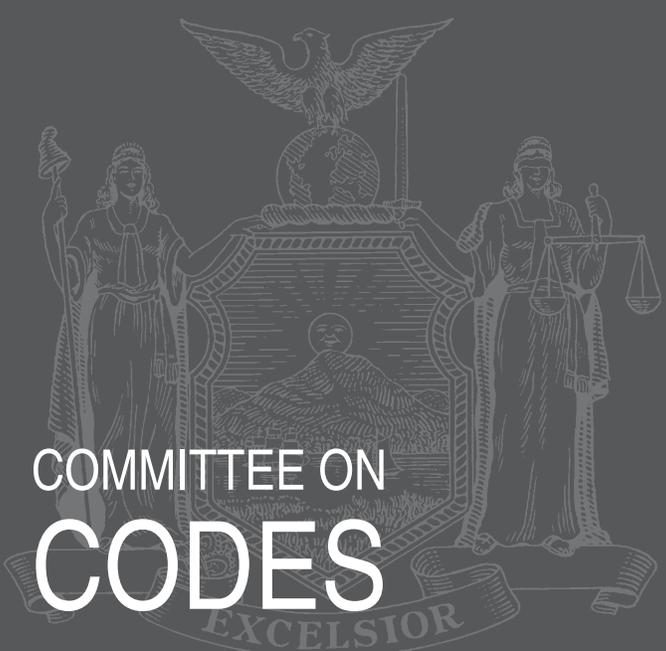


# NEW YORK STATE ASSEMBLY

# ANNUAL REPORT

# 2020



COMMITTEE ON  
CODES

CARL E. HEASTIE  
SPEAKER

JOSEPH R. LENTOL  
CHAIR



JOSEPH R. LENTOL  
Assemblyman 50<sup>th</sup> District  
Kings County  
LentolJ@nyassembly.gov

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Codes

COMMITTEES  
Rules  
Ways & Means  
Election Law

December 15, 2020

Honorable Carl Heastie  
Speaker of the Assembly  
932 Legislative Office Building  
Albany, New York 12248

**Re: Annual Report of the Standing Committee on Codes - 2020**

Dear Speaker Heastie:

It is with great pleasure that on behalf of the Standing Committee on Codes, I submit to you the committee's 2020 Annual Report highlighting its activities during the second half of the 2019-2020 Legislative Session.

As you are well aware this year was filled with unexpected circumstances, however, the Committee on Codes remained vigilant and responsive in our duties to the people of our great state.

This session also saw the enactment of several legislative proposals the committee has advanced for many years, including important reforms to promote transparency and accountability for law enforcement, ban the use of chokeholds by police, require medical attention be given to detained individuals, enactment of the STAT Act, provide for a law enforcement inspector general, provide the right to record police, provide a civil right of action in 911 harassment calls, codifying the Attorney General as a special prosecutor, require police to notify when their service weapons are discharged, and require State Police troopers to utilize body cameras.

Further, the committee worked together with other committees to enact legislation to assist people impacted by the COVID-19 pandemic in order to ensure New Yorkers continue to have stable housing and health care, as well as consumer protections.

The Assembly can be justly proud of our legislative accomplishments which 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 2020 Legislative Session.

Sincerely,

A handwritten signature in black ink that reads "Joseph R. Lentol". The signature is written in a cursive style with a large initial "J" and "L".

Joseph R. Lentol, Chair  
Standing Committee on Codes

**2020 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON CODES**

**Joseph R. Lentol, Chair**

**MEMBERS OF THE STANDING COMMITTEE**

**Majority**

Robin Schimminger  
J. Gary Pretlow  
Vivian E. Cook  
Steven Cymbrowitz  
Daniel J. O'Donnell  
Charles D. Lavine  
N. Nick Perry  
Thomas J. Abinanti  
David I. Weprin  
Walter T. Mosley  
Andrew Hevesi  
Patricia Fahy  
Rebecca A. Seawright  
Linda B. Rosenthal  
Latrice Walker

**Minority**

Angelo J. Morinello, Ranking Member  
Joseph M. Giglio  
Michael Montesano  
Anthony H. Palumbo  
Andrew R. Garbarino  
Michael Reilly

**PROGRAM AND COUNSEL STAFF**

Marty Rosenbaum, Assistant Secretary for Program and Policy  
Jonathan Bailey, Associate Counsel  
Nathaniel Jenkins, Principal Analyst  
Amanda Wagner, Analyst  
Kerry Mierzwa, Associate Counsel  
Caroline Conway, Associate Counsel  
Joann Butler, Executive Secretary

**CHAIR'S STAFF**

Cathy Peake  
Jayne LaVigna-Jesmain  
Carolyn Wildman  
Kathie Lyons

## **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. Much 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 Significant Legislation Reported by the Committee on Codes and Enacted in 2020<sup>1</sup>**

### **A. Police-Community Relations**

**911 Harassment Calls** Establishes a civil right of action under the Civil Rights Law when a person calls 911, or otherwise summons a police officer or peace officer, when there is no reason to believe a crime is occurring. The cause of action would arise when the caller acted because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the person. This bill addresses instances when a person, motivated by bias, makes a false report of a crime. The respondent may be found liable, in a civil action or proceeding maintained by such individual or group of individuals, for injunctive relief, damages, or any other appropriate relief in law or equity. If it shall appear to the satisfaction of the court or justice that the respondent has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or suffered damages. (A.1531-B/S.8492; Chapter 93)

**Eric Garner Anti-chokehold Act** Creates a new crime of aggravated strangulation, a class C violent felony, when a law enforcement officer uses a chokehold or similar restraint against a person, causing serious physical injury or death. Chokehold is defined as applying pressure on the neck or throat, in a manner similar to that which occurred with the tragic deaths of Eric Garner in Staten Island, New York and George Floyd in Minneapolis, Minnesota. (A.6144-B/S.6670-B; Chapter 94)

**Requirements for Medical Attention for Those in Custody** Creates a duty to provide attention to the medical needs of a person in the custody of a police officer or peace officer. This requires that persons under arrest or in jail or prison receive prompt medical care. An individual who suffers a serious physical injury or significant exacerbation of an injury due to a failure to provide reasonable medical assistance could bring a civil lawsuit for damages. A successful plaintiff could also recover attorney's fees. (A.8226-B/S.6601-B; Chapter 103)

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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 chapters of the Laws of 2020. This information is according to the publication date of this report, December 15, 2020. For a complete list of bills that were reviewed by the Committee on Codes that were chaptered, see Appendices C and D.

**New York State Police Body-worn Cameras Program** Creates the “New York State Police Body-worn Cameras Program,” requiring the Division of State Police to provide body-worn cameras to be worn by officers at all times while on patrol. The Attorney General may investigate any instance where body cameras do not record an event. (A.8674-A/S.8493; Chapter 105; Governmental Operations)

**Law Enforcement Gun Discharge Reporting** Requires any law enforcement officer or peace officer who discharges a gun while on duty or off duty, under circumstances wherein a person could be struck by a bullet from the weapon, to verbally report the firing of the gun to a police supervisor within six hours. A written report would be required within 48 hours. Reporting of the discharge of a weapon will help ensure that any situation that may have endangered or injured another person will be known, and can be investigated. (A.10608/S.2575-B; Chapter 101)

**STAT Act** Requires courts to maintain and report records concerning arrests and court proceedings involving lower level offenses such as violations and traffic offenses. Demographic information, such as race, ethnicity and sex, would also be reported. Previously, much of this aggregate data involving lower level offenses was not compiled. Maintaining and reporting aggregate information will help researchers and reformers spot trends, and help demonstrate patterns of discriminatory arrests and disparate treatment in court. (A.10609/S.1830-C; Chapter 102)

**50-a Repeal** Repeals section 50-a of the Civil Rights Law. Section 50-a exempted from disclosure all personnel records used to evaluate performance toward continued employment or promotion of police officers, corrections officers, certain probation officers and paid firefighters without the express written consent of the employee or as mandated by court order. This legislation amended FOIL provisions of the Public Officers Law to provide that certain identifying information of police officers, peace officers, firefighters or firefighters/paramedics is not released. Any person who, with intent to prevent the public inspection of a record pursuant to FOIL, willfully conceals or destroys any such record shall be guilty of a violation. (A.10611/S.8496; Chapter 96; Governmental Operations)

## **B. COVID-19 Preparation and Assistance**

**Updates the Price Gouging Statute** Amends the General Business Law to update the definition of “price gouging” to cover essential medical supplies and services and other goods or services used to promote the health or welfare of the public. The Attorney General is empowered to promulgate rules and regulations as necessary to effectuate and enforce these provisions. Under section 396-r of the General Business Law, the court may impose a civil penalty for violations of up to \$25,000 per violation, or three times the gross receipts for the relevant goods or services, whichever is greater, for businesses that violate these provisions. This legislation was sought in response to several instances of price gouging, particularly of medical supplies such as hand sanitizer, face masks, bandages, medical-grade apparel and other crucial medical supplies desperately needed by hospitals and other healthcare facilities during the COVID-19 pandemic. (A.10270/S.8189; Chapter 90; Consumer Affairs and Protection)

**Prohibits Warrants of Eviction during the COVID-19 Covered Period** Prohibits a court from issuing a warrant of eviction or judgment of possession against a residential tenant or other lawful occupant, who has suffered financial hardship during the COVID-19 covered period, for nonpayment of rent that accrues or becomes due during the COVID-19 covered period. The tenant may raise financial hardship as a defense in a summary proceeding. The legislation also lists some of the factors the court shall consider when determining if a financial hardship does exist but does not limit the court to only those factors. It does not prohibit a court from ordering a judgment for the rent due and owing to a successful petitioner under Article Seven of the Real Property Actions and Proceedings Law nor does it necessarily prohibit eviction for certain reasons other than nonpayment due to financial hardship. (A.10290-B/S.8192-B; Chapter 127; Judiciary)

**Expands Whistleblower Protections to Include Health Care Workers** Expands whistleblower protections by adding the term “general public” to the list of disclosures that health care workers are able to make without termination by or penalty from their employer. Section 740 of the Labor Law provides that an aggrieved health care employee may institute a civil action in a court of competent jurisdiction for relief including an injunction to restrain continued violation, reinstatement to the same or equivalent position, reinstatement of full fringe benefits and seniority rights, compensation for lost wages, benefits and other remuneration, and payment of reasonable costs, disbursements and attorney’s fees within two years after the alleged retaliatory personnel action was taken. Additionally, the court, in its discretion, based upon a finding that the employer acted in bad faith in the retaliatory action, may assess the employer a civil penalty of up to \$10,000, to be paid to the improving quality of patient care fund. (A.10326-A/S.8397-A; Chapter 117; Labor)

**Provides for Residential Mortgage Forbearance** Requires state regulated banks (not federal) to make applications available to forbear a mortgage on residential property located in New York for up to six months, with an option to extend another six months. The mortgagor shall have the option to extend the forbearance and the bank shall waive interest and late fees for the term of the forbearance. The legislation provides for a trial period agreed upon by the mortgagor and the bank, whereby the mortgagor is required to make trial payments in full and on time in order to be considered for a permanent loan modification. The exercising of this option shall not be reported to any credit bureau. This legislation was sought as a solution to assist many New York homeowners during the COVID-19 pandemic. (A.10351-B/S.8243-C; Chapter 112; Banks)

**Requires Residential Health Care Facilities to Prepare Pandemic Emergency Plans** Requires residential health care facilities to prepare and make publicly available on their websites annually, or as the DOH commissioner deems necessary, pandemic emergency plans. Such plans would include: a communication plan to update authorized family members on a resident's condition; protection plans against infections for staff, residents, and families, including a plan for hospitalization and readmission procedures for residents and contracts for a two-month supply of personal protective equipment; and a plan for preserving a resident's place in a health care facility. DOH shall review such residential health care pandemic plans at least annually or as it deems necessary. The DOH commissioner may promulgate rules and regulations to implement these provisions. The failure of a residential health care facility to comply with these provisions would be deemed a violation and may be subject to civil penalties under section 12 of the Public Health Law, up to \$2,000 and up to \$5,000 for subsequent violations. Additionally, failure of a residential health care facility to comply with these provisions could be deemed a willful violation of the Public Health Law, a misdemeanor. (A.10394-A/S.8289-B; Chapter 114; Health)

**Repeals Antiquated Laws Related to Mask-wearing** Repeals subdivision four of section 240.35 of the Penal Law, the prohibition of wearing a mask in public, to assist in efforts to address the COVID-19 pandemic. The Centers for Disease Control and Prevention (CDC) recommended wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission. (A.10446-A/S.8415; Chapter 98)

**Provides for A/V Appearances for Felony Hearings** Provides for audio-visual appearances for hearings on felony complaints during the COVID-19 disaster emergency. Section one adds a new section 180.65 to the Criminal Procedure Law concerning preliminary hearings in felony cases. The section only applies during the declared COVID-19 disaster emergency recognized by Executive Order 202, issued by the Governor on March 7, 2020. (A.10493/S.8414; Chapter 123)

**Extends and Provides for Prospective Immunity related to the COVID-19 Disaster Emergency** Prospectively modifies provisions of Part GGG of Chapter 56 of the Laws of 2020, Article 30-D of the Public Health Law, which temporarily extends immunity from liability to certain persons and for certain acts or omissions occurring during the period of the state COVID-19 disaster emergency declaration. (A.10840/S.8835; Chapter 134)

### **C. Health and Safety**

**Requires For-hire Vehicle Drivers to be Subject to Drug and Alcohol Testing** Requires that all drivers of any for-hire vehicle with a capacity of transporting nine or more passengers, including the driver, are subject to drug and alcohol testing. (A.712-A/S.6186-B; Chapter 2; Transportation)

**Creates Penalties for Landlords who Violate the Uniform Fire Code** Creates a civil penalty of up to \$7,500 for any building owner who knowingly alters a building in violation of the uniform fire code and such alteration impedes a person's egress from the building during an emergency. (A.3343/S.1714; Chapter 333; Governmental Operations)

**Expands the Locations at Which Certain Opioid Antagonists may be Possessed** Adds to the list of those authorized to possess, distribute and administer an opioid antagonist (to reverse an opioid-related overdose) public accommodations such as restaurants, bars, and retail establishments. Such entities would be protected from any criminal, civil, or administrative liability. (A.7812-A/S.8259; Chapter 148; Health)

**Requires For-hire Vehicle Drivers to Possess a Commercial Driver's License** Requires individuals operating limousines carrying nine or more passengers, including the driver, to have a commercial driver's license. (A.8474-A/S.6192-A; Chapter 6; Transportation)

**Provides for Clarification of Laws related to Hemp and CBD** Modifies the structure for licensing and enforcement of the cultivation of hemp within the Agriculture and Markets Law. Additionally, it sets forth a structure for the licensing of cannabinoid hemp processors and retailers, record-keeping, packaging and testing requirements, and penalties for violations of the article. Violations of these provisions range from a civil penalty of \$1,000 for an initial violation, to \$5,000 for a second violation, to \$10,000 for a third or subsequent violation within three years, in addition to potential licensure consequences, including modification, suspension or revocation. This is a chapter amendment to Chapter 614 of the Laws of 2019, A.7680-A/S.6184-A. (A.8977/S.6968; Chapter 1; Agriculture)

**Requires the Use of Seatbelts in Certain For-hire Vehicles** Requires the use of seat belts by passengers aged eight and older riding in taxis and livery vehicles, including stretch limousines. (A.8990/S.7134; Chapter 8; Transportation)

**Requires the Impoundment of Stretch Limousines that Fail Safety Inspections** Authorizes and requires the Department of Transportation (DOT) to impound or immobilize stretch limousines that fail state safety inspections and are placed out of service, until the vehicle is safely repaired. Operation of such a motor vehicle while it is under suspension as provided in this law constitutes a class A misdemeanor. (A.9056/S.6193-C; Chapter 9; Transportation)

**Requires Stretch Limousines to have Seatbelts** Provides that altered motor vehicles commonly referred to as “stretch limousines,” which are altered on or after January 1, 2021, shall have at least two safety belts for the front seat and at least one safety belt for the rear seat for each passenger for which the rear seat of such vehicle was designed. (A.9057/S.6191-C; Chapter 10; Transportation)

**Requires Stretch Limousines be Equipped with GPS** Requires every New York State-registered stretch limousine with a seating capacity of nine or more passengers, including the driver, used in the business of transporting passengers for compensation be equipped with commercial GPS technology. Such GPS must be equipped within not later than one year after the National Highway Traffic Safety Administration (NHTSA) promulgates final regulations establishing commercial GPS standards. Further, any person is prohibited from operating, or causing the operation of, a stretch limousine registered in the state unless it is equipped with the required commercial GPS technology in compliance with this new law and such GPS is in use. (A.9058/S.6187-C; Chapter 11; Transportation)

**Requires Motor Carriers to Provide DMV and DOT with Driver and Safety Information** Requires motor carriers to provide DMV with a list of each altered motor vehicle, commonly known as “stretch limousines,” designed to carry nine or more passengers. Additionally, DMV is required to review the driver files of each driver of a motor carrier operating stretch limousines, and annually verify whether each such driver holds a valid driver’s license for the operation of a stretch limousine. Further, requires DMV to maintain and annually update its website to provide information regarding each motor carrier operating stretch limousines. Lastly, requires DOT to annually update its website on bus operator information, and expand the information to include the number or percentage of out of service defects where, pursuant to DOT regulations, no inspection certificate is issued until the defect is repaired and a re-inspection is conducted. (A.9059/S.6604-B; Chapter 12; Transportation)

**Makes Clarifying Changes to Anatomical Donation Legislation** Chapter 742 of the Laws of 2019 made significant changes to the organ donation process in order to bring

New York into greater conformity with standards recognized in several other states. This legislation made technical amendments, as well as changed the definition of “organ” to clarify that heart valves are not included, as they are deemed to be tissue donations. This also clarified the timing of when an amendment or revocation of an anatomical gift may be made, and how such an amendment or revocation interacts with other documents or statements. This also required a majority to revoke an organ donation if there are multiple people authorized to make a decision relating to organ donation due to the prospective donor being unable to make a decision. This also restored existing provisions eliminated in the original chapter governing the procedures for contacting organ procurement organizations. It prohibits a hospital from withdrawing life-sustaining treatment for an individual that has either made a gift or whose donation status is unknown until an organ procurement organization is able to advise the applicable family or health care proxy of the ability to make a donation and receive a response and such response has been acted upon if the decision is to make a donation. Further, this allows for organ donations conducted in accordance with foreign and state laws that are approved by the DOH Commissioner and establishes certain civil and criminal liability protections for individuals acting in good faith when making an organ donation pursuant to these provisions. This is a chapter amendment to Chapter 742 of the Laws of 2019, A.7800-A/S.6000-A. (A.9523/S.6941; Chapter 45; Health)

**Clarifies the Use of Seatbelts in For-hire Vehicles** Clarifies the requirements of A.8990 and provides amendments to sections 1229-c and 37 of the Vehicle and Traffic Law. This legislation requires that: a police officer shall only issue a summons, for failing to wear a seatbelt in a taxi or a livery involving a minor eight years of age or older but under age sixteen, to the parent or guardian if the violation by such person occurs in the presence of such person’s parent or guardian and such parent or guardian is eighteen years of age or more. A second provision relates to safety postings in a taxi or livery. It amends the law to require that the posting say “Seatbelts must be available for your use. You must buckle up, it’s the law.” This provision further provides that such notices posted within taxis and liveries subject to registration and licensing by cities having a population of one million or more shall also be provided in the top two designated citywide languages. (A.9646/S.7623; Chapter 38; Transportation)

**Requires Adherence to Standards for Dental Telehealth Services** Requires dental telehealth services to adhere to the standards of appropriate patient care required in other dental health care settings and prohibits dental telehealth providers from attempting to waive liability for its telehealth services, thereby protecting patients. (A.10034/S.7879; Chapter 328; Health)

#### **D. Ensuring Equality and Fairness**

**Requires Foreclosing Lenders to Provide Notice** Requires a foreclosing lender upon a reverse mortgage to provide notice thereof to the department of financial services and to the mortgagor, and further directs such department to provide notice to the mortgagor of legal service organizations which may assist them with the default or foreclosure and prohibits authorized lenders from making advance payment of debts upon the mortgaged real property. A person injured under this section could recover treble damages plus attorney's fees. (A.5627/S.4408; Chapter 337; Judiciary)

**Requires Tenants be Notified of Right to make Requests for Modifications** Requires that tenants in publicly-assisted housing and other housing be notified of the right to request reasonable modifications and accommodations if they have a disability. The Attorney General may enforce these provisions. (A.8149-A/S.6220-A; Chapter 311; Governmental Operations)

**Provides for Suspension or Revocation of Real Estate Agent Licenses when such Agents Violate the Human Rights Law** Allows the Department of State to fine or suspend or revoke the license of a real estate agent or broker who commits a violation of Article 15 of the Executive Law, also known as the Human Rights Law. An agent or broker who violates the Human Rights Law may have their license suspended or revoked. Furthermore, any person who willfully violates an order of the Division of Human Rights or commissioner under the Human Rights Law shall be guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than \$500, or by both such imprisonment and fine. However, procedure for the review of the order shall not be deemed to be such willful conduct. (A.8903-A/S.6874-A; Chapter 131)

**Allows for Early Application of Absentee Ballots** Amends paragraph (d) of subdivision two of section 8-400 of the Election Law to allow receipt and require processing of absentee ballot applications received by county boards of election earlier than the 30 day period before election currently specified in paragraph (d). (A.10807/S.8783-A; Chapter 138)

**Provides Complainants an Appeal of an Administrative Action in Housing Discrimination Cases** This was a Division of Human Rights proposal. Allows a complainant the option, following a dismissal by the Division of Human Rights for lack of probable cause or lack of jurisdiction, to bring a de novo action in court. Previously, a complainant would have appealed the final order but did not necessarily have the option to bring a de novo action in court. This provides that in cases of housing discrimination only, the appeal provisions of section 298 of the Executive Law would not be the exclusive avenue when a determination of an absence of probable cause or lack of jurisdiction has been made. This law is intended to bring New York in

compliance with the federal Fair Housing Act. (A.9525/S.6569; Chapter 236; Governmental Operations)

#### **E. Miscellaneous:**

**Allows Release of Certain Medical and Psychiatric Records of Deceased Inmates** Amends the New York City Charter to provide that the New York City Board of Correction may inspect the medical or mental health records of any health care provider that treated a person committed to the custody of the City Department of Correction (whether care was provided on or off the premises of a Department facility), when the BOC has requested such information with respect to the death of such person. This would give the BOC authority comparable to the authority given to the State Commission of Correction under the Correction Law. A violation of Section 2782 of the Public Health Law would be subject to a civil penalty not to exceed \$5,000 for each occurrence. Any person who unlawfully discloses HIV records would be guilty of a misdemeanor. (A.8337-B/S.6437-A; Chapter 312)

**Provides for Prospective Eligibility for Crime Victims' Compensation for Domestic Partners** Modifies the definition of "domestic partner" and clarifies that the change in eligibility for crime victims' compensation applies prospectively. It further provides that domestic partners of homicide victims may recover for certain economic losses in the same manner as spouses. If the Office of Victim Services pays compensation, current law provides that the Crime Victims Board may seek to recoup some of those expenditures from the person or persons convicted of the crime. This is a chapter amendment to Chapter 690 of the Laws of 2019, A.2566/S.4958. (A.8959/S.7168; Chapter 70; Governmental Operations)

**Extends the Timeframe for Filing a Claim Relating to Certain Child Sexual Abuse Cases** Extends, for an additional year, the reopened window for persons who suffered sexual abuse while a child to bring a civil lawsuit for damages. By Executive Order, the Governor extended the filing window, which was most recently scheduled to expire on August 14, 2020, until January 14, 2021. This extends the filing window even further, adding a full additional year to the statutory deadline. As of December 2019, just four months into the revival window, over 1,300 civil suits were filed in New York against alleged abusers, on behalf of at least 1,700 survivors of child sexual abuse. (A.9036/S.7082; Chapter 130)

**Provides Crime Victim Reimbursement for Employment-Related Transportation Expenses** This was an Office of Victim Services proposal. Defines "employment-related transportation expenses" as the costs in excess of those normally incurred by a person, due to their personal physical injury or injuries as the result of a crime. The Office of Victim Services would reimburse such reasonable expenses, capped at \$2,500, for the

period of time necessary, as determined by the relevant medical information.  
(A.10307/S.5443; Chapter 233; Governmental Operations)

### **III. Summary of Significant Legislation Reported by the Committee on Codes in 2020 that Passed the Assembly<sup>2</sup>**

**Adds Clergy to the List of Mandated Reporters of Suspected Child Abuse** This bill would add clergy, in most circumstances, to the list of mandated reporters of suspected child abuse and maltreatment. Failure to report is a class A misdemeanor. A person who knowingly and willfully fails to report may be held civilly liable for the damages proximately caused by such failure. (A.6662-B/S.5711-B; Passed Assembly; Children and Families)

**Driver's License Suspension Reform Act** This bill would remove the ability of DMV to suspend a driver's license for failure to appear in court or failure to pay fines for traffic tickets. This bill would provide for payment installment plans for traffic tickets for individuals who may not otherwise be able to pay for all such fines and fees at one time. (A.7463-B/S.5348-B; Passed both Houses)

**Healthy Terminals Act** This bill would require certain airport workers to be paid prevailing wages and supplements. For a first offense, an employer would face a fine of \$500 or imprisonment of up to 30 days or both; for a second offense, a fine of \$1000 and forfeiture of contract. (A.8142-E/S.6266-D; Passed both Houses; Labor)

**Bans Discrimination of Employees** This bill would establish that discriminating or retaliating against an employee for exercising rights under the Workers' Compensation Law includes threatening to contact immigration authorities. Violations of these provisions are punishable by a fine of \$500 to \$2,500. (A.8147-A/S.8775; Passed Assembly; Labor)

**Requires Employers to Warn Employees of Hazardous Conditions** This bill would require employers to warn employees and/or contract workers of any known hazardous environmental and health risks that they may encounter during the course of their employment; require employers to take necessary measures to mitigate any risk arising from potential hazardous environmental and health risks; provide anti-retaliation protections to employees and contract workers who refuse to work in or around hazardous conditions that have not been mitigated by the employer; require employers to provide farm hand workers, farm field workers, and farm food processing

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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 has 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 or delivered to the Governor will be listed as such. This information is according to the publication date of this report, December 15, 2020. For a complete list of bills that were reviewed by the Committee on Codes that were passed by the Assembly, see Appendices E and F.

workers with appropriate field sanitation procedures and materials to prevent the spread of infectious diseases; require the Commissioner of Labor to establish procedures to report potential hazardous environmental and health conditions in the workplace; and require the New York State Department of Labor to share any known violations with the appropriate public health or environmental authorities, if necessary to protect public health. Any employer who retaliates against an employee for exercising rights under this proposed section would be subject to prosecution for a class B misdemeanor; the Commission could assess a civil penalty of \$1,000 to \$10,000, or \$1,000 to \$20,000 if there was a previous violation within six years, and all appropriate relief could be awarded. An employee could also bring a civil action for relief. (A.10349/S.8774; Passed Assembly; Labor)

**Requires Certain Employers to Notify Employees of Public Health Emergencies** This bill would require employers with more than ten employees to notify any employee who has had direct contact with a coworker diagnosed in relation to a disease outbreak causing a public health emergency. Employers would be required to notify each employee in writing within 24 hours of having reasonable knowledge of such diagnosis, in English and in the employee's primary language. The Commissioner of Labor would be required to prepare templates of such notifications for employers' use. For a first offense, employers could be prosecuted for a misdemeanor and fined not more than \$100, except that if the violation is of a rule for the protection of the safety or health of employees or persons lawfully frequenting a place, the punishment may be a fine of not more than \$100 or imprisonment for not more than fifteen days, or both. For a second offense, employers could be punished by a penalty of \$100 to \$500, or by imprisonment for not more than 30 days, or both. For any subsequent offense, employers could be punished by a fine of not less than \$300, or by imprisonment for not more than 60 days, or both. (A.10353-A/S.8239-A; Passed Assembly; Labor)

**COVID-19 Contact Tracing Confidentiality** This bill would amend Article 21 of the Public Health Law by adding a new Title Eight which would set forth various definitions and a new section 2181 which would clarify that any information or reports secured during contact tracing for COVID-19 would be confidential unless confidentiality is waived by the individual in a written, informed and voluntary waiver, or is sufficiently de-identified and only used for public health purposes. Any violation of these provisions would be punishable by civil penalties as applicable under section twelve of the Public Health Law. (A.10500-C/S.8450-C; Delivered to the Governor; Health)

**Establishes a Workplace Fatality Registry** This bill would establish a registry of workplace fatalities in the construction industry to record information pertaining to all incidents where an employee performing construction work suffers a work-related fatal injury. Failure by an employer to make a report would be punishable by a fine of \$1,000 to \$2,500. (A.5965-A/S.8828; Delivered to the Governor)

## **IV. Codes Budget Highlights from State Fiscal Year 2020-21**

### **A. Fiscal Highlights**

The Assembly was able to restore \$2.83 million in Legal Services Assistance Fund (LSAF) support for civil and criminal legal services grants. The Assembly was also able to restore a total of \$7.22 million to support various legislative restorations, including:

- \$1.06 million for the New York State Defenders Association;
- \$750,000 for Prisoners' Legal Services;
- \$609,000 in domestic violence related civil and criminal legal services support;
- \$600,000 for immigrant legal services;
- \$400,000 for Neighborhood Legal Services; and
- \$147,000 for rape crisis centers.

Additionally, the Assembly restored \$300,000 for Byrne Justice Assistance Grant legislative allocations. The Legislature also received a commitment from the Executive to fund New York City gun violence street outreach programs.

### **B. Article VII Highlights**

The 2020-21 SFY enacted budget included Article VII language to:

- Extend for one year various criminal justice and public safety programs.
- Establish the "Criminal Justice Discovery Compensation Fund." Provides for the creation of a fund to be in the joint custody of the Comptroller and Commissioner of Tax and Finance which will consist of \$40 million secured annually for two years from pre-indictment settlement funds deposited with the Manhattan District Attorney. Such fund will be utilized for discovery reform implementation, digital evidence transmission technology, administrative support, computers, hardware and operating software, data connectivity, development of training materials, staff training, overtime costs, litigation readiness, and pretrial services. Eligible entities receiving such assistance include but are not limited to counties, cities outside of New York City, and law enforcement and prosecutorial entities within towns and villages.
- Allow a police officer responding to a family offense to take temporary custody of certain weapons.

- Expand the definition of a disqualifying “serious offense” to include equivalent out-of-state misdemeanor crimes for the purposes of the gun licensing and possession statutes.
- Require district attorneys to seek certain protective provisions in certain cases in which an offense is allegedly committed against a family or household member.
- Establish the “Josef Neumann Hate Crimes Domestic Terrorism Act” to create two new crimes of mass violence motivated by hate, each a Class A-1 felony; the second degree crime involves attempting to cause or causing serious physical injury to five or more persons, acting while motivated by hatred against a protected class of persons; the first degree crime involves such conduct that causes the death of one or more persons.
- Provides that certain persons who have been convicted of certain crimes of unlawful sexual conduct or certain crimes involving assault may be banned temporarily from certain MTA facilities.

## Appendix A: 2020 Codes Committee Workload Summary

<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	40	0	40
To Ways and Means	17	0	17
To Rules	79	0	79
<b>TOTAL</b>	<b>136</b>	<b>0</b>	<b>136</b>
<hr/>			
<b>Bills Having Committee Reference Changed</b>			
To Ways and Means	4	0	4
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>4</b>
<hr/>			
<b>Bills Never Reported, Held in Committee</b>	<b>815</b>	<b>30</b>	<b>815</b>
<b>Bills Never Reported, Held for Consideration (with roll call vote)</b>	<b>107</b>	<b>0</b>	<b>107</b>
<b>Bills Having Enacting Clauses Stricken</b>	<b>29</b>	<b>0</b>	<b>29</b>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>815</b>	<b>30</b>	<b>845</b>
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**Total Number of Committee Meetings Held: 9**

## **Appendix B: Schedule of 2020 Codes Committee Meetings**

<b><u>Month</u></b>	<b><u>Date</u></b>	<b><u>Day</u></b>
January	14	Tuesday
January	28	Tuesday
February	4	Tuesday
February	25	Tuesday
March	3	Tuesday
May	26	Tuesday
June	8	Monday
July	17	Friday
July	22	Wednesday

**Total Number of Committee Meetings Held: 9**

## Appendix C: Codes Laws of 2020

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.1531-B	93	Richardson	Relates to reporting a nonemergency incident involving a member of a protected class
A.6144-B	94	Mosley	Establishes the crime of aggravated strangulation
A.8226-B	103	Fernandez	Relates to medical attention for persons under arrest
A.8674-A	105	Walker	Relates to the use of body-worn cameras by New York State Police officers
A.8903-A	131	Jean-Pierre	Relates to the power to revoke or suspend the license of a real estate broker or salesman
A.9036	130	L. Rosenthal	Extends the time in which to file a claim relating to certain child sexual abuse cases
A.10446-A	98	Rules/Quart	Repeals subdivision 4 of section 240.35 of the penal law that relates to the crime of loitering
A.10493	123	Rules/Lentol	Relates to conducting hearings on a felony complaint during a state disaster emergency
A.10608	101	Rules/Perry	Requires a law enforcement officer or peace officer who discharges his or her weapon under circumstances where a person could be struck by a bullet to immediately report the incident
A.10609	102	Rules/Lentol	Relates to the functions of the chief administrator of the courts
A.10807	138	Rules/Taylor	Relates to requests for absentee ballots

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.10840	134	Rules/Kim	Relates to amending provisions regarding health care facilities and professionals during the COVID-19 emergency

## **Appendix D: Dual Referenced Laws of 2020**

<b><u>Bill Number</u></b>	<b><u>Chapter</u></b>	<b><u>Sponsor</u></b>	<b><u>Summary</u></b>
A.712-A	2	Paulin	Relates to drug and alcohol testing for for-hire vehicle drivers
A.3173	267	Dinowitz	Prohibits certain practices by businesses making an automatic renewal or continuous service offer to consumers in the state
A.3343	333	Zebrowski	Relates to violations of the uniform fire prevention and building code
A.3429-A	336	Dilan	Relates to creating a cemetery disclosure form
A.5627	337	Weinstein	Requires lenders foreclosing upon home equity conversion reverse mortgages to provide notice to the department of financial services and the mortgagors
A.7812-A	148	L. Rosenthal	Authorizes the use of opioid antagonists by public accommodations for opioid overdose prevention
A.8149-A	311	O'Donnell	Requires the disclosure of disabled tenants' rights to reasonable accommodations
A.8337-B	312	Walker	Relates to allowing for medical and psychiatric records of deceased inmates to be accessed by the Board of Correction of the City of New York
A.8474-A	6	Santabarbara	Relates to stretch limousine safety requirements and changes the class of license required to operate such limousine

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.8511	205	Epstein	Relates to the docketing of adjudications of certain violations of laws enforced by the New York City Department of Consumer Affairs
A.8608	206	Paulin	Relates to parking in electric vehicle charging spaces
A.8732	132	Lupardo	Authorizes the manufacture and sale of ice cream and other frozen desserts made with liquor
A.8959	70	Glick	Expands eligibility for crime victims' compensation to include domestic partners
A.8970	60	Pheffer Amato	Relates to sick leave for officers and employees with a qualifying World Trade Center condition; repealer
A.8973	41	Simotas	Relates to fair, non-biased compensation
A.8977	1	Lupardo	Relates to hemp, cannabinoid hemp, and hemp extract
A.8979	88	Steck	Relates to reducing the use of PFAS chemicals in firefighting activities, and amending a chapter of the laws of 2019 in relation to the effectiveness thereof; repealer
A.8983	31	Carroll	Relates to evidence of loss of consciousness for the purposes of maintaining a driver's license
A.8990	8	Magnarelli	Relates to safety belt requirements for taxis and livery vehicles
A.9000	86	Woerner	Relates to additional information provided to employees on public work contracts

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.9056	9	Magnarelli	Allows the commissioner of transportation to impound stretch limousines in certain situations
A.9057	10	Paulin	Relates to the installation of safety belts in stretch limousines and the posting of notice, therein
A.9058	11	Santabarbara	Requires stretch limousines to use commercial global positioning system technology
A.9059	12	Santabarbara	Relates to requiring motor carriers to identify each limousine such motor carrier operates and ensure that such information is update on their website
A.9140	268	Abinanti	Requires financial institutions to notify a customer prior to charging a fee based on account inactivity
A.9523	45	Gottfried	Relates to anatomical gifts
A.9525	236	Buchwald	Relates to providing that, in housing cases only, after a dismissal for lack of probable cause or jurisdiction, a complainant would have the option to appeal the final order, or bring a de novo action in court
A.9624	226	Jacobson	Prohibits the imposition of any charge or fee on the telephone bill of a consumer when such fee is imposed by a third party, without the consent of the consumer
A.9646	38	Magnarelli	Relates to seatbelts in a taxi or a livery
A.9691-A	210	Galef	Relates to implementing a residential parking system in the Village of Croton-on-Hudson

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.9763-A	347	Hyndman	Relates to the for-hire motor vehicle safety program and the reduction in rates of certain commercial risk insurance premiums for motor vehicles
A.10034	328	Gottfried	Relates to requiring parity in the standards of dental telehealth services
A.10039	261	Rozic	Relates to prohibiting a party to an order of protection from remotely controlling any connected devices of a person protected by such order
A.10270	90	Rozic	Relates to price gouging
A.10290-B	127	Dinowitz	Prohibits certain evictions during the COVID-19 emergency
A.10307	233	Cruz	Relates to the reimbursement of employment-related transportation expenses incurred due to the physical injuries sustained as a direct result of a crime
A.10326-A	117	Reyes	Relates to prohibiting health care employers from penalizing employees because of complaints of employer violations
A.10351-B	112	Rozic	Relates to the forbearance of residential mortgage payments
A.10394-A	114	Lentol	Relates to requiring residential health care facilities to prepare an annual pandemic emergency plan to the commissioner of health
A.10611	96	Rules/ O'Donnell	Relates to the disclosure of law enforcement disciplinary records; and to repeal section 50-a of the civil rights law relating thereto

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.10803-A	332	Rules/ Englebright	Relates to the disposal of construction and demolition waste and creates the crime of scheme to defraud by disposal of solid waste

## Appendix E: 2020 Codes Bills that Passed the Assembly<sup>3</sup>

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.5965-A**	De La Rosa	Establishes a registry of workplace fatalities to record information pertaining to all incidents under which an employee suffers a fatal injury
A.7463-B**	Hunter	Relates to driver's license suspension reform; repealer

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<sup>3</sup> Bill numbers with two asterisks (\*\*) next to such bill number indicates that such bill was delivered to the Governor. This information is according to the publication date of this report, December 15, 2020.

## Appendix F: 2020 Dual Referenced Bills that Passed the Assembly<sup>4</sup>

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.1193-C	Paulin	Relates to the use of oral medications by optometrists
A.4398-A**	Abinanti	Requires supermarkets to make excess food available to qualifying entities
A.4962-A	O'Donnell	Relates to requiring insurance coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection
A.5952-A	L. Rosenthal	Prohibits unfair discrimination by insurers for individuals that use prescriptions to block the effects of opioids
A.6662-B	Wallace	Enacts the child abuse reporting expansion act
A.7759-C	Paulin	Requires providers of voice service to implement the STIR/SHAKEN authentication framework in the internet protocol networks of voice service providers
A.8142-E*	Hyndman	Relates to enacting the healthy terminals act
A.8147-A	Pichardo	Relates to discrimination and retaliation against employees who claim workers' compensation benefits
A.8936**	Thiele	Relates to comprehensive and regular management and operations audits
A.9670	Gunther	Relates to the provision of incident reports to qualified persons and the manner of delivery of such reports

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<sup>4</sup> Bill numbers with an asterisk (\*) next to such bill number indicates that such bill was approved by both the Assembly and Senate. Bill numbers with two asterisks (\*\*) next to such bill number indicates that such bill was delivered to the Governor. This information is according to the publication date of this report, December 15, 2020.

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.9761-A**	Perry	Relates to group policies for motor vehicles engaged in the business of carrying or transporting passengers for-hire
A.10043	DenDekker	Relates to including electronic messaging texts as a form of telemarketing communication
A.10118-A**	Zebrowski	Requires certain providers that extend specific terms of commercial financing to a recipient to disclose certain information about the offer to the recipient
A.10349	Frontus	Relates to requiring employers to warn employees of potential hazardous environmental and health conditions in the workplace
A.10353-A	Aubry	Requires employers to notify employees if they come into contact with other employees who have been infected with a virus that is causing a public health emergency
A.10500-C**	Rules/Gottfried	Relates to the confidentiality of contact tracing information

## **Appendix G: 2020 Codes Bills Vetoed by the Governor**

There were no Codes bills vetoed by the Governor in 2020.<sup>5</sup>

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<sup>5</sup> This information is according to the publication date of this report, December 15, 2020.

## Appendix H: 2020 Dual Referenced Bills Vetoed by the Governor

<u>Bill Number</u>	<u>Veto Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.10001	73	Thiele	Relates to the regulation of mining and the reclamation of mines within counties with a population of one million or more; repealer