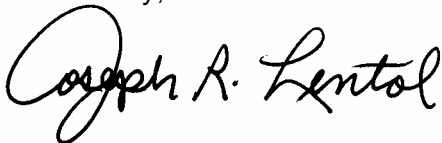
It is with great pleasure that on behalf of the Committee on Codes, I submit to you the committee's 2011 Annual Report highlighting its activities during the first half of the 2011 – 2012 Legislative Session.

Among the committee's many notable accomplishments were enacting legislation to ensure that persons convicted of domestic violence cannot obtain firearms, protecting the community from the threats posed by sex offenders and cracking down on persons who attend and support animal fighting events. We also enacted a new law to encourage a witness or victim of a drug or alcohol related overdose to call 911 or seek other emergency assistance in order to save the life of an overdose victim by establishing a state policy of protecting the witnesses or victim from arrest, charge, and prosecution for drug possession.

There were numerous other legislative accomplishments of which the Committee and the Assembly can be justly proud that are set forth in this report.

The Committee extends its appreciation to you for your support. In addition, I would like to thank the committee members and staff for their hard work during the 2011 Legislative Session.

Sincerely,

A handwritten signature in black ink that reads "Joseph R. Lentol". The signature is written in a cursive, flowing style.

Joseph R. Lentol, Chairman  
Standing Committee on Codes

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**2011 ANNUAL REPORT**  
**STANDING COMMITTEE ON CODES**

**Joseph R. Lentol, Chair**

**MEMBERS OF THE STANDING COMMITTEE**

**Majority**

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James Brennan  
Keith L.T. Wright  
Gary J. Pretlow  
Vivian E. Cook  
Steven Cymbrowitz  
Michele R. Titus  
Daniel J. O'Donnell  
Charles D. Lavine  
Nick N. Perry  
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Rory I. Lancman  
Hakeem S. Jeffries

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Joseph M. Giglio  
Louis R. Tobacco  
Tony Jordan  
Michael A. Montesano  
Alfred C. Graf  
Edward P. Ra

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Marty Rosenbaum, Senior Team Counsel  
Clayton Rivet, Team Counsel  
Jonathan Bailey, Associate Counsel  
Erin Lynch, Associate Counsel  
Rebecca Mudie, Associate Counsel  
Dee Levy, Senior Analyst  
Marisa Franchini, Senior Analyst  
Joann Butler, Executive Secretary

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Cathy Peake  
Jayne LaVigna-Jesmain  
David Cohen  
Wilda Lang  
Marcy Feinman  
Kathie Lyons  
Judy Kraus

## **I. COMMITTEE JURISDICTION**

The New York State Assembly Standing Committee on Codes considers issues and legislation regarding the State's criminal and civil justice system. Most of the legislation considered by the members of the Codes Committee amends the Criminal Procedure Law, the Penal Law, the Civil Practice Law and Rules as well as selected articles of the Executive Law.

In addition, the Committee's dual reference authority, pursuant to Rule IV § 6 (i) of the Rules of the Assembly of the State of New York, places within its jurisdiction legislation initiated in any of the other Assembly standing committees which imposes or changes any fine, term of imprisonment, forfeiture of rights or property, or other penal sanction as well as legislation related to the procedure by which such fine, term of imprisonment, forfeiture or other penal sanction is imposed or changed.

## II. SUMMARY OF LEGISLATION MOVED BY THE COMMITTEE ON CODES AND ENACTED IN 2011<sup>1</sup>

### A. Protecting Children, the Vulnerable and the Elderly

**1. Missing Vulnerable Adults Clearinghouse** Establishes a statewide Missing Vulnerable Adults Clearinghouse and provides for the planning and implementation of an alert system to aid in the recovery of missing vulnerable adults who have cognitive impairments. ([A.676-B](#) / S.3293-B; Chapter 222; Aging)

**2. Increased Penalty for Prostitution in School Zone** Increases the criminal penalty from an A misdemeanor to an E felony for acts of prostitution and promoting prostitution occurring in a school zone. ([A.2264-B](#) / S.1313-B; Chapter 191)

**3. Camp Directors, Mandatory Reporters of Child Abuse** Expands the law that designates mandated reporters of child abuse to include camp directors. The legislation provides camp directors with immunity from criminal and civil liability for good faith reporting of suspected child abuse or maltreatment. ([A.5519](#) / S.3777-A; Chapter 91; Children and Families)

**4. Human Trafficking Interagency Task Force** Extends the Interagency Task Force on Human Trafficking for two years. ([A.6800](#) / S.4089; Chapter 24)

**5. Sexting Diversion Program for Juveniles** Creates an educational reform program and a diversionary program for certain juveniles who are charged in criminal court or family court with an offense that involves sending explicit text messages or cyberbullying. ([A.8170-B](#) / S.5253-B; Chapter 535)

### B. Firearm Safety

**1. Possession of Certain Shotguns and Rifles** Provides that certain persons, including convicted felons and persons convicted of serious misdemeanors, may not possess antique firearms, black powder firearms or muzzle loading firearms. ([A.8456-A](#) / S.5658; Chapter 357)

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<sup>1</sup> Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee had substantial impact on such legislation, then the original committee of reference will appear with the bill number. All chapter numbers are to chapters of the Laws of 2011.

## **C. Protecting Against Sex Offenders**

**1. Increased Penalty for Sex Offenders** Increases the penalty for sexual contact with a person under 13 by a person over 21 by defining such contact as sexual abuse in the first degree, a class D felony. ([A.788](#) / S.1882; Chapter 26)

**2. Police Training** Directs the Municipal Police Training Council to establish policies and procedures to guide police officers investigating sex offenses. ([A.2349-A](#) / S.4895; Chapter 506; Governmental Operations)

**3. Unlawful Surveillance Crime** Provides that persons convicted of attempted unlawful surveillance must register as a sex offender with the state. The measure also authorizes local law enforcement agencies to provide communities with vulnerable populations with the exact address of a Level 2 sex offender. ([A.5661](#) / S.1521; Chapter 513; Correction)

**4. Sex Offender Employment Information** Requires level 2 sex offenders to register their employment address and updates the manner in which Department of Criminal Justice Services (DCJS) makes the electronic directory of offenders available to law enforcement. ([A.7950](#) / S.5775; Chapter 532; Correction)

**5. Increased Penalties for Prison Sex Offenses** Expands the definition of employee for the purpose of imposing criminal liability on employees of the Department of Corrections and Community Supervision who engage in sexual contact with inmates. ([A.8449](#)/ S.5455-B; Chapter 205)

## **D. Fighting Domestic Violence**

**1. Prohibition on Firearm Possession for Domestic Violence Offenders** Establishes a process for determining whether a misdemeanor offense was a domestic violence offense committed against a family member in order to identify persons prohibited from possessing a firearm under federal law. ([A.698-D](#) / S.4244-C; Chapter 258)

## **E. Protecting Crime Victims**

**1. Order of Protections Expanded** Clarifies the law so that when an order of protection is issued in relation to a family offense, its duration extends from the time of sentencing and not the date of conviction. ([A.88](#) / S.1248; Chapter 9)

## **F. Peace Officers**

**1. Peace Officer Status** Confers peace officer powers to certain security officers, criminal investigators and police officers of the Federal Protective Service of the U.S. Department of Homeland Security. ([A.478-A](#) / S.541-A; Chapter 407)



## **G. Assault**

**1. Assault on a Judge** Establishes the crime of assault on a judge and increases the penalties for individuals who attack a member of the judiciary with intent to prevent him or her from performing official judicial duties. ([A.409-D](#) / S.2143-D; Chapter 148)

## **H. Promoting Driver Safety**

**1. Hazard Vehicle Safety** Requires motorists to exercise due care when passing a parked, stopped or standing hazard vehicle, such as a tow truck, utility vehicle, highway maintenance vehicle, snow plow, and postal service vehicle. ([A.177-B](#) / S.2769-B; Chapter 458; Transportation)

**2. Truck and Pedestrian Safety** Requires certain trucks operated on New York City streets to be equipped with convex mirrors. ([A.1446](#) / S.3151; Chapter 138; Transportation)

**3. School Bus Driver Disqualification** Expands the list of offenses for which a conviction would disqualify a person from operating a school bus. ([A.3518-A](#) /S.5806; Chapter 400; Transportation)

**4. Texting and Use of Portable Electronic Devices** Allows for the primary enforcement of the law banning the use of portable electronic devices, such as handheld mobile telephones and laptop computers, while driving. ([A.8106](#) /S.5643; Chapter 109; Transportation)

## **I. Criminal Procedure**

**1. Review of Order of Recognizance** Authorizes a court to review an order of recognizance issued pursuant to section 180.80 of the criminal procedure law and provides that a new section 180.80 period shall apply, with regard to the time in which a felony complaint must be disposed or a probable cause hearing commenced, where the court revokes the order of recognizance. ([A.7464](#) / S.4469; Chapter 565)

**2. Income Tax Related Crimes** Closes a loophole in the statutory "double jeopardy" provisions of Criminal Procedure Law for state and New York City income tax-related crimes. ([A.8247-A](#) / S.5776; Chapter 186)

**3. Secured Bail Bonds** Amends the Criminal Procedure Law to add a more streamlined way to determine the value of real property used in a secured bail bond. ([A.7388](#) / S.3947; Chapter 305)

**4. Sentence and Commitment Documents** Clarifies that a sentence and commitment or certificate of conviction, and any order of protection, must be delivered together with a defendant who receives a sentence of imprisonment, at the time of his or her delivery to a state or local correctional institution, or a facility operated by the Office of Children and Family Services. ([A.7930](#) / S.5542; Chapter 177)

## **J. Civil Practice**

**1. Issuance of Trial Subpoena Duces Tecum** Clarifies that, in the absence of a patient's authorization, a trial subpoena duces tecum seeking the production of medical records may only be issued by a court and not an attorney. ([A.7465-A](#) / S.4586-A; Chapter 307)

**2. Time of Service, Amended Pleadings and Discontinuances** Makes several technical amendments to the CPLR, in relation to time of service, time in which a defect in form may be raised, amended pleadings, and the time in which a voluntary discontinuance may be obtained without court order or stipulation. ([A.7466](#) / S.4581; Chapter 473)

**3. Information Subpoenas** Establishes a mechanism to ensure the reasonable belief standard is met when information subpoenas are served on a financial institution by a judgment creditor. ([A.6875-B](#) / S.4530-B; Chapter 342)

**4. Attorneys' Fees in Class Actions** Authorizes the court to award attorneys' fees to any person the court finds has acted to benefit the class. ([A.7519-A](#) / S.4577-A; Chapter 566)

## **K. Health and Safety**

**1. Drug Overdose Evidence Limitations** Provides limitations on the use of evidence in a criminal prosecution that was obtained in connection with a person who was acting in good faith in seeking or receiving health care for a drug overdose. ([A.2063-C](#) / A.4454-B; Chapter 154)

**2. Prohibits Smoking on Train Platforms** Prohibits smoking in outdoor areas of ticketing, boarding, waiting or platform areas of railroad stations operated by the Metropolitan Transportation Authority. ([A.5516-C](#) / S.3461-C; Chapter 389; Health)

**3. Bath Salt Ban** Prohibits the sale of bath salt products containing harmful stimulants. The legislation makes it illegal to sell and distribute bath salts containing 4-Methylmethcathinone, also known as Mephedrone and Methylenedioxypropylone. The measure also classifies these stimulants as controlled substances. ([A.4769-C](#) / S.3322-B; Chapter 130; Health)

## **L. Protecting Animals**

**1. Crackdown on Animal Fighting** Makes it a Class B misdemeanor to knowingly be a spectator at an animal fighting event. Violators could face up to three months in jail and a \$500 fine. ([A.4407-A](#) / S.3237-A; Chapter 332; Agriculture)

## **M. Protecting Consumers**

**1. Protect Consumers from Unscrupulous Contractors** Prohibits home improvement contractors from acting on behalf of mortgage brokers in order to protect consumers from deceptive business practices. ([A.1913-A](#) / S.4038-B; Chapter 593; Banks)

**2. Protections for Developmentally Disabled Adults** Requires adult protective services workers to consult with a supervisor about whether to seek a court order when denied access to an alleged victim during an investigation and to document the reasons for the determination. ([A.7633](#) / S.5470; Chapter 440; Children and Families) Legislation was also enacted to provide social services officials with access to reports in the Statewide Central Register of Child Abuse and Maltreatment if they may be related to the investigation of a person alleged to be in need of protective services. ([A.5458](#) / S.5471; Chapter 412; Children and Families)

**3. Consumer Food Scales** Replaces an outdated provision that required computing scales to be placed every 30 feet in retail stores with a provision that requires these scales to be placed in an easily accessible area. ([A.6423](#) / S.4080; Chapter 43; Agriculture)

**4. Sporting, Entertainment and Cultural Event Tickets** Extends the current regulations and consumer protections for the sale and resale of tickets for sporting, cultural and entertainment events until May 15, 2013. ([A.6856-A](#) / S.4493; Chapter 19; Tourism, Parks, Arts and Sports Development)

## **N. Ethics**

**1. Ethics Reform** Requires extensive financial disclosure by public officials and reorganizes the state bodies that oversee ethics in order to establish an independent entity to investigate allegations of ethics violations. The legislation establishes additional penalties for officials who abuse their power and provides for more transparency and accountability in state government. The measure also authorizes the reduction or elimination of the pensions of officials who commit felonies related to their office. ([A.8301](#) / S.5679; Chapter 399; Governmental Operations)

## **O. Miscellaneous Legislation**

**1. Unauthorized Radio Transmission** Creates the crime of unauthorized radio transmission. The legislation prohibits knowingly and without authorization making a radio transmission on radio frequencies that are assigned and licensed by the Federal Communications Commission for use by AM and FM radio stations. ([A.326-B](#) / S.5739-A; Chapter 361)

**2. Frozen Wine Desserts** Allows the sale of frozen dessert products made with wine. Current law permits the sale of ice cream that includes wine as one of its ingredients. ([A.2888-A](#) / S.4054-A; Chapter 42; Agriculture)

**3. Gambling Definition** Clarifies the definition of gambling to make clear that coin-operated amusement machines that provide an extra ball, time or game does not constitute "something of value" and is, therefore, not "gambling." ([A.2982](#) / S.2476; Chapter 8)

**4. Obstruction of Governmental Duties** Establishes the offense of obstruction of governmental duties by means of a bomb, destructive device, explosive, or hazardous substance, a class D felony, which is punishable by up to seven years in prison. ([A.4835-B](#) / S.2510-B; Chapter 327)

**5. Funeral Event Demonstrations** Authorizes the state and local municipalities to create a permitting system in order to regulate demonstrations within 1000 feet of a military funeral event. ([A.7697](#) / S.5602; Chapter 527; Veterans' Affairs)

**6. Restitution for Unauthorized Recordings** Upgrades state piracy laws to include new recording technologies, and allows trade associations representing the recording industry to be considered victims for the purposes of restitution. ([A.7811-B](#) / S.4886-B; Chapter 313)

**7. Promoting Prostitution** Clarifies that a person who distributes obscene material for the purpose of advancing or profiting from prostitution can be prosecuted for promoting prostitution. ([A.8026](#) / S.5623; Chapter 215)

**8. Increased Penalties for Railroad Trespass** Provides an update of the railroad trespass laws to include persons trespassing while on motor vehicles, recreational vehicles or while riding a horse or other animal. The legislation also increases the fine for trespassing on railroad property. ([A.7869-A](#) / S.3451-B; Chapter 176)

### **III. SUMMARY OF SIGNIFICANT LEGISLATION MOVED BY THE COMMITTEE ON CODES IN 2011 THAT ONLY THE ASSEMBLY PASSED<sup>2</sup>**

#### **A. Protecting Children, the Vulnerable, the Elderly and Victims of Hate**

**1. Underage Tanning Ban** Prohibits owners, operators or employees of a tanning operation from allowing persons under the age of 18 to use ultraviolet radiation tanning devices. ([A.1074](#); Passed Assembly / S.2917; Health)

**2. Cadmium Ban** Prohibits the sale of jewelry, toys or ornaments to which cadmium has been added intentionally during product formulation or manufacturing. Media reports have linked cadmium to several health disorders including cancer and kidney disease. ([A.1158](#); Passed Assembly / S.2729; Environmental Conservation)

**3. Child Day Care Protections from Environmental Hazards** Prohibits child day care or head-start day care centers from being located near known environmental hazards. The legislation also would require that the buildings used for child day care operations meet certain heating, ventilation and air conditioning system standards, design practices that minimize pests, and other measures necessary to maintain a healthful, safe and comfortable environment for children. ([A.3764](#); Passed Assembly; Health)

**4. Prohibition on Sale of Salvia Divinorum** Prohibits the sale of salvia divinorum to persons under 18 years of age. ([A.5491](#); Passed Assembly; Economic Development)

**5. Abuse Notification System** Allows providers of facilities or programs licensed or certified by the Office for People With Developmental Disabilities to request additional background information of any substantiated report of abuse or serious neglect that the Office has on file of a prospective employee or volunteer. ([A.8330](#) / S.5796; Passed both houses; Mental Health)

#### **B. Protecting the Public Against Sex Offenders**

**1. Sex Offender Verification** Establishes procedures in the event a sex offender fails to mail a signed verification within 20 calendar days of receiving the document from the Division of Criminal Justice Services. ([A.424](#) / S.2595; Passed Both Houses; Correction)

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<sup>2</sup> Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Codes Committee had substantial impact on such legislation, then the original committee of reference will appear with the bill number. Additionally, legislation that was in fact passed by both Houses will be listed as such.

## **C. Protecting Victims of Domestic Violence**

**1. Aggravated Family Offense** Establishes the crime of Aggravated Family Offense, a felony, where a person has committed a specified domestic violence misdemeanor offense and has been convicted of one or more of such crimes within the past five years. ([A.1986-B](#); Passed Assembly / S.5822)

**2. Domestic Violence Workplace Discrimination** Prohibits employers from discriminating against domestic violence victims and allows for accommodations to victims when they must be absent from work for a reasonable time as a result of such domestic violence. ([A.2348-A](#); Passed Assembly / S.5526; Governmental Operations)

**3. Domestic Violence Housing Discrimination** Classifies the denial of housing and other accommodations to victims of domestic violence as an "unlawful discriminatory practice." ([A.3448-A](#); Passed Assembly; Governmental Operations)

**4. Domestic Partner Crime Victims' Compensation** Expands eligibility for those who receive awards under crime victims' compensation to include a domestic partner. ([A.3592](#); Passed Assembly / S.629; Governmental Operations)

**5. Serious Offense Definition** Expands the definition of "serious offense" to include certain domestic violence offenses and prohibit persons convicted of such offenses from possessing a firearm. ([A.4488-A](#); Passed Assembly)

## **D. Fighting Gun Violence**

**1. Microstamping** Requires semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of microstamping ammunition. Microstamping utilizes 21st century laser printing to imprint a distinctive marking on bullet casings to allow law enforcement to more quickly and efficiently solve crimes. ([A.1157-A](#); Passed Assembly / S.675-A)

**2. Firearm Ownership Inquiry** Requires the judge in a criminal or family court proceeding, upon issuance of an order of protection, to inquire as to the ownership of a firearm by the defendant or respondent. ([A.2494-B](#); Passed Assembly / S.1003-A)

**3. Revocation of Firearms Licenses** Empowers courts to seize weapons and revoke firearms licenses from those whom a judge has determined are incapacitated or are ordered into treatment at a mental health facility. ([A.3081](#); Passed Assembly / S.670)

## **E. Expanding the Use of DNA and Protecting the Innocent**

**1. DNA Omnibus** Establishes statewide standards for the preservation and cataloging of DNA evidence; expands the ability of individuals who may be innocent to seek a comparison between DNA evidence taken from the crime scene and their DNA profile; establishes the State Commission for the Integrity of the Criminal Justice System Commission to study the errors made in wrongful conviction cases; mandates the electronic recording of any custodial interrogation conducted in place of detention for felony cases. The bill also requires that all persons convicted of a penal law misdemeanor provide a DNA sample. ([A.5886](#); Passed Assembly / S.4224-A)

## **F. Protecting Animals**

**1. Pet Dealer License Inspections** Mandates an administrative hearing be held to examine the operations of a licensed pet dealer when the dealer fails three consecutive inspections or fails three inspections within a three year period. The bill also permits the commissioner of Agriculture and Markets to take additional actions against such dealers. ([A.77-A](#); Passed Assembly / S.3479-A; Agriculture)

**2. Care for Abused Animals** Requires that within a reasonable time following a seizure of an animal for certain animal cruelty and animal fighting offenses, a hearing must be held to determine if the animal's owner should be required to reimburse the organizations caring for such animals. ([A.259](#); Passed Assembly / S.3806; Agriculture)

**3. Animal Cage Box Dryers** Prohibits the use of cage box dryers while heating elements are turned on in animal grooming facilities in order to prevent injury or death to animals. Violators would face fines of not less than \$250 and up to \$500 for each violation. ([A.7502-A](#); Passed Assembly / S.5702; Agriculture)

## **G. Protecting Consumers**

**1. Assistance for Victims of False Financial Claims** In order to assist individuals who have been victimized by the filing of false financial claims, the bill would require the courts to provide a certificate of conviction as proof that a person was a victim of a fraudulent UCC financing statement. ([A.3457](#); Passed Assembly)

**2. Landlord Retaliation** Prohibits landlords from engaging in retaliatory behavior against tenants who operate a qualified group or family day care in their home ([A.8243](#); Passed Assembly / S.5779; Housing)

## **H. Making Civil Justice System Fairer**

**1. Class Certification Denial** Prohibits a court from denying certification to a class action lawsuit solely because the action involves governmental operations. ([A.2334](#); Passed Assembly / S.5327)

**2. Voluntary Discontinuance** Extends the time period in which a voluntary discontinuance of a civil action may be obtained without the need for a court order or stipulation of settlement. The bill would provide flexibility to parties who may want to settle claims early in the litigation process or before the lawsuit actually begins. ([A.4836](#); Passed Assembly / S.2535)

## **I. Police and Community Relations Package**

**1. Racial Profiling** Prohibits law enforcement officers from engaging in racial profiling. The legislation requires police departments to collect and maintain records related to traffic stops and "stop and frisk" actions and requires law enforcement agencies to submit the information to the Division of Criminal Justice Services. The measure permits victims of racial or ethnic profiling to seek recourse in the courts through the Attorney General. ([A.2288](#); Passed Assembly)

## **J. Protecting Public Health**

**1. Personal Health Care Information Privacy Act** Restricts interviews of the plaintiff's treating physicians or health care providers in personal injury, medical, dental, podiatric malpractice or wrongful death actions. ([A.694-A](#); Passed Assembly / S.3296-A)

**2. Health Care Professional Protections** Provides protections to health care professionals from criminal liability and professional discipline when they prescribe and administer pain medication while acting within accepted professional standards. ([A.732](#); Passed Assembly; Health)

## **K. Promoting Driver Safety**

**1. Seat Belts in Rear Seats** Prohibits any person aged 16 years old or older from riding in a motor vehicle unless they are properly restrained by a seat belt. ([A.1306](#); Passed Assembly / S.1337; Transportation)

**2. Parking Access Aisles** Requires access aisles of parking spaces reserved for persons with disabilities to be at least eight feet wide. ([A.3363](#); Passed Assembly / S.3170; Transportation)



## **L. Miscellaneous Legislation**

- 1. Undetectable Knives** Prohibits the manufacture, transport, shipment or possession of an undetectable knife. ([A.3622-A](#); Passed Assembly)
- 2. GENDA** Protects transgendered people under the Human Rights Law by prohibiting discrimination based on gender identity or expression. ([A.5039](#); Passed Assembly / S.2873; Governmental Operations)
- 3. Hydrofracking Ban** Establishes a moratorium on hydraulic fracturing, the drilling of natural gas or oil wells with the injection of pressurized water and chemicals into underground rock formations, until June 2012. ([A.7400](#); Passed Assembly / S.5592; Environmental Conservation)
- 4. Criminal Background Information** Directs the Department of Corrections and Community Supervision to publish a brochure on the resources to the public for gathering criminal background information. ([A.8296](#); Passed Assembly / S.5735)
- 5. Posting of Cash Bail** Provides the legal definition and requirements for charitable bail organizations that are organized for the purpose of posting cash bail for poor persons. ([A.8158-A](#) / S.5734-A; Passed both houses)

#### **IV. ORIGINAL CODES BILLS AND BILLS DUAL REFERENCED TO THE COMMITTEE ON CODES THAT THE GOVERNOR VETOED<sup>3</sup>**

1. Relates to offenses relating to possession or sale of fireworks, sparkling devices and ammunition. (A.4362C/ S.4529D; Veto 59)
2. Relates to procedures, practices and standards for actions by the office of medicaid inspector general and social services districts. (A.5686A/ S.3184A; Veto 72; Health)
3. Relates to the practice of surgical technology and surgical technologists; defines terms. (A.6539/ S.4563A; Veto 75; Health)
4. Relates to warrants and orders of protection in persons in need of supervision cases. (A.7599B/ S.4050B; Veto 65; Children and Families)
5. Provides reimbursement by the transporter of hazardous materials to fire companies for costs associated with responding to spills of hazardous materials; provides that the state fire administrator shall develop and make reimbursement forms to enable a fire company to bill a transporter of hazardous materials for costs incurred in responding to a release or threatened release of hazardous materials. (A.7672/ S.5444; Veto 66; Environmental Conservation)
6. Requires a warning to be printed on baby-bottle and sippy cup packaging concerning tooth decay. (A.7714/ S.5317; Veto 79; Consumer Affairs and Protection)

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<sup>3</sup> Veto Memo. Numbers refer to those issued in 2011.

## **PEACE OFFICER AND POLICE OFFICER LEGISLATION**

1. Designates court attendants employed by the town or village of Harrison as peace officers. (A.1429/ S.5748; Veto 32)
2. Designates as peace officers the uniformed court officers of the town court of the town of New Windsor. (A.2877/ S.5325; Veto 33)
3. Designates dog control officers in the city of Cohoes as peace officers when they are acting pursuant to their special duties. (A.3074/ S.1188; Veto 42)
4. Grants uniform members of the bureau of fire prevention of the town of Islip peace officer status. (A.4446/ S.4104; Veto 35)
5. Designates the dog control officer of the city of Salamanca as a peace officer for purposes of enforcing article 26 of the agriculture and markets law and issuing appearance tickets pursuant to article 7 of such law. (A.5457A/ S.2835A; Veto 44)
6. Designates uniformed officers of the fire marshal's office of the town of Huntington as peace officers. (A.6600/ S.4209; Veto 46)
7. Designates court attendants in the town of Highlands as peace officers. (A.7436/ S.5309; Veto 47)

## **V. CODES COMMITTEE PARTICIPATION IN HEARINGS IN 2011**

### **A. Statute of Limitations in Cases of Sexual Abuse of Minors**

The Codes Committee held a hearing on April 29, 2011, to examine whether the statute of limitations for sexual abuse against a minor as contained in existing law warrants amendment, to allow additional time for prosecution of criminal and/or civil actions against those liable for the commission of such acts. The purpose and specific focus of the hearing was to examine the effect and long-term impact these abhorrent acts have on the victims of such abuse and their families.

### **B. Impact of Merging the Division of Probation and Correctional Alternatives and the Division of Criminal Justice Services**

The Codes Committee, together with the Committee on Correction, conducted a hearing on November 17, 2011, to examine the impact of merging the Division of Probation and Correctional Alternatives (DPCA) and the Division of Criminal Justice Services (DCJS or the Division) on the delivery of probation and Alternative to Incarceration (ATI) services, the adequacy of funding for probation and ATI services, and what, if any, additional resources are necessary to ensure that probation departments and ATI programs can operate effectively.

As part of the SFY 2010-11 enacted state budget, the operations of DPCA merged into DCJS. The rationale for this consolidation was to create operational efficiencies, foster improved coordination of policies and programs and provide for more cost-effective delivery of services. As a result of the merger, DPCA became a specialized office within DCJS. However, recognizing the important role of probation and ATI programs in the criminal justice system, the director of the new office was statutorily designated as a special advisor to the governor on matters pertaining to probation and ATI. In that role, the director is required to coordinate and make recommendations relating to the type and nature of ATI programs needed to reduce incarceration where the purpose of such incarceration can be adequately served by alternative programs. The director is also required to work with local probation departments to enhance and develop probation and ATI services throughout the state.

The SFY 2010-11 enacted budget also altered the manner in which state probation aid is distributed to localities. Before the change, state funding for probation was distributed in the form of partial reimbursement to local probation departments. The SFY 2010-11 enacted budget repealed the existing reimbursement formula and instead established a block grant program for probation aid distribution.

Currently, the state provides about 18% of the total amount of funds expended by localities for probation services. The SFY 2011-12 enacted budget appropriated \$44 million from the General Fund for local probation aid and an additional \$3.5 million in federal Byrne funds. Further, the SFY 2011-12 budget appropriated approximately \$9 million from the General Fund and \$2.8 million in federal funding for Alternative to Incarceration (ATI) programs.

This hearing provided the Committees an opportunity to examine the impact of the merger of DPCA into DCJS on probation and alternative to incarceration programs, and on public safety, and review the adequacy of funding for such programs in the SFY 2011-12 enacted budget.

**See** Appendix I

**APPENDIX A- 2011 COMMITTEE WORKLOAD**

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL</u>
<b>BILLS REPORTED WITH OR WITHOUT AMENDMENT</b>			
TO FLOOR; NOT RETURNING TO COMMITTEE	128		<b>128</b>
TO FLOOR; RECOMMITTED AND DIED			
TO WAYS AND MEANS	60		<b>60</b>
TO RULES	152		<b>152</b>
TOTAL	340		<b>340</b>
<hr/>			
<b>BILLS HAVING COMMITTEE REFERENCE CHANGED</b>			
TO Insurance Committee	1		<b>1</b>
TO Corporation Committee	2		<b>2</b>
TO Children & Families Committee	1		<b>1</b>
TO Transportation Committee	1		<b>1</b>
TO Energy Committee	1		<b>1</b>
TOTAL	6		<b>6</b>
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<b>SENATE BILLS SUBSTITUED OR RECALLED</b>			
SUBSTITUED		49	<b>49</b>
RECALLED		7	<b>7</b>
TOTAL		56	<b>56</b>
<hr/>			
<b>BILL HELD FOR CONSIDERATION WITH A ROLL-CALL VOTE</b>	64		<b>64</b>
<b>BILLS NEVER REPORTED, HELD IN COMMITTEE</b>	661	107	<b>768</b>
<b>BILLS NEVER REPORTED, DIED IN COMMITTEE</b>			
<b>BILLS HAVING ENACTING CLAUSES STRICKEN</b>	35		<b>35</b>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>1106</b>	<b>163</b>	<b>1269</b>
<hr/>			
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	<b>20</b>		

## **APPENDIX B - SCHEDULE OF 2011 CODES COMMITTEE MEETINGS**

<b><u>MONTH</u></b>	<b><u>DATE</u></b>	<b><u>DAY</u></b>
January	31	Monday
March	1	Tuesday
March	8	Tuesday
March	15	Tuesday
March	22	Tuesday
March	30	Wednesday
April	11	Monday
May	3	Tuesday
May	10	Tuesday
May	17	Tuesday
May	24	Tuesday
June	1	Wednesday
June	7	Tuesday
June	13	Monday
June	14	Tuesday
June	15	Wednesday
June	16	Thursday
June	17	Friday
June	20	Monday
June	21	Tuesday

**TOTAL NUMBER OF COMMITTEE MEETINGS HELD: 20**

## **APPENDIX C - CODES LAWS OF 2011**

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A88	9	Paulin	Provides clarification to determine the expiration date of an order of protection issued in relation to a family offense.
A326-B	361	Latimer	Creates the crime of unauthorized radio transmission; prohibits knowingly making a radio transmission on radio frequencies assigned and licensed by the federal communications commission for use by AM and FM radio stations.
A409-D	148	Gunther	Establishes the crimes of assault on a judge.
A478-A	407	Lancman	Relates to powers of certain federal law enforcement officers, including law enforcement security officers, criminal investigator and police officers of the Federal Protective Service.
A624	264	Weinstein	Prohibits a third-party defendant from asserting an objection or defense that the summons and complaint, summons with notice or notice of petition and petition were not properly served, or that jurisdiction was not obtained over the third-party plaintiff.
A788	26	Destito	Provides that sexual contact upon a person under the age of 13 by a person 21 years of age or older shall be sexual abuse in the first degree.
A2063-C	154	Gottfried	Provides limitations on use of evidence obtained in connection with a person seeking or receiving health care for a drug overdose.
A2264-B	191	Crespo	Relates to prostitution offenses occurring within a school zone.
A2982	8	Lentol	Relates to definitions for gambling offenses.



<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A4169	357	Weprin	Provides that certain people may not possess antique firearms, black powder firearms, or muzzle loading firearms.
A4835-B	327	Simotas	Establishes the offense of obstruction of governmental duties by means of a bomb, destructive device, explosive, or hazardous substance, a class D felony.
A6800	24	Meng	Extends the interagency task force on human trafficking until September 1, 2013.
A6875-B	342	Lentol	Establishes guidelines for information subpoenas.
A7388	305	Cymbrowitz	Relates to a bail bond secured by real property.
A7464	565	Lavine	Creates new procedures in relation to revocation of orders of recognizance.
A7465-A	307	Zebrowski	Clarifies, that in the absence of a patient's authorization, a trial subpoena duces tecum seeking the production of medical records may be issued by the court.
A7466	473	Zebrowski	Relates to time of service, time in which defect in form must be raised, copy of proposed amended pleading, and the time of voluntary discontinuances.
A7519-A	566	Jeffries	Authorizes attorneys' fees to be awarded to any person that the court finds has acted to benefit the class.
A7698	528	Cusick	Extends the buffer zone around a religious service, funeral, burial or memorial service from 100 feet to 300 feet.
A7811-B	313	Morelle	Relates to unauthorized recording offenses; includes data storage devices in the definition of recording; provides for restitution to victims.
A7869-A	176	Lentol	Relates to criminal trespass on railroad property and rights of way.

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A7930	177	Aubry	Amends the criminal procedure law and correction law, in relation to the delivery of sentence and commitment documents.
A8026	215	Moya	Relates to the crime of promoting prostitution in the fourth degree; includes the act of distributing obscene material or material that depicts nudity if such distribution is done with intent to advance or profit from prostitution.
A8247-A	186	Lentol	Relates to the prosecution of separate offenses based on the same criminal act.
A8449	205	Aubry	Relates to sexual conduct between a state employee and an inmate.

## **APPENDIX D - DUAL REFERENCED LAWS OF 2011**

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A55-A	29	Aubry	Adopts the interstate compact for juveniles; relates to the appointment of lawyers for children.
A177-B	458	Cahill	Provides standards of care to safely approach an emergency or hazard vehicle parked, stopped or standing on the shoulder of a highway.
A295-A	126	Hevesi	Makes technical corrections to provisions on possession and transportation of wildlife.
A346	193	Paulin	Amends the civil penalties authorized to be levied by local boards of health.
A354-B	262	Hoyt	Relates to polysomnographic technology services; grants authorization to practice polysomnographic technology to individuals who have met certain standards and requirements.
A356	500	Hoyt	Prohibits a department, authority, division or agency of the state from offering and permitting state officers and employees to use the thruway system without paying tolls except when the use occurs in the normal course of the employment or duties of such officers and employees.
A372	127	Hoyt	Directs the commissioner of health to require that access to retail sale of ipecac syrup shall not be unrestricted; requires placement behind the pharmacy or only accessible through the manager of a retail establishment.
A393-A	568	Hoyt	Relates to oil and gas drilling in Allegany State Park.
A394-A	486	Gunther	Relates to establishing a yearling buck protection program.

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A628-A	502	Weinstein	Establishes an address confidentiality program in the office of the secretary of state for domestic violence victims who need to maintain confidentiality of their location; authorizes the secretary of state to accept service of process and receipt of mail on behalf of a program participant.
A668	20	Jaffee	Relates to mercury-added consumer products.
A676-B	222	Magnarelli	Creates the missing vulnerable adults clearinghouse.
A1191	548	Gantt	Requires actual written consent for participation in franchise programs for motor vehicle dealer.
A1446	138	Millman	Requires convex mirrors on trucks.
A1747	153	Gunther	Authorizes nurse practitioners to sign death certificates in like manner as physicians and imposes upon nurse practitioners the same duties that physicians have in connection therewith; makes such provisions applicable to the city of New York.
A1913-B	593	Jeffries	Prohibits home improvement contractors from also acting on behalf of mortgage brokers; prohibits a mortgage broker from paying a home improvement contractor directly unless they perform their own inspection of the completed work.
A2021-A	25	Gunther	Reduces the required minimum age for obtaining a junior archery license from fourteen years to twelve years of age.
A2129-B	504	Lancman	Enacts the juvenile justice worker protection act relating to the definition of public employers.

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A2349-A	506	Weinstein	Directs the municipal police training council to establish policies and procedures for police officers, relating to the investigation of and intervention into sex offenses; provides for recommendations to the governor relating to rules and regulations therefor; directs the office of court administration to provide training to judges and justices with respect to crimes involving sexual assault.
A2439	81	Englebright	Prohibits the commercial taking of northern or lined seahorses.
A2888-A	42	Magee	Regulates frozen desserts made with wine bearing or containing more than one-half of one percent, but not more than five percent of alcohol by volume.
A2986-A	326	Burling	Allows for rifle hunting in Wyoming County.
A3480	455	Russell	Authorizes an individual to angle for fish with up to three lines in freshwater until December 31, 2013.
A3518-A	400	Pretlow	Relates to the disqualifications of bus drivers.
A4296-A	460	Canestrari	Defines occupational therapy assistant and provides requirements for authorization as an occupational therapy assistant.
A4357-A	323	Lifton	Allows hunters to use a rifle during open season for deer in the county of Cortland.
A4407-A	332	Lentol	Increases certain penalties for violating the prohibition of animal fighting.

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A4579	21	Canestrari	Permits pharmacists that practice in licensed health care facilities to engage in collaborative management of drug therapy to reduce potential medication errors and adverse reactions pursuant to voluntary agreements or protocols with physicians and patients.
A4769-C	130	Braunstein	Establishes certain additional substances as Schedule I stimulant controlled substances.
A4786	366	Sweeney	Provides for the establishment of youth-only pheasant hunting days on Long Island.
A4858	462	Galef	Authorizes the removal of fire commissioners for dereliction of duties; such dereliction shall include excessive, unexcused absences from regularly scheduled meetings.
A4881-B	456	Glick	Relates to the practice of public accountancy by accountants who are not licensed in New York state; allows accountants licensed in other states to have practice privileges in New York.
A4884-B	192	Bing	Authorizes certain health care professionals licensed to practice in other jurisdictions to practice in this state in connection with specified events sanctioned by New York Road Runners.
A5150	22	Kolb	Adds land in the Town of Hopewell on which the Friends of the Finger Lakes Performing Arts Center, Inc. operates, to the list of premises which are exempt from the provisions of law which generally restrict manufacturers, wholesalers and retailers from sharing an interest in a liquor license.
A5318-A	401	Sweeney	Relates to the regulation of the use of the state's water resources; requires permits for interbasin diversions of water and approval of modification to existing systems.

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A5347-A	158	Thiele	Relates to permits to mechanically harvest surf clams and ocean quahogs from New York's waters of the Atlantic Ocean.
A5375	159	Lopez V	Prohibits the interruption of service during review of an application by the loft board.
A5458-A	412	Scarborough	Relates to an order to gain access to persons believed to be in need of protective services for adults; requires official to document factors considered to determine whether or not to apply for an order to gain access.
A5516-C	389	Jaffee	Prohibits smoking in outdoor areas of ticketing, boarding, or platform areas of railroad stations operated by the metropolitan transportation authority or its subsidiaries.
A5519	91	Englebright	Requires directors of children's overnight, summer day and traveling summer day camps to report suspected cases of child abuse or maltreatment.
A5661	513	Weisenberg	Relates to the definition of, and information provided about, sex offenders.
A6037-A	131	Brook-Krasny	Prohibits the sale of hookahs, smoking paraphernalia and shisha to minors.
A6055-A	321	Goodell	Allows hunters to use a rifle during open season for deer and bear in the county of Chautauqua south of route 20.
A6291-A	468	Rosenthal	Prohibits the possession, sale, barter, offer, purchase, transportation, delivery, or receipt of bear gallbladder, bile, or any product, item, or substance containing, or labeled or advertised as containing, bear gallbladders or bile; exempts federal and state government.
A6308	371	Abbate	Relates to the residence of peace officers employed as associate urban park rangers by a city with a population over one million.

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A6324-B	417	Castro	Establishes penalties for licensed barbers who sell alcohol to persons under the age of twenty-one years, including the loss of barbering license.
A6423	43	Magee	Requires food retailers to provide scales for customer use in an accessible location and with a conspicuous sign reading "for customer use."
A6695	165	Rodriguez	Allows licenses to sell liquor at retail for consumption on certain premises.
A6732	560	Bing	Establishes local notification requirements for premises for on premises consumption.
A6823	45	Paulin	Makes permanent the differential response programs for child protection assessments and investigations.
A6856-A	19	Englebright	Extends certain provisions of law relating to the resale of tickets to places of entertainment.
A7237	299	Kolb	Authorizes the detaining in the Ontario county correctional facility of persons awaiting arraignment in any local court in the county of Ontario.
A7279	301	Englebright	Extends through January 1, 2013, provisions authorizing the operation of certain leased personal watercraft and prop-craft without a boating safety certificate.
A7315	475	Lentol	Authorizes motion picture theatres to serve alcoholic beverages.
A7343-A	167	Gottfried	Extends provisions of the Family Health Care Decisions act to decisions regarding hospice care.
A7358-A	523	Morelle	Prohibits private transfer fee obligations; requires disclosure of existing private transfer fee obligations on real property.



<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A7380	202	Friend	Authorizes permanent hunting in the county of Schuyler.
A7381	203	Palmesano	Authorizes permanent hunting in the counties of Chemung, Steuben, and Yates.
A7445	524	Lavine	Provides a cure period in regulations affecting small businesses and local governments.
A7463-A	306	Cusick	Authorizes the removal of reeds by the owners of residential real property in high risk brush fire areas in the borough of Staten Island.
A7483	381	Gantt	Authorizes the sale of metal beverage containers with caps that do not decompose.
A7487	435	Abinanti	Prohibits the taking of striped bass from the Hudson river for commercial purposes; defines the pertinent portions of the Hudson river and "taking of striped bass for commercial purposes"; does not prohibit lawful taking of striped bass by angling for recreational purposes; provides for expiration thereof.
A7520	436	O'Donnell	Relates to the child support obligations of indigent non-custodial parents.
A7632	309	Rosenthal	Adds criminal obstruction of breathing or blood circulation and strangulation to the list of actionable allegations in family offense petitions.
A7633	440	Paulin	Relates to permitting social services officials in an adult protective service investigation access to certain confidential records under the child abuse and maltreatment registry when such official has reasonable cause to believe that such person may be in need of protective services due to the actions of an individual or individuals that had access to such adult when he or she was a child.

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A7637	173	Magee	Authorizes permanent hunting in the county of Madison.
A7665-B	174	Russell	Eliminates requirement for prior approval of certain hospital repair and maintenance, and non-clinical construction projects.
A7668	442	Schimminger	Relates to the effectiveness of provisions of the alcoholic beverage control law relating to temporary retail permits; provides that such provisions expire on October 12, 2012.
A7682	586	Linares	Requires non-attorney notaries public advertising services in a language other than English to prominently display a statement in other languages that they are not authorized to practice law and have no authority to give advice on immigration law or other legal matters.
A7697	527	Cusick	Requires the development and implementation of a permit process for demonstrations at veteran and veteran family member funerals; authorizes the imposition of fines for failure to comply with permit provisions.
A7794-A	592	Weinstein	Relates to orders for child support obligors to seek employment or participate in job training, employment counseling or other available programs designed to lead to employment.
A7829	101	Titus	Extends certain provisions relating to the enforcement of support through the suspension of driving privileges through June 30, 2013.
A7858	198	Titone	Provides that the department of health may share certain information about environmentally-related diseases.

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A7936-B	204	Abbate	Authorizes any person licensed as a physician, physician's assistant, massage therapist, physical therapist, chiropractor, dentist, optometrist, nurse, nurse practitioner or podiatrist in another state or territory and appointed by the World Police and Fire Federation to practice his or her profession in this state in connection with an athletic event sanctioned by such Federation.
A7950	532	Miller M	Requires level two sex offenders to register their employment address and relates to certain requirements of distribution of the subdirectory.
A8091	534	Markey	Relates to awards for victims of criminal obstruction of breathing or blood circulation.
A8106	109	Weisenberg	Relates to the use of portable electronic devices.
A8108-A	377	Paulin	Relates to access to records of the differential response program for child protection assessments or investigations.
A8159-A	184	Glick	Authorizes performance of credit, security clearance and criminal background checks of employees and prospective employees of the New York state higher education services corporation.
A8170-B	535	Perry	Creates an educational reform program for certain juveniles who are criminally charged or adjudicated in family court with certain offenses involving the creation, exhibition or distribution of a photograph depicting nudity through the use of an electronic communication device, an interactive wireless communications device or a computer.

<b><u>BILL NUMBER</u></b>	<b><u>CHAPTER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A8206-A	572	Gabryszak	Directs the office of parks, recreation and historic preservation to promulgate regulations to allow Nik Wallenda to traverse the Niagara River Gorge on a high wire.
A8245-A	217	Pretlow	Relates to licenses issued by the division of the lottery.
A8301	399	Silver	Relates to the transfer of powers and duties to the joint commission on public ethics (Part A); relates to reports by lobbyists (Part B); relates to notice of entry of plea involving a public official (Part C); relates to pension forfeiture for certain public officials and notice of entry of plea involving a public official (Part D).
A8318	196	Schimminger	Relates to expanding the types of agreements that will suffice to show ownership or control of a licensed premises.
A8324	588	Ortiz	Relates to providing notice of abuse investigations at mental hygiene agencies.
A8325	558	Ortiz	Relates to reporting of crimes at mental hygiene facilities.
A8365	211	Weprin	Amends the definition of insurance fraud.
A8444	218	Lentol	Makes technical amendments relating to financing and construction of capital facilities for Williamsburg Infant & Early Childhood Development Center, Inc.

## **APPENDIX E - 2011 CODES BILLS THAT PASSED THE ASSEMBLY**

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A694-A	Lancman	Enacts the "personal healthcare information privacy act"; prohibits interviews of other party's treating physicians or health care providers in personal injury, medical, dental, or podiatric malpractice or wrongful death actions.
A1157-A	Schimel	Requires semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of microstamping ammunition; establishes fines for violations of this requirement and provides for an affirmative defense if the dealer had a certification from the manufacturer.
A1986-B	Rosenthal	Establishes the crime of aggravated domestic violence when a person has committed a specified domestic violence offense and has been convicted of one or more specified domestic violence offenses within the past five years.
A2061	Gottfried	Provides that an affirmation of a health care practitioner may be served or filed in an action in lieu of and with same force and effect as an affidavit (changes the current reference in existing provisions from "physician, osteopath or dentist" to "health care practitioner").
A2215-A	Zebrowski	Requires pleadings in actions arising from the conduct of a business required to be licensed by the state to set forth in the pleadings that the business was licensed at the time the cause of action arose.
A2288	Wright	Prohibits police officers from using racial and ethnic profiling; requires that a procedure be established for the taking and review of complaints against police officers for racial and ethnic profiling; allows an action for injunctive relief and/or damages to be brought against a law enforcement agency, any agent of a law enforcement agency and the supervisor of an agent.
A2334	Rivera P	Prohibits a court from denying class certification for purposes of class action lawsuits solely because the action involves governmental operations.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A2350	Weinstein	Exempts parties liable for failure to obey or enforce certain child protective, domestic relations, or domestic violence orders of protection or temporary orders of protection from limited liability provisions pertaining to non-economic loss and providing for limitation of joint liability.
A2494-B	O'Donnell	Requires the judge in a criminal proceeding or in a family court proceeding, upon issuance of an order of protection, to inquire as to the ownership of a firearm by the defendant or respondent.
A3081	Lupardo	Authorizes courts to revoke firearms license and seize the weapons of certain individuals.
A3457	Gabryszak	Relates to the filing of a false financing statement.
A3622-A	Colton	Prohibits the manufacture, transport, shipment or possession of an undetectable knife.
A4328	Magnarelli	Relates to criminal mischief in the third degree.
A4488-A	Lancman	Enacts the domestic violence escalation prevention act including certain offenses against members of the same family or household within the definition of serious offense.
A4836	Simotas	Extends the time period in which a voluntary discontinuance of a civil action may be obtained without the need for a court order or stipulation of settlement; gives flexibility to parties who may want to settle claims early in the litigation process or before the lawsuit actually begins.
A5018	Wright	Authorizes an application for permission to appeal to the court of appeals from an order of the appellate division concerning a change of venue; requires the chief administrator of the courts, with the advice and consent of the administrative board of the courts, to adopt rules for the expeditious briefing, hearing and determination of such appeals.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A5886-A	Lentol	Establishes the minimum period of time that forensic samples should be retained by investigating authorities; creates the state commission for the integrity of the criminal justice system, as an independent agency, and provides for such commission's powers and duties; relates to special fictitious name indictments; relates to requests for certain DNA test comparisons; relates to forensic DNA testing; relates to claims for unjust conviction and imprisonment; relates to DNA testing, data collection and record keeping; and relates to DNA testing in felony cases.
A6245	Magnarelli	Permits special proceedings against certain designated state officials to be commenced in a supreme court in the judicial district of the petitioner's residence or principal place of business; provides that a proceeding against the public service commission shall only be commenced in the supreme court, Albany county.
A7390	Perry	Relates to the speedy trial of certain traffic infractions.
A7624	O'Donnell	Relates to sealing court records involving cases dismissed at arraignment or earlier.
A8158-A	Aubry	Relates to charitable bail organizations.
A8296	Hevesi	Directs the division of criminal justice services to publish a brochure describing the resources available to the general public for gathering criminal background information.

**APPENDIX F - 2011 DUAL REFERENCED BILLS THAT PASSED THE ASSEMBLY**

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A52-A	Paulin	Provides that a business entity may not provide false caller identification with the intent to defraud or harass any party; provides definition of business entity.
A77-A	Paulin	Relates to administrative hearings and processes as they apply to pet dealers.
A259	Paulin	Requires that individuals convicted of certain animal cruelty and animal fighting offenses reimburse the organizations caring for such animals.
A288-A	Paulin	Prohibits the sale of flavored tobacco products; violation by any person other than manufacturer constitutes fine of \$100 for each individual package sold or offered for sale; provides for a civil penalty up to \$50,000 for more than one violation within a thirty day period for manufacturers.
A378-A	Magee	Relates to trapping license to trap snapping turtles.
A424	Gunther	Sets forth procedures to be followed in the event a sex offender fails to mail a signed verification within twenty calendar days of mailing by the division of criminal justice services.
A634	Weinstein	Provides that for settlements that require a court order, the order, or the judgment in a special proceeding, shall provide for the payment of interest on the settlement amount at the statutory interest rate on judgments.
A644-A	Clark	Establishes the independent office of child advocate to ensure the protection and promotion of legal rights for youth in juvenile justice facilities; repeals certain provisions relating to the office of the ombudsman.
A715	Dinowitz	Establishes time restrictions for court issued consent orders for work performance to remove or remedy dangerous conditions or building code violations; permits sixty days for consent orders to be performed by an owner, mortgagee, or lienor of record and further restricts such person from using consent orders more than once.



<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A717	Dinowitz	Requires the commissioner of health to take action when high risk areas of lead poisoning are designated; the commissioner of health is also required to provide written notice instructing such condition be discontinued within a specified period of time.
A732	Gottfried	Requires health care professionals to order, prescribe, administer and dispense pain-relieving medications in accordance with professional standards and guidelines.
A789	Destito	Permits brewers with a certain annual volume and with a certain percentage of sales to terminate an agreement with a beer wholesaler without having good cause; requires payment of fair market value of the applicable distribution rights lost; allows for the arbitration panel to review the fair market value; sets forth definitions.
A805	Gottfried	Establishes the prescription drug discount program; establishes that the purpose of the program is to provide access to prescription drugs to participants at a discounted price and to allow for the negotiating of rebates that are exempt from the "best price" rule of the federal social security act; provides for the distribution of rebate funds and repeals a certain provision of the public health law relating thereto.
A809	Gottfried	Provides for pharmacy benefit management and the procurement of prescription drugs to be dispensed to patients; sets forth definitions; provides for funds received by a pharmacy benefit manager to be received by the pharmacy in trust for the health plan or provider and provides for accountability of such funds.
A846-A	Pheffer	Tracks the federal privacy act of 1974 with respect to the obligation of a person to disclose their social security number to another person, partnership, association or corporation; provides where there is no legal basis for request that a person may refuse to provide his or her social security number; provides for enforcement by attorney general.
A940	Pheffer	Relates to cancellation of membership camping contracts.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A980	Pheffer	Prohibits persons or business entities from filing unnecessary personal identifying information with an agency; provides for enforcement by the attorney general.
A1036	Pheffer	Relates to arbitration organizations; requires private arbitration organizations involved in fifty or more consumer arbitrations per year to collect, publish at least quarterly, and make available to the public in a computer-searchable database certain information relating to such arbitrations; prohibits financial conflicts of interest.
A1052	Pheffer	Allows a municipality or community board to express an opinion before a license is granted to a person to sell liquor at retail for off-premises consumption.
A1074	Weisenberg	Provides that a tanning facility shall not permit the use of an ultraviolet radiation device by persons under eighteen years of age.
A1121-B	Bing	Relates to rental discrimination based on income.
A1158	Sweeney	Relates to the regulation of cadmium-added novelty consumer products.
A1241	Colton	Provides for source separation and disposal of recyclable materials and requires municipalities to adopt local laws providing therefor; prohibits transporters from commingling recyclables with other materials; prohibits incinerators and landfills from accepting recyclables.
A1306	Jeffries	Provides that no person shall be a passenger in the back seat of a motor vehicle unless such person is restrained by a safety belt approved by the commissioner of motor vehicles.
A1350	Gantt	Defines the term "electric assisted bicycle" for purposes of the applicability of the vehicle and traffic law; requires persons sixteen years of age or younger to wear a helmet when operating an electric assisted bicycle.
A1370-A	Lancman	Creates the New York state safe patient handling task force.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A1485-A	Rosenthal	Requires prior written notice upon hiring and once annually to all employees, informing them of the types of electronic monitoring which may occur.
A1589	Dinowitz	Relates to penalties for the illegal shipment of cigarettes and the authority of state and local authorities to bring actions to recover civil fines for such violations.
A1598-A	Kellner	Prohibits ex parte communications with the public service commission by parties to pending adjudicatory proceedings.
A1845-A	Rosenthal	Prohibits debt collectors from collecting or attempting to collect a debt owed by a deceased debtor that is known by such debt collector to be deceased.
A1942	Bing	Prohibits the disclosure of highway, bridge, tunnel and other thoroughfare toll records, and commuter railroad and transit records to protect privacy, unless necessary to perform law enforcement functions of certain public officials and bodies or to further another public entities' official functions.
A1953	Cook	Requires persons selling or offering to sell weight loss services or weight loss products to provide consumers with a weight loss and dieting information notice; sets forth such notice which includes the dangers of rapid weight loss, dieting information, risks associated with certain medications used with weight loss programs; delineates deceptive practices; provides for penalties, including fines and injunctions; further provides for attorney general enforcement.
A1970	Jeffries	Prohibits more than one increase in the price of motor fuel in any twenty-four hour period.
A2094	DenDekker	Establishes the "vehicle lienholder accountability act"; requires lienholders to provide notice to the owner of the vehicle when such lienholder assigns his or her security interest and requires such lienholder to execute a release of his or her security interest, within ten days of such assignment.
A2139	Benedetto	Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report violations of law, rules or regulations, or improper governmental actions.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A2213	Zebrowski	Authorizes the attorney general to bring an action for violation of the prohibitions concerning unlawful selling practices and specifies damages awardable.
A2229	Kavanagh	Imposes penalties upon a state agency, public authority or public benefit corporation, which fails to complete a remediation plan within the projected time schedule for such plan; provides that upon such failure such agency shall be subject to a public hearing and required to explain the failure to complete the plan; provides that an amended plan shall be imposed which provides for involvement by community groups; provides that subsequent failure to remediate shall result in a fine.
A2231	Rivera P	Establishes a cause of action by residents of adult facilities to petition for temporary or permanent receivership of any such facility in violation of the provisions of law, rules and regulations applicable thereto; relates to actions of any such receiver.
A2348-A	Weinstein	Defines "victim of domestic violence"; prohibits employers from discriminating against victims of domestic violence.
A2531	Lopez V	Provides that certain multiple dwellings must be heated to a minimum temperature of sixty degrees Fahrenheit between the hours of 10 pm and 6 am, increasing such minimum temperature from the present requirement of fifty-five degrees Fahrenheit.
A2674-A	Lopez V	Relates to rent regulation; relates to recovery of certain housing accommodations by a landlord; relates to the declaration of emergencies for certain rental housing accommodations; extends certain provisions of law relating to rent regulation; relates to the adjustment of maximum allowable rent; relates to vacancy decontrol; relates to extending the length of time over which major capital improvement expenses may be recovered.
A2942-A	Destito	Provides that in any action commenced under the state's anti-trust law, the court may direct that all or any part of a criminal fine or civil penalty imposed upon a violator may, in the court's discretion, be ordered to be deposited with the office of victim services.
A3363	Lavine	Requires access aisles of handicapped accessible parking spaces to be at least eight feet wide.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A3392-C	Latimer	Relates to proceedings for challenges to real property assessments.
A3409-A	Schimminger	Directs the commissioner of parks, recreation and historic preservation to cooperate with municipalities in establishing adopt-a-park programs; municipalities may enter into agreements with volunteer groups for provision of services.
A3448-A	Destito	Prevents housing discrimination against victims of domestic violence.
A3592	Glick	Expands eligibility for those who receive awards under crime victims' compensation to include a domestic partner; defines domestic partner; further provides for out-of-pocket loss to include the cost of counseling for surviving family members of homicide victims.
A3614	Sweeney	Authorizes the Long Island power authority to propose certain rate changes to the public service commission in the amount of two and one-half percent.
A3690	Lifton	Makes it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth; specifically provides when differing compensation is permissible; provides for phase-in.
A3764	Englebright	Provides for the protection of the air quality at licensed day care centers and head start day care centers funded pursuant to federal law; requires the office of children and family services to consult with the commissioners of environmental conservation and health regarding the air quality and environmental hazards that may be involved with any new day care center or head start day care center; requires such office to consult with the department of health if any new environmental or environmental health hazard arises.
A3806-B	Cusick	Relates to providing pharmacists access to New York's prescription drug monitoring program resources.
A4332	Millman	Provides that any engine coolant or antifreeze that contains more than ten percent ethylene glycol shall only be sold if it contains at least thirty parts per million and a maximum of fifty parts per million of denatonium benzoate as a bittering agent to render it unpalatable.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A4408	Perry	Relates to the issuance of arrest warrants and appearance tickets upon a youth; provides for the police officer to immediately notify the parent or other person legally responsible for the care of such youth with whom the youth is domiciled that the youth has been arrested; provides further that the police officer need not notify the parent or other person legally responsible when such youth is not also a juvenile offender and the notification would endanger the health and safety of such youth.
A4426	Scarborough	Enacts the "SAFETY Act"; authorizes the office of children and family services to establish policies and procedures affording all children in OCFS facilities an environment free of harassment and discrimination based on actual or perceived race, national origin, ethnic group, religion, disability, sexual orientation, gender or sex; requires reporting harassment and discrimination.
A4435	Weisenberg	Requires sunscreen products to be labeled with expiration dates and storage recommendations; authorizes the attorney general to seek injunctive relief, restitution, and civil penalties in the case of violations; authorizes persons injured by a violation of this law to bring an action for injunctive relief and actual damages or two hundred and fifty dollars, whichever is greater; authorizes the court, in such an action, to increase the award of damages up to one thousand dollars and to award reasonable attorneys' fees to a prevailing plaintiff.
A4492	Meng	Requires certain health insurance policies to include coverage for the cost of certain infant and baby formulas.
A4578	Silver	Establishes an intercity bus passenger service permit system in cities having a population of one million or more; defines terms; provides exemptions; imposes civil penalties for violations; requires a public hearing.
A4692-A	Silver	Authorizes the incorporation of benefit corporations and provides for the public benefit to be created by benefit corporations, for the election and termination of the status of a benefit corporation, for the standards of conduct for directors and officers of a benefit corporation, and for the preparation and distribution of an annual benefit report by a benefit corporation.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A4718	Lopez V	Requires the uniform fire prevention and building code to require the installation of operable portable fire extinguishers in certain R-3 residential occupancies in this state.
A5039	Gottfried	Prohibits discrimination based on gender identity or expression; defines "gender identity or expression" as having or being perceived as having a gender identity, self image, appearance, behavior or expression whether or not that gender identity, self image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth; further includes offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes.
A5125	Abbate	Ensures port authority of New York and New Jersey police officers who become ill or injured in the performance of their duties as to necessitate medial or other remedial treatment shall receive full wages until the disability arising therefrom has ceased.
A5183-B	Simotas	Relates to prescription prices and pharmacies for injured employees.
A5491-A	Rivera P	Prohibits the sale of salvia divinorum to persons under 18 years of age in New York state; defines salvia divinorum; sets penalties for sale and provides a defense.
A5606	Brennan	Relates to electric capacity and power procurement; further relates to the powers of the Long Island power authority respecting portfolio management services.
A5638	Sweeney	Requires restoration of areas adjacent to wetlands by those persons who, following procedures set forth in law, have been directed to cease violation and to restore the affected wetlands.
A5798	Sweeney	Restricts the use of decabromodiphenyl ether in certain products.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A5811	Destito	Changes the reporting requirements relative to restitution and fair treatment standards for the office of victims services from annual to every two years; consolidates reporting requirements regarding victims service programs; requires information collected by local and state probation departments relating to victim impact statements to be included in the biennial report.
A5883-B	Peoples-Stokes	Provides for the lawful sale of scrap copper and other metals by junk dealers; restricts sale of certain items; increases existing penalties.
A6113	Weinstein	Requires orders of protection and temporary orders of protection issued in family court or in cases of family offenses in criminal court to be translated by an interpreter into the native language of the parties.
A6130	Wright	Enacts the "New York State fair pay act"; provides that it shall be an unlawful employment practice for an employer to discriminate between employees on the basis of sex, race and/or national origin by paying different wages.
A6145	Sweeney	Phases out expanded polystyrene loosefill packaging that does not contain recycled material.
A6448	Jaffee	Makes it a discriminatory practice for public employers to compensate employees of different sexes differently for work that is of comparable worth; makes exception for seniority system; prohibits reducing anyone's compensation to conform with this provision; provides three years for a compliance plan.
A6451	Galef	Prohibits any person from smoking at a playground; provides a definition as to what constitutes a playground.
A6603-A	Morelle	Relates to treatment of qualified financial contracts in an insurance insolvency proceeding affecting a domestic, foreign or alien insurer.
A6658	Cusick	Establishes emergency evacuation plan for individuals with disabilities; establishes \$500 fine for failure to comply with such plan within one year of the effective date.



<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A6674	Jeffries	Creates a private right of action for improper debt collection procedures; allows plaintiffs to recover punitive damages and reasonable attorneys' fees.
A6694-A	Lupardo	Provides that ownership of unidentifiable part in identifiable motorcycle, other than a stolen motorcycle shall be returned to such owner, provided that the department has made findings such owner had no knowledge part was unidentifiable and that owner wasn't responsible nor acted in concert to render such part unidentifiable; provides that a department investigation shall take place within thirty days after seizure of motorcycle; and requires commissioner to establish criteria to determine whether motorcycle shall be confiscated, seized or impounded and also to establish a system to ensure return of motorcycles to owners in undamaged condition.
A6698-A	Silver	Relates to payment of independent contractors and authorizes the department of labor to investigate complaints, make claims for compensation, assess liquid damages, civil penalties and criminal penalties; authorizes the award of attorney fees and liquidated damages.
A6970	Wright	Enacts the "roadway excavation quality assurance act"; relates to workers on excavations; provides that utility companies or their contractors shall use competent workers and shall pay the prevailing wage on projects where a permit to use or open a street is required to be issued.
A7001-A	Titone	Prohibits state contracts with vendors that forbid employees from litigating discrimination or harassment claims except in the case of an emergency arising from certain unforeseen causes.
A7013	Sweeney	Relates to the uniform treatment of waste from the exploration, development, extraction, or production of crude oil or natural gas.
A7257	Cusick	Requires counties to maintain a confidential registry of people of all ages with disabilities for the purpose of evacuating and sheltering such persons during disasters.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A7305	Bing	Permits a retail tobacco business licensed to sell liquor on the premises to allow smoking in the same area where the liquor is sold when: (a) the sale of alcoholic beverages for on-premise consumption does not exceed 10% of the receipts of the business; (b) the business was in existence prior to 1947; and (c) the smoking area is not open to the general public and is used exclusively by members and guests of a club sponsored by the retail tobacco business when the membership fees or dues are at least \$1,000 a year.
A7400	Sweeney	Suspends hydraulic fracturing for the extraction of natural gas or oil; suspends the issuance of new permits for such drilling.
A7401	Abbate	Relates to reciprocity of debarments imposed under the federal Davis-Bacon Act; provides that any contractor who has been debarred from federal job sites for having disregarded obligations to employees under the Davis-Bacon Act shall also be debarred under the labor law from bidding on or being awarded similar contracts on public work job sites sponsored by the state or any of its political subdivisions; provides that the contractor may appeal such a determination to the department of labor; provides that whether or not a contractor is debarred under the Davis-Bacon Act will be considered in the selection of a lowest responsible bidder.
A7467-A	Lopez V	Relates to the regulation of interim multiple dwellings.
A7502-A	Paulin	Prohibits dangerous practices at companion animal grooming facilities; provides that no heating elements in cage or box dryers shall be turned on; provides that any violation shall be punishable of a fine between \$250-\$500.
A7598	Paulin	Relates to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings.
A7639	Weinstein	Relates to adjournments in contemplation of dismissal and suspended judgments in child protective proceedings in family court.
A7761	Abbate	Allows employers to suspend a police officer without pay pending disciplinary charges.

<b><u>BILL NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A7836-A	Paulin	Creates Article 10-C of the Family Court Act relating to destitute children.
A7857	Lentol	Relates to the definition of qualified agencies.
A7914	Abbate	Grants those assigned or employed for three continuous years as investigators and senior investigators in the bureau of criminal investigation or as a station commander, zone commander, zone sergeant, first sergeant, captain or major within the division of state police protection from removal or other disciplinary action without a hearing.
A7917-A	Cusick	Relates to the sale, delivery, dispensing and distribution of controlled substances.
A8195-A	Rosenthal	Requires sexual harassment training for hotel and motel employees; operators shall certify to the department that they have conducted sexual harassment training; training every two years for employees; requires "know your rights" brochure and employee bill of rights.
A8243	Castro	Prohibits retaliation by landlords against tenants and other legal occupants who operate group family day care homes and family day care homes pursuant to section 390 of the social services law.
A8330	Weisenberg	Creates an abuse prevention notification system; provides for certain criminal history information regarding persons working with people with developmental disabilities; defines "abuse," "serious neglect" and "substantiated report."
A8367	Silver	Enacts the "Comptroller Campaign Finance Reform Act" to provide for public financing for campaigns for the office of the state comptroller; authorizes the imposition of an additional surcharge on recoveries for fraudulent practices regarding stocks, bonds and other securities; establishes the New York State campaign finance fund; provides for a New York State campaign finance fund check-off.

## **APPENDIX G - 2011 CODES BILLS VETOED BY GOVERNOR**

<b><u>BILL NUMBER</u></b>	<b><u>VETO NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A1429	32	Castelli	Designates court attendants employed by the town or village of Harrison as peace officers.
A2877	33	Calhoun	Designates as peace officers, the uniformed court officers of the town court of the town of New Windsor.
A3074	42	Canestrari	Designates dog control officers in the city of Cohoes as peace officers when they are acting pursuant to their special duties.
A4362C	59	Morelle	Relates to offenses relating to possession or sale of fireworks, sparking devices and ammunition.
A4446	35	Boyle	Grants uniform members of the bureau of fire prevention of the town of Islip peace officer status.
A5457A	44	Giglio	Designates the dog control officer of the city of Salamanca as a peace officer for purposes of enforcing article 26 of the agriculture and markets law and issuing appearance tickets pursuant to article 7 of such law.
A6600	46	Conte	Designates uniformed officers of the fire marshal's office of the town of Huntington as peace officers.
A7436	47	Calhoun	Designates court attendants in the town of Highlands as peace officers.

**APPENDIX H - 2011 DUAL REFERENCED BILLS VETOED BY GOVERNOR**

<b><u>BILL NUMBER</u></b>	<b><u>VETO NUMBER</u></b>	<b><u>SPONSOR</u></b>	<b><u>SUMMARY</u></b>
A5686A	72	Gottfried	Relates to procedures, practices and standards for actions by the office of medicaid inspector general and social services districts.
A6539	75	Cahill	Relates to the practice of surgical technology and surgical technologists; defines terms.
A7599B	65	Robinson	Relates to warrants and orders of protection in persons in need of supervision cases.
A7672	66	Sweeney	Provides reimbursement by the transporter of hazardous materials to fire companies for costs associated with responding to spills of hazardous materials; provides that the state fire administrator shall develop and make reimbursement forms to enable a fire company to bill a transporter of hazardous materials for costs incurred in responding to a release or threatened release of hazardous materials.
A7714	79	Abbate	Requires a warning to be printed on baby-bottle and sippy cup packaging concerning tooth decay.

## **APPENDIX I - 2011 COMMITTEE HEARINGS**

<b><u>TITLE</u></b>	<b><u>COMMITTEES</u></b>	<b><u>DATE/LOCATION</u></b>
The Statute of Limitations Applicable to Sexual Abuse against Minors	Codes Committee	April 29, 2011 New York City
Safety and Quality of Care in Residential Facilities and Programs Licensed by the Office for People with Disabilities (OPWDD)	Codes Committee	June 3, 2011 Buffalo, NY
	Mental Health, Mental Retardation and Developmental Disabilities Committee	June 9, 2011 Farmingdale, NY
	Oversight, Analysis & Investigation Committee	June 10, 2011 New York City
		June 13, 2011 Albany, NY
Impact of merging the Division of Probation and Correctional Alternatives into the Division of Criminal Justice Services on probation and alternative to incarceration services and funding	Codes Committee	November 17, 2011 New York City
	Correction Committee	