

2016-17 NEW YORK STATE EXECUTIVE BUDGET
EDUCATION, LABOR AND FAMILY ASSISTANCE
ARTICLE VII LEGISLATION

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Legislative Bill Drafting Commission
12672-01-6

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation necessary to implement
the state education, labor, housing
and family assistance budget for the
2016-2017 state fiscal year)

BUDGBI ELFA Article VII

AN ACT

to amend the education law, in
relation to contracts for excellence
and the apportionment of public
moneys; to amend the education law,
in relation to applications for
waivers of certain duties by the
education department; to amend the
education law in relation to charter
schools; to establish the empire
state pre-kindergarten grant board;
to amend the education law, in

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s31 Espaillat	s27 Hoylman	s40 Murphy	s10 Sanders
s52 Akshar	s49 Farley	s63 Kennedy	s54 Nozzolio	s23 Savino
s46 Amedore	s17 Felder	s34 Klein	s58 O'Mara	s41 Serino
s11 Avella	s02 Flanagan	s28 Krueger	s62 Ortt	s29 Serrano
s42 Bonacic	s55 Funke	s24 Lanza	s60 Panepinto	s51 Seward
s04 Boyle	s59 Gallivan	s39 Larkin	s21 Parker	s26 Squadron
s44 Breslin	s12 Gianaris	s37 Latimer	s13 Peralta	s16 Stavisky
s38 Carlucci	s22 Golden	s01 LaValle	s30 Perkins	s35 Stewart-
s14 Comrie	s47 Griffo	s45 Little	s19 Persaud	Cousins
s03 Croci	s20 Hamilton	s05 Marcellino	s61 Ranzenhofer	s53 Valesky
s50 DeFrancisco	s06 Hannon	s43 Marchione	s48 Ritchie	s08 Venditto
s32 Diaz	s36 Hassell-	s07 Martins	s33 Rivera	s57 Young
s18 Dilan	Thompson	s25 Montgomery	s56 Robach	s09

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a054 Dilan	a135 Johns	a003 Murray	a076 Seawright
a092 Abinanti	a081 Dinowitz	a077 Joyner	a133 Nojay	a087 Sepulveda
a084 Arroyo	a147 DiPietro	a020 Kaminsky	a037 Nolan	a027 Simanowitz
a035 Aubry	a115 Duprey	a094 Katz	a130 Oaks	a052 Simon
a120 Barclay	a004 Englebright	a074 Kavanagh	a069 O'Donnell	a036 Simotas
a106 Barrett	a109 Fahy	a142 Kearns	a051 Ortiz	a104 Skartados
a060 Barron	a071 Farrell	a040 Kim	a091 Otis	a099 Skoufis
a082 Benedetto	a126 Finch	a131 Kolb	a132 Palmesano	a022 Solages
a042 Bichotte	a008 Fitzpatrick	a105 Lalor	a002 Palumbo	a114 Stec
a079 Blake	a124 Friend	a013 Lavine	a088 Paulin	a110 Steck
a117 Blankenbush	a095 Galef	a134 Lawrence	a141 Peoples-	a127 Stirpe
a098 Brabenec	a137 Gantt	a050 Lentol	Stokes	a112 Tedisco
a026 Braunstein	a007 Garbarino	a125 Lifton	a058 Perry	a101 Tenney
a044 Brennan	a148 Giglio	a072 Linares	a086 Pichardo	a001 Thiele
a119 Brindisi	a080 Gjonaj	a102 Lopez	a089 Pretlow	a061 Titone
a138 Bronson	a066 Glick	a123 Lupardo	a073 Quart	a031 Titus
a093 Buchwald	a023 Goldfeder	a010 Lupinacci	a019 Ra	a055 Walker
a118 Butler	a150 Goodell	a121 Magee	a012 Raia	a146 Walter
a103 Cahill	a075 Gottfried	a129 Magnarelli	a006 Ramos	a041 Weinstein
a145 Ceretto	a005 Graf	a064 Malliotakis	a043 Richardson	a024 Weprin
a033 Clark	a100 Gunther	a030 Markey	a078 Rivera	a113 Woerner
a047 Colton	a046 Harris	a090 Mayer	a056 Robinson	a143 Wozniak
a032 Cook	a139 Hawley	a108 McDonald	a068 Rodriguez	a070 Wright
a144 Corwin	a083 Heastie	a014 McDonough	a067 Rosenthal	a096 Zebrowski
a085 Crespo	a028 Hevesi	a017 McKevitt	a025 Rozic	a059
a122 Crouch	a048 Hikind	a107 McLaughlin	a116 Russell	a062
a021 Curran	a018 Hooper	a038 Miller	a149 Ryan	a065
a063 Cusick	a128 Hunter	a015 Montesano	a009 Saladino	
a045 Cymbrowitz	a029 Hyndman	a136 Morelle	a111 Santabarbara	
a053 Davila	a097 Jaffee	a057 Mosley	a016 Schimel	
a034 DenDekker	a011 Jean-Pierre	a039 Moya	a140 Schimminger	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

relation to the statewide universal full-day pre-kindergarten program; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the state finance law, in relation to the New York state teen health education fund; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; and to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind

Act of 2001, in relation to the effectiveness thereof (Part A); to amend the education law, in relation to school emergency response plans (Part B); to amend the education law, in relation to the city of New York assuming greater financial responsibility for the city university of New York senior colleges (Part C); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the state finance law, in relation to the creation of the SUNY Stony Brook Affiliation escrow fund (Part E); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part F); to amend the education law, chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, and chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions, in relation to forgiv-

ing loans upon the death of the recipient (Part G); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part H); to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; and to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof (Part I); to amend the labor law, in relation to the apprenticeship training council (Part J); to amend the labor law, in relation to the minimum wage; and repealing certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon the expiration thereof (Part K); to amend the labor law, in relation to enhancing the urban youth jobs program tax credit by increasing the sum of money allocated to programs four and five (Part L); to amend the family court act, in relation to findings that must be made at permanency hearings, and to amend the social services law, in relation to guardianship expenses, the reasonable and prudent parent standard and the criminal history of prospective foster and adoptive parents (Part M); to amend the criminal procedure law, the penal law, the correction law, the education law, the executive law, the family court act and the social services law, in relation to proceedings against juvenile offenders and the age of juvenile offenders and to repeal certain provisions of the criminal procedure law, the family court act and the executive law relating thereto (Part N); to amend the social services law, in relation to increasing the

standards of monthly need for aged, blind and disabled persons living in the community (Part O); and to utilize reserves in the mortgage insurance fund for various housing purposes (Part P)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2016-2017
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through P. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 1 of part A of chapter 56 of the laws of
15 2015, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand eleven--two thousand twelve school year which

1 shall, notwithstanding the requirements of subparagraph (vi) of para-
2 graph a of subdivision two of this section, provide for the expenditure
3 of an amount which shall be not less than the product of the amount
4 approved by the commissioner in the contract for excellence for the two
5 thousand nine--two thousand ten school year, multiplied by the
6 district's gap elimination adjustment percentage and provided further
7 that, a school district that submitted a contract for excellence for the
8 two thousand eleven--two thousand twelve school year, unless all schools
9 in the district are identified as in good standing, shall submit a
10 contract for excellence for the two thousand twelve--two thousand thir-
11 teen school year which shall, notwithstanding the requirements of
12 subparagraph (vi) of paragraph a of subdivision two of this section,
13 provide for the expenditure of an amount which shall be not less than
14 the amount approved by the commissioner in the contract for excellence
15 for the two thousand eleven--two thousand twelve school year and
16 provided further that, a school district that submitted a contract for
17 excellence for the two thousand twelve--two thousand thirteen school
18 year, unless all schools in the district are identified as in good
19 standing, shall submit a contract for excellence for the two thousand
20 thirteen--two thousand fourteen school year which shall, notwithstanding
21 the requirements of subparagraph (vi) of paragraph a of subdivision two
22 of this section, provide for the expenditure of an amount which shall be
23 not less than the amount approved by the commissioner in the contract
24 for excellence for the two thousand twelve--two thousand thirteen school
25 year and provided further that, a school district that submitted a
26 contract for excellence for the two thousand thirteen--two thousand
27 fourteen school year, unless all schools in the district are identified
28 as in good standing, shall submit a contract for excellence for the two

1 thousand fourteen--two thousand fifteen school year which shall,
2 notwithstanding the requirements of subparagraph (vi) of paragraph a of
3 subdivision two of this section, provide for the expenditure of an
4 amount which shall be not less than the amount approved by the commis-
5 sioner in the contract for excellence for the two thousand thirteen--two
6 thousand fourteen school year; and provided further that, a school
7 district that submitted a contract for excellence for the two thousand
8 fourteen--two thousand fifteen school year, unless all schools in the
9 district are identified as in good standing, shall submit a contract for
10 excellence for the two thousand fifteen--two thousand sixteen school
11 year which shall, notwithstanding the requirements of subparagraph (vi)
12 of paragraph a of subdivision two of this section, provide for the
13 expenditure of an amount which shall be not less than the amount
14 approved by the commissioner in the contract for excellence for the two
15 thousand fourteen--two thousand fifteen school year; and provided
16 further that a school district that submitted a contract for excellence
17 for the two thousand fifteen--two thousand sixteen school year, unless
18 all schools in the district are identified as in good standing, shall
19 submit a contract for excellence for the two thousand sixteen--two thou-
20 sand seventeen school year which shall, notwithstanding the requirements
21 of subparagraph (vi) of paragraph a of subdivision two of this section,
22 provide for the expenditure of an amount which shall be not less than
23 the amount approved by the commissioner in the contract for excellence
24 for the two thousand fifteen--two thousand sixteen school year. For
25 purposes of this paragraph, the "gap elimination adjustment percentage"
26 shall be calculated as the sum of one minus the quotient of the sum of
27 the school district's net gap elimination adjustment for two thousand
28 ten--two thousand eleven computed pursuant to chapter fifty-three of the

1 laws of two thousand ten, making appropriations for the support of
2 government, plus the school district's gap elimination adjustment for
3 two thousand eleven--two thousand twelve as computed pursuant to chapter
4 fifty-three of the laws of two thousand eleven, making appropriations
5 for the support of the local assistance budget, including support for
6 general support for public schools, divided by the total aid for adjust-
7 ment computed pursuant to chapter fifty-three of the laws of two thou-
8 sand eleven, making appropriations for the local assistance budget,
9 including support for general support for public schools. Provided,
10 further, that such amount shall be expended to support and maintain
11 allowable programs and activities approved in the two thousand nine--two
12 thousand ten school year or to support new or expanded allowable
13 programs and activities in the current year.

14 § 2. The closing paragraph of subdivision 5-a of section 3602 of the
15 education law, as amended by section 2 of part A of chapter 56 of the
16 laws of 2015, is amended to read as follows:

17 For the two thousand eight--two thousand nine school year, each school
18 district shall be entitled to an apportionment equal to the product of
19 fifteen percent and the additional apportionment computed pursuant to
20 this subdivision for the two thousand seven--two thousand eight school
21 year. For the two thousand nine--two thousand ten through two thousand
22 [fifteen] sixteen--two thousand [sixteen] seventeen school years, each
23 school district shall be entitled to an apportionment equal to the
24 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
25 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
26 computer listing produced by the commissioner in support of the budget
27 for the two thousand nine--two thousand ten school year and entitled
28 "SA0910".

1 § 3. Subdivision 12 of section 3602 of the education law is amended by
2 adding a fourth undesignated paragraph to read as follows:

3 For the two thousand sixteen--two thousand seventeen school year, each
4 school district shall be entitled to an apportionment equal to the
5 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
6 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
7 listing produced by the commissioner in support of the budget for the
8 two thousand fifteen--two thousand sixteen school year and entitled
9 "SA151-6", and such apportionment shall be deemed to satisfy the state
10 obligation to provide an apportionment pursuant to subdivision eight of
11 section thirty-six hundred forty-one of this article.

12 § 4. The opening paragraph of subdivision 16 of section 3602 of the
13 education law, as amended by section 4 of part A of chapter 56 of the
14 laws of 2015, is amended to read as follows:

15 Each school district shall be eligible to receive a high tax aid
16 apportionment in the two thousand eight--two thousand nine school year,
17 which shall equal the greater of (i) the sum of the tier 1 high tax aid
18 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
19 tax aid apportionment or (ii) the product of the apportionment received
20 by the school district pursuant to this subdivision in the two thousand
21 seven--two thousand eight school year, multiplied by the due-minimum
22 factor, which shall equal, for districts with an alternate pupil wealth
23 ratio computed pursuant to paragraph b of subdivision three of this
24 section that is less than two, seventy percent (0.70), and for all other
25 districts, fifty percent (0.50). Each school district shall be eligible
26 to receive a high tax aid apportionment in the two thousand nine--two
27 thousand ten through two thousand twelve--two thousand thirteen school
28 years in the amount set forth for such school district as "HIGH TAX AID"

1 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
2 listing produced by the commissioner in support of the budget for the
3 two thousand nine--two thousand ten school year and entitled "SA0910".
4 Each school district shall be eligible to receive a high tax aid appor-
5 tionment in the two thousand thirteen--two thousand fourteen through
6 [two thousand fifteen--two thousand sixteen] two thousand sixteen--two
7 thousand seventeen school years equal to the greater of (1) the amount
8 set forth for such school district as "HIGH TAX AID" under the heading
9 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
10 the commissioner in support of the budget for the two thousand nine--two
11 thousand ten school year and entitled "SA0910" or (2) the amount set
12 forth for such school district as "HIGH TAX AID" under the heading
13 "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by
14 the commissioner in support of the executive budget for the 2013-14
15 fiscal year and entitled "BT131-4".

16 § 5. The opening paragraph of subdivision 10 of section 3602-e of the
17 education law, as amended by section 5 of part A of chapter 56 of the
18 laws of 2015, is amended to read as follows:

19 Notwithstanding any provision of law to the contrary, for aid payable
20 in the two thousand eight--two thousand nine school year, the grant to
21 each eligible school district for universal prekindergarten aid shall be
22 computed pursuant to this subdivision, and for the two thousand nine--
23 two thousand ten and two thousand ten--two thousand eleven school years,
24 each school district shall be eligible for a maximum grant equal to the
25 amount computed for such school district for the base year in the elec-
26 tronic data file produced by the commissioner in support of the two
27 thousand nine--two thousand ten education, labor and family assistance
28 budget, provided, however, that in the case of a district implementing

1 programs for the first time or implementing expansion programs in the
2 two thousand eight--two thousand nine school year where such programs
3 operate for a minimum of ninety days in any one school year as provided
4 in section 151-1.4 of the regulations of the commissioner, for the two
5 thousand nine--two thousand ten and two thousand ten--two thousand elev-
6 en school years, such school district shall be eligible for a maximum
7 grant equal to the amount computed pursuant to paragraph a of subdivi-
8 sion nine of this section in the two thousand eight--two thousand nine
9 school year, and for the two thousand eleven--two thousand twelve school
10 year each school district shall be eligible for a maximum grant equal to
11 the amount set forth for such school district as "UNIVERSAL PREKINDER-
12 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid
13 computer listing produced by the commissioner in support of the enacted
14 budget for the 2011-12 school year and entitled "SA111-2", and for two
15 thousand twelve--two thousand thirteen through two thousand [fifteen]
16 sixteen--two thousand [sixteen] seventeen school years each school
17 district shall be eligible for a maximum grant equal to the greater of
18 (i) the amount set forth for such school district as "UNIVERSAL PREKIN-
19 DERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid
20 computer listing produced by the commissioner in support of the enacted
21 budget for the 2011-12 school year and entitled "SA111-2", or (ii) the
22 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
23 under the heading "2010-11 BASE YEAR AIDS" in the school aid computer
24 listing produced by the commissioner on May fifteenth, two thousand
25 eleven pursuant to paragraph b of subdivision twenty-one of section
26 three hundred five of this chapter, and provided further that the maxi-
27 mum grant shall not exceed the total actual grant expenditures incurred

1 by the school district in the current school year as approved by the
2 commissioner.

3 § 6. Paragraph h of subdivision 17 of section 3602 of the education
4 law, as added by section 5-b of part A of chapter 56 of the laws of
5 2015, is amended and a new paragraph i is added to read as follows:

6 h. [The gap elimination adjustment restoration amount for the two
7 thousand sixteen--two thousand seventeen school year and thereafter
8 shall equal the product of the gap elimination percentage for such
9 district and the gap elimination adjustment restoration allocation
10 established pursuant to subdivision eighteen of this section] The gap
11 elimination adjustment restoration amount for the two thousand sixteen-
12 -two thousand seventeen school year for a school district shall be
13 computed based on data on file with the commissioner and in the database
14 used by the commissioner to produce an updated electronic data file in
15 support of the executive budget request submitted for the two thousand
16 sixteen--two thousand seventeen state fiscal year and shall equal the
17 sum of the scaled extraordinary needs restoration plus the minimum
18 restoration, provided that such gap elimination adjustment restoration
19 amount shall not exceed the gap elimination adjustment for the base
20 year.

21 (i) The "scaled extraordinary needs restoration" shall equal the prod-
22 uct of the grant per pupil multiplied by the state sharing ratio
23 computed pursuant to paragraph g of subdivision three of this section
24 multiplied by the base year public school district enrollment as
25 computed pursuant to subparagraph two of paragraph n of subdivision one
26 of this section, where (A) the grant per pupil shall be sixty-six
27 dollars (\$66.00) multiplied by the extraordinary needs index truncated
28 to two decimals, and (B) the extraordinary needs index shall equal the

1 quotient truncated to three decimals arrived at by dividing the extraor-
2 dinary needs percent computed pursuant to paragraph w of subdivision one
3 of this section by the statewide average extraordinary needs percent of
4 fifty-four and eight-tenths percent (0.548).

5 (ii) The minimum restoration shall equal the product of thirty percent
6 (0.3) multiplied by the gap elimination adjustment for the base year.

7 i. Notwithstanding any provision of law to the contrary, for the two
8 thousand seventeen--two thousand eighteen school year and thereafter,
9 the gap elimination adjustment shall be zero.

10 § 7. Subdivision 4 of section 3602 of the education law, as amended by
11 section 5-a of part A of chapter 56 of the laws of 2015, is amended to
12 read as follows:

13 4. Total foundation aid. In addition to any other apportionment pursu-
14 ant to this chapter, a school district, other than a special act school
15 district as defined in subdivision eight of section four thousand one of
16 this chapter, shall be eligible for total foundation aid equal to the
17 product of total aidable foundation pupil units multiplied by the
18 district's selected foundation aid, which shall be the greater of five
19 hundred dollars (\$500) or foundation formula aid, provided, however that
20 for the two thousand seven--two thousand eight through two thousand
21 eight--two thousand nine school years, no school district shall receive
22 total foundation aid in excess of the sum of the total foundation aid
23 base for aid payable in the two thousand seven--two thousand eight
24 school year computed pursuant to subparagraph (i) of paragraph j of
25 subdivision one of this section, plus the phase-in foundation increase
26 computed pursuant to paragraph b of this subdivision, and provided
27 further that for the two thousand twelve--two thousand thirteen school
28 year, no school district shall receive total foundation aid in excess of

1 the sum of the total foundation aid base for aid payable in the two
2 thousand eleven--two thousand twelve school year computed pursuant to
3 subparagraph (ii) of paragraph j of subdivision one of this section,
4 plus the phase-in foundation increase computed pursuant to paragraph b
5 of this subdivision, and provided further that for the two thousand
6 thirteen--two thousand fourteen school year and thereafter, no school
7 district shall receive total foundation aid in excess of the sum of the
8 total foundation aid base computed pursuant to subparagraph (ii) of
9 paragraph j of subdivision one of this section, plus the phase-in foun-
10 dation increase computed pursuant to paragraph b of this subdivision,
11 and provided further that for the two thousand sixteen--two thousand
12 seventeen school year, for a school district where the phase-in founda-
13 tion increase and the due minimum are less than the alternative minimum
14 computed pursuant to paragraph b-2 of this section, such district shall
15 receive total foundation aid, in lieu of such phase-in foundation
16 increase or due minimum, equal to the sum of the foundation aid base
17 computed pursuant to subparagraph (ii) of paragraph j of subdivision one
18 of this section, plus the alternative minimum computed pursuant to para-
19 graph b-2 of this section, and provided further that total foundation
20 aid shall not be less than the product of the total foundation aid base
21 computed pursuant to paragraph j of subdivision one of this section and
22 the due-minimum percent which shall be, for the two thousand twelve--two
23 thousand thirteen school year, one hundred and six-tenths percent
24 (1.006) and for the two thousand thirteen--two thousand fourteen school
25 year for city school districts of those cities having populations in
26 excess of one hundred twenty-five thousand and less than one million
27 inhabitants one hundred and one and one hundred and seventy-six thou-
28 sandths percent (1.01176), and for all other districts one hundred and

1 three-tenths percent (1.003), and for the two thousand fourteen--two
2 thousand fifteen school year one hundred and eighty-five hundredths
3 percent (1.0085), and for the two thousand fifteen--two thousand sixteen
4 school year, one hundred thirty-seven hundredths percent (1.0037), and
5 for the two thousand sixteen--two thousand seventeen school year, one
6 plus the lesser of two percent (0.02) or the product of twenty-three
7 hundredths percent (0.023) multiplied by a CWR ratio and truncated to
8 four decimals, where such CWR ratio shall be the difference obtained by
9 subtracting from one and thirty-seven hundredths (1.37) the product of
10 one and fifty-five hundredths (1.55) multiplied by the combined wealth
11 ratio for total foundation aid computed pursuant to subparagraph two of
12 paragraph c of subdivision three of this section truncated to three
13 decimals, provided however that such CWR ratio shall not be greater than
14 one nor less than zero, subject to allocation pursuant to the provisions
15 of subdivision eighteen of this section and any provisions of a chapter
16 of the laws of New York as described therein, nor more than the product
17 of such total foundation aid base and one hundred fifteen percent, and
18 provided further that for the two thousand nine--two thousand ten
19 through two thousand eleven--two thousand twelve school years, each
20 school district shall receive total foundation aid in an amount equal to
21 the amount apportioned to such school district for the two thousand
22 eight--two thousand nine school year pursuant to this subdivision. Total
23 aidable foundation pupil units shall be calculated pursuant to paragraph
24 g of subdivision two of this section. For the purposes of calculating
25 aid pursuant to this subdivision, aid for the city school district of
26 the city of New York shall be calculated on a citywide basis.

27 a. Foundation formula aid. Foundation formula aid shall equal the
28 remainder when the expected minimum local contribution is subtracted

1 from the product of the foundation amount, the regional cost index, and
2 the pupil need index, or: (foundation amount x regional cost index x
3 pupil need index)- expected minimum local contribution.

4 (1) The foundation amount shall reflect the average per pupil cost of
5 general education instruction in successful school districts, as deter-
6 mined by a statistical analysis of the costs of special education and
7 general education in successful school districts, provided that the
8 foundation amount shall be adjusted annually to reflect the percentage
9 increase in the consumer price index as computed pursuant to paragraph e
10 of subdivision four of section two thousand [twenty-two] twenty-three of
11 this chapter, provided that for the two thousand eight--two thousand
12 nine school year, for the purpose of such adjustment, the percentage
13 increase in the consumer price index shall be deemed to be two and nine-
14 tenths percent (0.029), and provided further that the foundation amount
15 for the two thousand seven--two thousand eight school year shall be five
16 thousand two hundred fifty-eight dollars, and provided further that for
17 the two thousand seven--two thousand eight through two thousand
18 [fifteen] sixteen--two thousand [sixteen] seventeen school years, the
19 foundation amount shall be further adjusted by the phase-in foundation
20 percent established pursuant to paragraph b of this subdivision.

21 (2) The regional cost index shall reflect an analysis of labor market
22 costs based on median salaries in professional occupations that require
23 similar credentials to those of positions in the education field, but
24 not including those occupations in the education field, provided that
25 the regional cost indices for the two thousand seven--two thousand eight
26 school year and thereafter shall be as follows:

27 Labor Force Region Index
28 Capital District 1.124

1	Southern Tier	1.045
2	Western New York	1.091
3	Hudson Valley	1.314
4	Long Island/NYC	1.425
5	Finger Lakes	1.141
6	Central New York	1.103
7	Mohawk Valley	1.000
8	North Country	1.000

9 (3) The pupil need index shall equal the sum of one plus the extraor-
10 dinary needs percent, provided, however, that the pupil need index shall
11 not be less than one nor more than two. The extraordinary needs percent
12 shall be calculated pursuant to paragraph w of subdivision one of this
13 section.

14 (4) The expected minimum local contribution shall equal the lesser of
15 (i) the product of (A) the quotient arrived at when the selected actual
16 valuation is divided by total wealth foundation pupil units, multiplied
17 by (B) the product of the local tax factor, multiplied by the income
18 wealth index, or (ii) the product of (A) the product of the foundation
19 amount, the regional cost index, and the pupil need index, multiplied by
20 (B) the positive difference, if any, of one minus the state sharing
21 ratio for total foundation aid. The local tax factor shall be estab-
22 lished by May first of each year by determining the product, computed to
23 four decimal places without rounding, of ninety percent multiplied by
24 the quotient of the sum of the statewide average tax rate as computed by
25 the commissioner for the current year in accordance with the provisions
26 of paragraph e of subdivision one of section thirty-six hundred nine-e
27 of this part plus the statewide average tax rate computed by the commis-
28 sioner for the base year in accordance with such provisions plus the

1 statewide average tax rate computed by the commissioner for the year
2 prior to the base year in accordance with such provisions, divided by
3 three, provided however that for the two thousand seven--two thousand
4 eight school year, such local tax factor shall be sixteen thousandths
5 (0.016), and provided further that for the two thousand eight--two thou-
6 sand nine school year, such local tax factor shall be one hundred
7 fifty-four ten thousandths (0.0154). The income wealth index shall be
8 calculated pursuant to paragraph d of subdivision three of this section,
9 provided, however, that for the purposes of computing the expected mini-
10 mum local contribution the income wealth index shall not be less than
11 sixty-five percent (0.65) and shall not be more than two hundred percent
12 (2.0) and provided however that such income wealth index shall not be
13 more than ninety-five percent (0.95) for the two thousand eight--two
14 thousand nine school year, and provided further that such income wealth
15 index shall not be less than zero for the two thousand thirteen--two
16 thousand fourteen school year. The selected actual valuation shall be
17 calculated pursuant to paragraph c of subdivision one of this section.
18 Total wealth foundation pupil units shall be calculated pursuant to
19 paragraph h of subdivision two of this section.

20 b. Phase-in foundation increase. (1) The phase-in foundation increase
21 shall equal the product of the phase-in foundation increase factor
22 multiplied by the positive difference, if any, of (i) the product of the
23 total aidable foundation pupil units multiplied by the district's
24 selected foundation aid less (ii) the total foundation aid base computed
25 pursuant to paragraph j of subdivision one of this section.

26 (2) (i) Phase-in foundation percent. The phase-in foundation percent
27 shall equal one hundred thirteen and fourteen one hundredths percent
28 (1.1314) for the two thousand eleven--two thousand twelve school year,

1 one hundred ten and thirty-eight hundredths percent (1.1038) for the two
2 thousand twelve--two thousand thirteen school year, one hundred seven
3 and sixty-eight hundredths percent (1.0768) for the two thousand thir-
4 teen--two thousand fourteen school year, one hundred five and six
5 hundredths percent (1.0506) for the two thousand fourteen--two thousand
6 fifteen school year, and one hundred two and five tenths percent
7 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

8 (ii) Phase-in foundation increase factor. For the two thousand
9 eleven--two thousand twelve school year, the phase-in foundation
10 increase factor shall equal thirty-seven and one-half percent (0.375)
11 and the phase-in due minimum percent shall equal nineteen and forty-one
12 hundredths percent (0.1941), for the two thousand twelve--two thousand
13 thirteen school year the phase-in foundation increase factor shall equal
14 one and seven-tenths percent (0.017), for the two thousand thirteen--two
15 thousand fourteen school year the phase-in foundation increase factor
16 shall equal (1) for a city school district in a city having a population
17 of one million or more, five and twenty-three hundredths percent
18 (0.0523) or (2) for all other school districts zero percent, for the two
19 thousand fourteen--two thousand fifteen school year the phase-in founda-
20 tion increase factor shall equal (1) for a city school district of a
21 city having a population of one million or more, four and thirty-two
22 hundredths percent (0.0432) or (2) for a school district other than a
23 city school district having a population of one million or more for
24 which (A) the quotient of the positive difference of the foundation
25 formula aid minus the foundation aid base computed pursuant to paragraph
26 j of subdivision one of this section divided by the foundation formula
27 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
28 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or

1 (3) for all other school districts, four and thirty-one hundredths
2 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
3 school year the phase-in foundation increase factor shall equal: (1) for
4 a city school district of a city having a population of one million or
5 more, thirteen and two hundred seventy-four thousandths percent
6 (0.13274); or (2) for districts where the quotient arrived at when
7 dividing (A) the product of the total aidable foundation pupil units
8 multiplied by the district's selected foundation aid less the total
9 foundation aid base computed pursuant to paragraph j of subdivision one
10 of this section divided by (B) the product of the total aidable founda-
11 tion pupil units multiplied by the district's selected foundation aid is
12 greater than nineteen percent (0.19), and where the district's combined
13 wealth ratio is less than thirty-three hundredths (0.33), seven and
14 seventy-five hundredths percent (0.0775); or (3) for any other district
15 designated as high need pursuant to clause (c) of subparagraph two of
16 paragraph c of subdivision six of this section for the school aid
17 computer listing produced by the commissioner in support of the enacted
18 budget for the two thousand seven--two thousand eight school year and
19 entitled "SA0708", four percent (0.04); or (4) for a city school
20 district in a city having a population of one hundred twenty-five thou-
21 sand or more but less than one million, fourteen percent (0.14); or (5)
22 for school districts that were designated as small city school districts
23 or central school districts whose boundaries include a portion of a
24 small city for the school aid computer listing produced by the commis-
25 sioner in support of the enacted budget for the two thousand fourteen--
26 two thousand fifteen school year and entitled "SA1415", four and seven
27 hundred fifty- one thousandths percent (0.04751); or (6) for all other
28 districts one percent (0.01), and for the two thousand sixteen--two

1 thousand seventeen school year the phase-in foundation increase factor
2 shall equal the greater of: (1) for a city school district of a city
3 having a population of one million or more, nine and thirty-two
4 hundredths percent (0.0932); or (2) for a city school district of a city
5 having a population of more than one hundred twenty-five thousand but
6 less than one million, three and one-half percent (0.035); or (3) for a
7 district with a sparsity count computed pursuant to paragraph r of
8 subdivision one of this section greater than zero, the lesser of (i) the
9 product of nine and thirty-two hundredths percent (0.0932) multiplied by
10 the phase-in CWR sparsity ratio truncated to four decimals, where such
11 phase-in CWR sparsity ratio shall be the difference obtained by
12 subtracting from one and thirty-seven hundredths (1.37) the product of
13 one and thirty-five hundredths (1.35) multiplied by the combined wealth
14 ratio for total foundation aid computed pursuant to subparagraph two of
15 paragraph c of subdivision three of this section truncated to three
16 decimals, provided however that such phase-in CWR sparsity ratio shall
17 not be greater than one nor less than zero or (ii) six percent (0.06);
18 or (4) the lesser of (i) the product of three and one-half percent
19 (0.035) multiplied by the phase-in CWR ratio truncated to four decimals,
20 where such phase-in CWR ratio shall be the difference obtained by
21 subtracting from one and thirty-seven hundredths (1.37) the product of
22 one and three-tenths (1.30) multiplied by the combined wealth ratio for
23 total foundation aid computed pursuant to subparagraph two of paragraph
24 c of subdivision three of this section truncated to three decimals,
25 provided however that such phase-in CWR ratio shall not be greater than
26 one nor less than zero or (ii) three percent (0.03); and for the two
27 thousand [sixteen--two thousand seventeen] ~~seventeen--two thousand eigh-~~
28 teen school year and thereafter the commissioner shall annually deter-

1 mine the phase-in foundation increase factor subject to allocation
2 pursuant to the provisions of subdivision eighteen of this section and
3 any provisions of a chapter of the laws of New York as described there-
4 in.

5 b-1. Notwithstanding any other provision of law to the contrary, for
6 the two thousand seven--two thousand eight school year and thereafter,
7 the additional amount payable to each school district pursuant to this
8 subdivision in the current year as total foundation aid, after deducting
9 the total foundation aid base, shall be deemed a state grant in aid
10 identified by the commissioner for general use for purposes of section
11 seventeen hundred eighteen of this chapter.

12 b-2. Alternative minimum. The alternative minimum shall be the posi-
13 tive difference, if any, obtained by subtracting the alternative
14 increase from the product of the alternative base multiplied by two
15 percent (0.02). For purposes of this subdivision, "alternative base"
16 shall mean a school district's apportionment of foundation aid for the
17 two thousand fifteen--two thousand sixteen school year as set forth for
18 each school district as "2015-16 FOUNDATION AID" in the school aid
19 computer listing produced by the commissioner in support of the execu-
20 tive budget request for the two thousand sixteen--two thousand seventeen
21 school year and entitled "BT161-7" minus the gap elimination adjustment
22 for the two thousand fifteen--two thousand sixteen school year. For
23 purposes of this subdivision, "alternative increase" shall mean the sum
24 of (1) the gap elimination adjustment restoration computed for the two
25 thousand sixteen--two thousand seventeen school year pursuant to para-
26 graph h of subdivision seventeen of this section as set forth for each
27 school district as "2016-17 GEA RESTORATION" in the school aid computer
28 listing produced by the commissioner in support of the executive budget

1 request for the two thousand sixteen--two thousand seventeen school year
2 and entitled "BT161-7", plus (2) community schools aid computed for the
3 two thousand sixteen--two thousand seventeen school year pursuant to
4 subdivision nineteen of this section as set forth for each school
5 district as "2016-17 COMMUNITY SCHOOLS AID" in the school aid computer
6 listing produced by the commissioner in support of the executive budget
7 request for the two thousand sixteen--two thousand seventeen school year
8 and entitled "BT161-7".

9 b-3. Notwithstanding any other provisions of this subdivision to the
10 contrary, for the two thousand sixteen--two thousand seventeen school
11 year, no school district shall be eligible for an apportionment of foun-
12 dation aid in excess of the amount apportioned to such school district
13 in two thousand fifteen--two thousand sixteen school year unless (i) the
14 district was designated as high or average need pursuant to clause (c)
15 of subparagraph two of paragraph c of subdivision six of this section
16 for the school aid computer listing produced by the commissioner in
17 support of the enacted budget for the two thousand seven--two thousand
18 eight school year and entitled "SA0708," (ii) the district was desig-
19 nated as high or average need pursuant to the regulations of the commis-
20 sioner in the most recently available study included in the school aid
21 computer listing produced by the commissioner in support of the enacted
22 budget for the two thousand thirteen--two thousand fourteen state fiscal
23 year and entitled "SA131-4" or (iii) the district's alternative increase
24 computed pursuant to paragraph b-2 of this subdivision is less than the
25 product of the alternative base computed pursuant to paragraph b-2 of
26 this subdivision multiplied by three percent (0.03).

27 c. Public excess cost aid setaside. Each school district shall set
28 aside from its total foundation aid computed for the current year pursu-

1 ant to this subdivision an amount equal to the product of: (i) the
2 difference between the amount the school district was eligible to
3 receive in the two thousand six--two thousand seven school year pursuant
4 to or in lieu of paragraph six of subdivision nineteen of this section
5 as such paragraph existed on June thirtieth, two thousand seven, minus
6 the amount such district was eligible to receive pursuant to or in lieu
7 of paragraph five of subdivision nineteen of this section as such para-
8 graph existed on June thirtieth, two thousand seven, in such school
9 year, and (ii) the sum of one and the percentage increase in the consum-
10 er price index for the current year over such consumer price index for
11 the two thousand six--two thousand seven school year, as computed pursu-
12 ant to paragraph e of subdivision four of section two thousand [twenty-
13 two] twenty-three of this chapter. Notwithstanding any other provision
14 of law to the contrary, the public excess cost aid setaside shall be
15 paid pursuant to section thirty-six hundred nine-b of this part.

16 d. For the two thousand fourteen--two thousand fifteen [and two thou-
17 sand fifteen--two thousand sixteen] through two thousand sixteen--two
18 thousand seventeen school years a city school district of a city having
19 a population of one million or more may use amounts apportioned pursuant
20 to this subdivision for afterschool programs.

21 § 8. Section 3602 of the education law is amended by adding a new
22 subdivision 19 to read as follows:

23 19. Community schools aid. Each school district shall be eligible to
24 receive an apportionment for community schools aid equal to the sum of
25 the tier one apportionment and the tier two apportionment.

26 a. Definitions.

27 (1) "Tier one eligible school district" shall mean any school district
28 with at least one school designated as failing or persistently failing

1 by the commissioner pursuant to paragraphs (a) or (b) of subdivision one
2 of section 211-f of this chapter prior to January first, two thousand
3 sixteen.

4 (2) "Tier two eligible school district" shall mean any school
5 district, except a tier one eligible school district, designated as high
6 need pursuant to clause (c) of subparagraph two of paragraph c of subdi-
7 vision six of this section for the school aid computer listing produced
8 by the commissioner in support of the enacted budget for the two thou-
9 sand seven--two thousand eight school year and entitled "SA0708" or any
10 district designated as high need pursuant to the regulations of the
11 commissioner in the most recently available study included in the school
12 aid computer listing produced by the commissioner in support of the
13 enacted budget for the two thousand thirteen--two thousand fourteen
14 state fiscal year and entitled "SA131-4".

15 b. Tier one apportionment. Any tier one eligible school district shall
16 be eligible for an apportionment equal to the greater of (i) the product
17 of eight hundred thirty dollars and sixty cents (\$830.60) multiplied by
18 the district's enrollment in the two thousand fourteen--two thousand
19 fifteen school year in schools designated as failing or persistently
20 failing pursuant to paragraphs (a) or (b) of subdivision one of section
21 211-f of this chapter on the date prior to November first that is speci-
22 fied by the commissioner as the enrollment reporting date for the school
23 district or (ii) ten thousand dollars (\$10,000).

24 c. Tier two apportionment. Any tier two eligible school district shall
25 be eligible for an apportionment equal to the greater of (i) the product
26 of the grant per pupil multiplied by the state sharing ratio computed
27 pursuant to paragraph g of subdivision three of this section multiplied
28 by the base year public school district enrollment as computed pursuant

1 to subparagraph two of paragraph n of subdivision one of this section,
2 where (A) the grant per pupil shall be eighty-nine dollars and thirty-
3 two cents (\$89.32) multiplied by the extraordinary needs index truncated
4 to two decimals, and (B) the extraordinary needs index shall equal the
5 quotient truncated to three decimals arrived at by dividing the extraor-
6 dinary needs percent computed pursuant to paragraph w of subdivision one
7 of this section by the statewide average extraordinary needs percent of
8 fifty-four and eight-tenths percent (0.548) or (ii) ten thousand dollars
9 (\$10,000).

10 d. School districts shall use amounts apportioned pursuant to this
11 subdivision to support the transformation of school buildings into
12 community hubs to deliver co-located or school-linked academic, health,
13 mental health, nutrition, counseling, legal and/or other services to
14 students and their families, including but not limited to providing a
15 community school site coordinator, or to support other costs incurred to
16 maximize students' academic achievement.

17 § 9. Paragraph a of subdivision 5 of section 3604 of the education
18 law, as amended by chapter 161 of the laws of 2005, is amended to read
19 as follows:

20 a. State aid adjustments. All errors or omissions in the apportionment
21 shall be corrected by the commissioner. Whenever a school district has
22 been apportioned less money than that to which it is entitled, the
23 commissioner may allot to such district the balance to which it is enti-
24 tled. Whenever a school district has been apportioned more money than
25 that to which it is entitled, the commissioner may, by an order, direct
26 such moneys to be paid back to the state to be credited to the general
27 fund local assistance account for state aid to the schools, or may
28 deduct such amount from the next apportionment to be made to said

1 district, provided, however, that, upon notification of excess payments
2 of aid for which a recovery must be made by the state through deduction
3 of future aid payments, a school district may request that such excess
4 payments be recovered by deducting such excess payments from the
5 payments due to such school district and payable in the month of June in
6 (i) the school year in which such notification was received and (ii) the
7 two succeeding school years, provided further that there shall be no
8 interest penalty assessed against such district or collected by the
9 state. Such request shall be made to the commissioner in such form as
10 the commissioner shall prescribe, and shall be based on documentation
11 that the total amount to be recovered is in excess of one percent of the
12 district's total general fund expenditures for the preceding school
13 year. The amount to be deducted in the first year shall be the greater
14 of (i) the sum of the amount of such excess payments that is recognized
15 as a liability due to other governments by the district for the preced-
16 ing school year and the positive remainder of the district's unreserved
17 fund balance at the close of the preceding school year less the product
18 of the district's total general fund expenditures for the preceding
19 school year multiplied by five percent, or (ii) one-third of such excess
20 payments. The amount to be recovered in the second year shall equal the
21 lesser of the remaining amount of such excess payments to be recovered
22 or one-third of such excess payments, and the remaining amount of such
23 excess payments shall be recovered in the third year. Provided further
24 that, notwithstanding any other provisions of this subdivision, any
25 pending payment of moneys due to such district as a prior year adjust-
26 ment payable pursuant to paragraph c of this subdivision for aid claims
27 that had been previously paid as current year aid payments in excess of
28 the amount to which the district is entitled and for which recovery of

1 excess payments is to be made pursuant to this paragraph, shall be
2 reduced at the time of actual payment by any remaining unrecovered
3 balance of such excess payments, and the remaining scheduled deductions
4 of such excess payments pursuant to this paragraph shall be reduced by
5 the commissioner to reflect the amount so recovered. [The commissioner
6 shall certify no payment to a school district based on a claim submitted
7 later than three years after the close of the school year in which such
8 payment was first to be made. For claims for which payment is first to
9 be made in the nineteen hundred ninety-six--ninety-seven school year,
10 the commissioner shall certify no payment to a school district based on
11 a claim submitted later than two years after the close of such school
12 year.] For claims for which payment is first to be made [in the nineteen
13 hundred ninety-seven--ninety-eight] prior to the two thousand fifteen--
14 two thousand sixteen school year [and thereafter], the commissioner
15 shall certify no payment to a school district based on a claim submitted
16 later than one year after the close of such school year. For claims for
17 which payment is first to be made in the two thousand fifteen--two thou-
18 sand sixteen school year and thereafter, the commissioner shall certify
19 no payment to a school district based on a claim submitted later than
20 the first of November of such school year. Provided, however, no
21 payments shall be barred or reduced where such payment is required as a
22 result of a final audit of the state. [It is further provided that,
23 until June thirtieth, nineteen hundred ninety-six, the commissioner may
24 grant a waiver from the provisions of this section for any school
25 district if it is in the best educational interests of the district
26 pursuant to guidelines developed by the commissioner and approved by the
27 director of the budget.] Further provided that for any apportionments
28 provided pursuant to sections seven hundred one, seven hundred eleven,

1 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
2 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
3 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
4 this chapter for the two thousand fifteen--two thousand sixteen and two
5 thousand sixteen--two thousand seventeen school years, the commissioner
6 shall certify no payment to a school district, other than payments
7 pursuant to subdivisions six-a, eleven, thirteen and fifteen of section
8 thirty-six hundred two of this part, in excess of the payment computed
9 based on an electronic data file used to produce the school aid computer
10 listing produced by the commissioner in support of the executive budget
11 request submitted for the two thousand sixteen--two thousand seventeen
12 state fiscal year and entitled "BT161-7", and further provided that for
13 any apportionments provided pursuant to sections seven hundred one,
14 seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three
15 nineteen hundred fifty, thirty-six hundred two, thirty-six hundred
16 two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four
17 hundred five of this chapter for the two thousand seventeen--two thou-
18 sand eighteen school year and thereafter, the commissioner shall certify
19 no payment to a school district, other than payments pursuant to subdi-
20 visions six-a, eleven, thirteen and fifteen of section thirty-six
21 hundred two of this part, in excess of the payment computed based on an
22 electronic data file used to produce the school aid computer listing
23 produced by the commissioner in support of the executive budget request
24 submitted for the state fiscal year in which the school year commences.

25 § 10. The opening paragraph of section 3609-a of the education law, as
26 amended by section 6 of part A of chapter 56 of the laws of 2015, is
27 amended to read as follows:

1 For aid payable in the two thousand seven--two thousand eight school
2 year through the two thousand fifteen--two thousand sixteen school year,
3 "moneys apportioned" shall mean the lesser of (i) the sum of one hundred
4 percent of the respective amount set forth for each school district as
5 payable pursuant to this section in the school aid computer listing for
6 the current year produced by the commissioner in support of the budget
7 which includes the appropriation for the general support for public
8 schools for the prescribed payments and individualized payments due
9 prior to April first for the current year plus the apportionment payable
10 during the current school year pursuant to subdivision six-a and subdivi-
11 sion fifteen of section thirty-six hundred two of this part minus any
12 reductions to current year aids pursuant to subdivision seven of section
13 thirty-six hundred four of this part or any deduction from apportionment
14 payable pursuant to this chapter for collection of a school district
15 basic contribution as defined in subdivision eight of section forty-four
16 hundred one of this chapter, less any grants provided pursuant to
17 subparagraph two-a of paragraph b of subdivision four of section nine-
18 ty-two-c of the state finance law, less any grants provided pursuant to
19 subdivision six of section ninety-seven-nnnn of the state finance law,
20 less any grants provided pursuant to subdivision twelve of section thir-
21 ty-six hundred forty-one of this article, or (ii) the apportionment
22 calculated by the commissioner based on data on file at the time the
23 payment is processed; provided however, that for the purposes of any
24 payments made pursuant to this section prior to the first business day
25 of June of the current year, moneys apportioned shall not include any
26 aids payable pursuant to subdivisions six and fourteen, if applicable,
27 of section thirty-six hundred two of this part as current year aid for
28 debt service on bond anticipation notes and/or bonds first issued in the

1 current year or any aids payable for full-day kindergarten for the
2 current year pursuant to subdivision nine of section thirty-six hundred
3 two of this part. The definitions of "base year" and "current year" as
4 set forth in subdivision one of section thirty-six hundred two of this
5 part shall apply to this section. [For aid payable in the two thousand
6 fourteen--two thousand fifteen school year, reference to such "school
7 aid computer listing for the current year" shall mean the printouts
8 entitled "SA141-5". For aid payable in the two thousand fifteen--two
9 thousand sixteen school year, reference to such "school aid computer
10 listing for the current year" shall mean the printouts entitled
11 "SA151-6".] For aid payable in the two thousand sixteen--two thousand
12 seventeen school year and thereafter, "moneys apportioned" shall mean
13 the lesser of: (i) the sum of one hundred percent of the respective
14 amount set forth for each school district as payable pursuant to this
15 section in the school aid computer listing for the current year produced
16 by the commissioner in support of the executive budget request which
17 includes the appropriation for the general support for public schools
18 for the prescribed payments and individualized payments due prior to
19 April first for the current year plus the apportionment payable during
20 the current school year pursuant to subdivisions six-a and fifteen of
21 section thirty-six hundred two of this part minus any reductions to
22 current year aids pursuant to subdivision seven of section thirty-six
23 hundred four of this part or any deduction from apportionment payable
24 pursuant to this chapter for collection of a school district basic
25 contribution as defined in subdivision eight of section forty-four
26 hundred one of this chapter, less any grants provided pursuant to
27 subparagraph two-a of paragraph b of subdivision four of section nine-
28 ty-two-c of the state finance law, less any grants provided pursuant to

1 subdivision six of section ninety-seven-nnnn of the state finance law,
2 less any grants provided pursuant to subdivision twelve of section thir-
3 ty-six hundred forty-one of this article; or (ii) the apportionment
4 calculated by the commissioner based on data on file at the time the
5 payment is processed; provided however, that for the purposes of any
6 payments made pursuant to this section prior to the first business day
7 of June of the current year, moneys apportioned shall not include any
8 aids payable pursuant to subdivisions six and fourteen, if applicable,
9 of section thirty-six hundred two of this part as current year aid for
10 debt service on bond anticipation notes and/or bonds first issued in the
11 current year or any aids payable for full-day kindergarten for the
12 current year pursuant to subdivision nine of section thirty-six hundred
13 two of this part. For aid payable in the two thousand sixteen--two thou-
14 sand seventeen school year, reference to such "school aid computer list-
15 ing for the current year" shall mean the printouts entitled "BT161-7".

16 § 11. Subparagraphs 5, 6 and 7 of paragraph (e) of subdivision 3 of
17 section 2853 of the education law, as added by section 5 of part BB of
18 chapter 56 of the laws of 2014, are amended to read as follows:

19 (5) For a new charter school whose charter is granted or for an exist-
20 ing charter school whose expansion of grade level, pursuant to this
21 article, is approved by their charter entity [before October first, two
22 thousand sixteen], if the appeal results in a determination in favor of
23 the charter school, the city school district shall pay the charter
24 school an amount attributable to the grade level expansion or the forma-
25 tion of the new charter school that is equal to the lesser of:

26 (A) the actual total rental cost of an alternative privately owned
27 site selected by the charter school or

1 (B) twenty percent of the product of the charter school's basic
2 tuition for the current school year and (i) for a new charter school
3 that first commences instruction on or after July first, two thousand
4 fourteen, the charter school's current year enrollment; or (ii) for a
5 charter school which expands its grade level, pursuant to this article,
6 [before October first, two thousand sixteen,] the positive difference of
7 the charter school's enrollment in the current school year minus the
8 charter school's enrollment in the school year prior to the first year
9 of the expansion.

10 (6) [For a new charter school whose charter is granted or for an
11 existing charter school whose expansion of grade level, pursuant to this
12 article, is approved by their charter entity on or after October first,
13 two thousand sixteen, if the appeal results in a determination in favor
14 of the charter school, the city school district shall pay the charter
15 school an amount attributable to the grade level expansion or the forma-
16 tion of the new charter school that is equal to the maximum cost allow-
17 ance established by the commissioner for leases aidable under subdivi-
18 sion six of section thirty-six hundred two of this chapter.

19 (7)] An arbitration in an appeal pursuant to this paragraph shall be
20 conducted by a single arbitrator selected in accordance with this
21 subparagraph from a list of arbitrators from the American arbitration
22 association's panel of labor arbitrators, with relevant biographical
23 information, submitted by such association to the commissioner pursuant
24 to paragraph a of subdivision three of section three thousand twenty-a
25 of this chapter. Upon request by the charter school, the commissioner
26 shall forthwith send a copy of such list and biographical information
27 simultaneously to the charter school and city school district. The
28 parties shall, by mutual agreement, select an arbitrator from the list

1 within fifteen days from receipt of the list, and if the parties fail to
2 agree on an arbitrator within such fifteen day period or fail within
3 such fifteen day period to notify the commissioner that an arbitrator
4 has been selected, the commissioner shall appoint an arbitrator from the
5 list to serve as the arbitrator. The arbitration shall be conducted in
6 accordance with the American arbitration association's rules for labor
7 arbitration, except that the arbitrator shall conduct a pre-hearing
8 conference within ten to fifteen days of agreeing to serve and the arbi-
9 tration shall be completed and a decision rendered within the time
10 frames prescribed for hearings pursuant to section three thousand twen-
11 ty-a of this chapter. The arbitrator's fee shall not exceed the rate
12 established by the commissioner for hearings conducted pursuant to
13 section three thousand twenty-a of this chapter, and the cost of such
14 fee, the arbitrator's necessary travel and other reasonable expenses,
15 and all other hearing expenses shall be borne equally by the parties to
16 the arbitration.

17 § 11-a. Subdivision 6-g of section 3602 of the education law, as added
18 by section 6 of part BB of chapter 56 of the laws of 2014, is amended to
19 read as follows:

20 6-g. Charter schools facilities aid. a. The city school district of
21 the city of New York, upon documenting that it has incurred total aggre-
22 gate expenses of forty million dollars or more pursuant to [subpara-
23 graphs] subparagraph five [and six] of paragraph (e) of subdivision
24 three of section twenty-eight hundred fifty-three of this chapter, shall
25 be eligible for an apportionment pursuant to this subdivision for its
26 annual approved expenditures for the lease of space for charter schools
27 incurred in the base year in accordance with paragraph (e) of subdivi-
28 sion three of section twenty-eight hundred fifty-three of this chapter.

1 b. The apportionment shall equal the product of (1) the sum of:

2 [(A)] for aid payable for expenses incurred pursuant to subparagraph
3 five of paragraph (e) of subdivision three of section twenty-eight
4 hundred fifty-three of this chapter where the charter school prevails on
5 appeal, the annual approved expenses incurred by the city school
6 district pursuant to such subparagraph five[]; and

7 (B) for aid payable for expenses incurred pursuant to subparagraph six
8 of paragraph (e) of subdivision three of section twenty-eight hundred
9 fifty-three of this chapter where the charter school prevails on appeal,
10 the actual annual approved rental expenses incurred pursuant to such
11 subparagraph six] multiplied by

12 (2) six-tenths.

13 c. For purposes of this subdivision, the approved expenses attribut-
14 able to a lease by a charter school of a privately owned site shall be
15 the lesser of the actual total rent paid under the lease or the maximum
16 cost allowance established by the commissioner for leases aidable under
17 subdivision six of this section.

18 d. Notwithstanding any provision of law to the contrary, amounts
19 apportioned pursuant to this subdivision shall not be included in: (1)
20 the allowable growth amount computed pursuant to paragraph dd of subdivi-
21 sion one of this section, (2) the preliminary growth amount computed
22 pursuant to paragraph ff of subdivision one of this section, and (3) the
23 allocable growth amount computed pursuant to paragraph gg of subdivision
24 one of this section, and shall not be considered, and shall not be
25 available for interchange with, general support for public schools.

26 § 12. Subdivision 1 of section 2856 of the education law, as amended
27 by chapter 378 of the laws of 2007, paragraph (a) as amended and para-
28 graph (d) as added by section 3 of part BB of chapter 56 of the laws of

1 2014, paragraph (c) as added by chapter 375 of the laws of 2007, is
2 amended to read as follows:

3 1. (a) The enrollment of students attending charter schools shall be
4 included in the enrollment, attendance, membership and, if applicable,
5 count of students with disabilities of the school district in which the
6 pupil resides. The charter school shall report all such data to the
7 school districts of residence in a timely manner. Each school district
8 shall report such enrollment, attendance and count of students with
9 disabilities to the department. The school district of residence shall
10 pay directly to the charter school for each student enrolled in the
11 charter school who resides in the school district the charter school
12 basic tuition, which shall be:

13 (i) for school years prior to the two thousand nine--two thousand ten
14 school year and for school years following the two thousand sixteen--two
15 thousand seventeen school year, an amount equal to one hundred percent
16 of the amount calculated pursuant to paragraph f of subdivision one of
17 section thirty-six hundred two of this chapter for the school district
18 for the year prior to the base year increased by the percentage change
19 in the state total approved operating expense calculated pursuant to
20 paragraph t of subdivision one of section thirty-six hundred two of this
21 chapter from two years prior to the base year to the base year;

22 (ii) for the two thousand nine--two thousand ten school year, the
23 charter school basic tuition shall be the amount payable by such
24 district as charter school basic tuition for the two thousand eight--two
25 thousand nine school year;

26 (iii) for the two thousand ten--two thousand eleven through two thou-
27 sand thirteen--two thousand fourteen school years, the charter school
28 basic tuition shall be the basic tuition computed for the two thousand

1 ten--two thousand eleven school year pursuant to the provisions of
2 subparagraph (i) of this paragraph;

3 (iv) for the two thousand fourteen--two thousand fifteen[,] and two
4 thousand fifteen--two thousand sixteen [and two thousand sixteen--two
5 thousand seventeen] school years, the charter school basic tuition shall
6 be the sum of the lesser of the charter school basic tuition computed
7 for the two thousand ten--two thousand eleven school year pursuant to
8 the provisions of subparagraph (i) of this paragraph or the charter
9 school basic tuition computed for the current year pursuant to the
10 provisions of subparagraph (i) of this paragraph plus the supplemental
11 basic tuition;

12 (v) for the two thousand sixteen--two thousand seventeen school year,
13 the charter school basic tuition shall be (A) for a school district
14 located in a city of one million or more inhabitants, an amount equal to
15 one hundred percent of the amount calculated pursuant to paragraph f of
16 subdivision one of section thirty-six hundred two of this chapter for
17 the school district for the year prior to the base year increased by the
18 percentage change in the state total approved operating expense calcu-
19 lated pursuant to paragraph t of subdivision one of section thirty-six
20 hundred two of this chapter from two years prior to the base year to the
21 base year or (B) for all other school districts, the sum of the lesser
22 of the charter school basic tuition computed for the two thousand ten--
23 two thousand eleven school year pursuant to the provisions of subpara-
24 graph (i) of this paragraph or the charter school basic tuition computed
25 for the current year pursuant to the provisions of subparagraph (i) of
26 this paragraph plus the supplemental basic tuition.

27 For the purposes of this subdivision, the "supplemental basic tuition"
28 shall be (A) for a school district for which the charter school basic

1 tuition computed for the current year is greater than or equal to the
2 charter school basic tuition for the two thousand ten--two thousand
3 eleven school year pursuant to the provisions of subparagraph (i) of
4 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
5 school year two hundred and fifty dollars, and (2) for the two thousand
6 fifteen--two thousand sixteen school year three hundred and fifty
7 dollars, and (3) for the two thousand sixteen--two thousand seventeen
8 school year five hundred dollars, and (B) for a school district for
9 which the charter school basic tuition for the two thousand ten--two
10 thousand eleven school year is greater than the charter school basic
11 tuition for the current year pursuant to the provisions of subparagraph
12 (i) of this paragraph, the positive difference of the charter school
13 basic tuition for the two thousand ten--two thousand eleven school year
14 minus the charter school basic tuition for the current year pursuant to
15 the provisions of subparagraph (i) of this paragraph.

16 (b) The school district shall also pay directly to the charter school
17 any federal or state aid attributable to a student with a disability
18 attending charter school in proportion to the level of services for such
19 student with a disability that the charter school provides directly or
20 indirectly. Notwithstanding anything in this section to the contrary,
21 amounts payable pursuant to this subdivision from state or local funds
22 may be reduced pursuant to an agreement between the school and the char-
23 ter entity set forth in the charter. Payments made pursuant to this
24 subdivision shall be made by the school district in six substantially
25 equal installments each year beginning on the first business day of July
26 and every two months thereafter. Amounts payable under this subdivision
27 shall be determined by the commissioner. Amounts payable to a charter
28 school in its first year of operation shall be based on the projections

1 of initial-year enrollment set forth in the charter until actual enroll-
2 ment data is reported to the school district by the charter school. Such
3 projections shall be reconciled with the actual enrollment as actual
4 enrollment data is so reported and at the end of the school's first year
5 of operation and each subsequent year based on a final report of actual
6 enrollment by the charter school, and any necessary adjustments result-
7 ing from such final report shall be made to payments during the school's
8 following year of operation.

9 (c) Notwithstanding any other provision of this subdivision to the
10 contrary, payment of the federal aid attributable to a student with a
11 disability attending a charter school shall be made in accordance with
12 the requirements of section 8065-a of title twenty of the United States
13 code and sections 76.785-76.799 and 300.209 of title thirty-four of the
14 code of federal regulations.

15 (d) School districts shall be eligible for an annual apportionment
16 equal to (A) the amount of the supplemental basic tuition paid to the
17 charter school in the base year for the expenses incurred in the two
18 thousand fourteen--two thousand fifteen[,] and two thousand fifteen--two
19 thousand sixteen[, and two thousand sixteen--two thousand seventeen]
20 school years; and (B) for the expenses incurred in the two thousand
21 sixteen--two thousand seventeen school year: (i) for school districts
22 located in a city of one million or more inhabitants, an amount equal to
23 five hundred dollars for each student enrolled in a charter school who
24 resides in the school district in the two thousand sixteen--two thousand
25 seventeen school year, or (ii) for all other school districts, an amount
26 equal to the amount of the supplemental basic tuition paid to the char-
27 acter school in the base year.

1 § 13. Subdivision 1 of section 2856 of the education law, as amended
2 by section 22 of part A of chapter 58 of the laws of 2011, paragraph (a)
3 as amended and paragraph (c) as added by section 4 of part BB of chapter
4 56 of the laws of 2014, is amended to read as follows:

5 1. (a) The enrollment of students attending charter schools shall be
6 included in the enrollment, attendance and, if applicable, count of
7 students with disabilities of the school district in which the pupil
8 resides. The charter school shall report all such data to the school
9 districts of residence in a timely manner. Each school district shall
10 report such enrollment, attendance and count of students with disabili-
11 ties to the department. The school district of residence shall pay
12 directly to the charter school for each student enrolled in the charter
13 school who resides in the school district the charter school basic
14 tuition which shall be:

15 (i) for school years prior to the two thousand nine--two thousand ten
16 school year and for school years following the two thousand sixteen--two
17 thousand seventeen school year, an amount equal to one hundred percent
18 of the amount calculated pursuant to paragraph f of subdivision one of
19 section thirty-six hundred two of this chapter for the school district
20 for the year prior to the base year increased by the percentage change
21 in the state total approved operating expense calculated pursuant to
22 paragraph t of subdivision one of section thirty-six hundred two of this
23 chapter from two years prior to the base year to the base year;

24 (ii) for the two thousand nine--two thousand ten school year, the
25 charter school basic tuition shall be the amount payable by such
26 district as charter school basic tuition for the two thousand eight--two
27 thousand nine school year;

1 (iii) for the two thousand ten--two thousand eleven through two thou-
2 sand thirteen--two thousand fourteen school years, the charter school
3 basic tuition shall be the basic tuition computed for the two thousand
4 ten--two thousand eleven school year pursuant to the provisions of
5 subparagraph (i) of this paragraph;

6 (iv) for the two thousand fourteen--two thousand fifteen[,] and two
7 thousand fifteen--two thousand sixteen [and two thousand sixteen--two
8 thousand seventeen] school years, the charter school basic tuition shall
9 be the sum of the lesser of the charter school basic tuition computed
10 for the two thousand ten--two thousand eleven school year pursuant to
11 the provisions of subparagraph (i) of this paragraph or the charter
12 school basic tuition computed for the current year pursuant to the
13 provisions of subparagraph (i) of this paragraph plus the supplemental
14 basic tuition[.];

15 (v) for the two thousand sixteen--two thousand seventeen school year,
16 the charter school basic tuition shall be (A) for a school district
17 located in a city of one million or more inhabitants, an amount equal to
18 one hundred percent of the amount calculated pursuant to paragraph f of
19 subdivision one of section thirty-six hundred two of this chapter for
20 the school district for the year prior to the base year increased by the
21 percentage change in the state total approved operating expense calcu-
22 lated pursuant to paragraph t of subdivision one of section thirty-six
23 hundred two of this chapter from two years prior to the base year to the
24 base year or (B) for all other school districts, the sum of the lesser
25 of the charter school basic tuition computed for the two thousand ten--
26 two thousand eleven school year pursuant to the provisions of subpara-
27 graph (i) of this paragraph or the charter school basic tuition computed

1 for the current year pursuant to the provisions of subparagraph (i) of
2 this paragraph plus the supplemental basic tuition.

3 For the purposes of this subdivision, the "supplemental basic tuition"
4 shall be (A) for a school district for which the charter school basic
5 tuition computed for the current year is greater than or equal to the
6 charter school basic tuition for the two thousand ten--two thousand
7 eleven school year pursuant to the provisions of subparagraph (i) of
8 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
9 school year two hundred and fifty dollars, and (2) for the two thousand
10 fifteen--two thousand sixteen school year three hundred and fifty
11 dollars, and (3) for the two thousand sixteen--two thousand seventeen
12 school year five hundred dollars, and (B) for a school district for
13 which the charter school basic tuition for the two thousand ten--two
14 thousand eleven school year is greater than the charter school basic
15 tuition for the current year pursuant to the provisions of subparagraph
16 (i) of this paragraph, the positive difference of the charter school
17 basic tuition for the two thousand ten--two thousand eleven school year
18 minus the charter school basic tuition for the current year pursuant to
19 the provisions of subparagraph (i) of this paragraph.

20 (b) The school district shall also pay directly to the charter school
21 any federal or state aid attributable to a student with a disability
22 attending charter school in proportion to the level of services for such
23 student with a disability that the charter school provides directly or
24 indirectly. Notwithstanding anything in this section to the contrary,
25 amounts payable pursuant to this subdivision may be reduced pursuant to
26 an agreement between the school and the charter entity set forth in the
27 charter. Payments made pursuant to this subdivision shall be made by the
28 school district in six substantially equal installments each year begin-

1 ning on the first business day of July and every two months thereafter.
2 Amounts payable under this subdivision shall be determined by the
3 commissioner. Amounts payable to a charter school in its first year of
4 operation shall be based on the projections of initial-year enrollment
5 set forth in the charter. Such projections shall be reconciled with the
6 actual enrollment at the end of the school's first year of operation,
7 and any necessary adjustments shall be made to payments during the
8 school's second year of operation.

9 (c) School districts shall be eligible for an annual apportionment
10 equal to (A) the amount of the supplemental basic tuition paid to the
11 charter school in the base year for the expenses incurred in the two
12 thousand fourteen--two thousand fifteen[,] and two thousand fifteen--two
13 thousand sixteen[, and two thousand sixteen--two thousand seventeen]
14 school years; and (B) for the expenses incurred in the two thousand
15 sixteen--two thousand seventeen school year: (i) for school districts
16 located in a city of one million or more inhabitants, an amount equal to
17 five hundred dollars for each student enrolled in a charter school who
18 resides in the school district in the two thousand sixteen--two thousand
19 seventeen school year, or (ii) for all other school districts, an amount
20 equal to the amount of the supplemental basic tuition paid to the char-
21 acter school in the base year.

22 § 14. Clauses (i) and (ii) of subparagraph 1 of paragraph e of subdi-
23 vision 1 of section 3602 of the education law, as amended by section 11
24 of part B of chapter 57 of the laws of 2007, are amended to read as
25 follows:

26 (i) determine the number of pupils tested who scored below the state-
27 wide reference point as determined by the commissioner on each test
28 administered pursuant to this subparagraph, plus pupils, other than

1 pupils with disabilities and English language learner pupils [with
2 limited English proficiency] as defined by the commissioner who are
3 exempt from taking such tests, provided, however, that a district
4 employing eight or more teachers in such years but not operating each
5 grade may use the percentage computed pursuant to this paragraph for the
6 district which in such years enrolled the greatest number of pupils in
7 such grade from such district;

8 (ii) divide the sum of such numbers by the number of such pupils who
9 took each of such tests, plus pupils, other than pupils with disabili-
10 ties and English language learner pupils [with limited English profi-
11 ciency] as defined by the commissioner who are exempt from taking such
12 tests, provided, however, that a district which in any of the applicable
13 school years did not maintain a home school or employed fewer than eight
14 teachers, and which in the base year employed eight or more teachers,
15 may use the scores in a later test as designated by the commissioner for
16 the purposes of this paragraph;

17 § 15. Paragraph o of subdivision 1 of section 3602 of the education
18 law, as amended by section 11 of part B of chapter 57 of the laws of
19 2007, is amended to read as follows:

20 o. "[Limited English proficient] English language learner count" shall
21 mean the number of pupils served in the base year in programs for pupils
22 with limited English proficiency approved by the commissioner pursuant
23 to the provisions of this chapter and in accordance with regulations
24 adopted for such purpose.

25 § 16. Paragraph b of subdivision 2 of section 3602-d of the education
26 law, as added by chapter 792 of the laws of 1990, is amended to read as
27 follows:

1 (b) "Disadvantaged" shall mean individuals (other than handicapped
2 individuals) who have economic or academic disadvantages and who require
3 special services and assistance in order to enable them to succeed in
4 work-prep programs. Such term includes individuals who are: members of
5 economically disadvantaged families as set forth in regulations promul-
6 gated by the department pursuant to sections sixty-four hundred fifty-
7 one and sixty-four hundred fifty-two of this chapter or as set forth in
8 the Federal Job Training Partnership Act of nineteen hundred eighty-two
9 (PL 97-300) (29 U.S.C.A. § 1501 et seq.); migrants; [individuals who
10 have limited English proficiency] English language learners; and indi-
11 viduals who are identified as potential dropouts from secondary school.

12 § 17. Paragraph d of subdivision 4 of section 3602-f of the education
13 law, as added by section 83-a of part L of chapter 405 of the laws of
14 1999, is amended to read as follows:

15 d. [Limited English proficient] English language learner pupil count
16 as defined in paragraph o of subdivision one of section thirty-six
17 hundred two of this article.

18 § 18. Section 3604 of the education law is amended by adding a new
19 subdivision 13 to read as follows:

20 13. For purposes of this chapter, "limited English proficient" and
21 "limited English proficiency" shall mean "English language learner".

22 § 19. Clause (B) of subparagraph 2 of paragraph b of subdivision 6 of
23 section 3641 of the education law, as added by section 2 of part B of
24 chapter 58 of the laws of 2011, is amended to read as follows:

25 (B) [students with limited English proficiency and] students who are
26 English language learners;

27 § 20. The education law is amended by adding a new section 4403-a to
28 read as follows:

1 § 4403-a. Waivers from certain duties. 1. A local school district,
2 approved private school or board of cooperative educational services may
3 submit an application for a waiver from any requirement imposed on such
4 district, school or board of cooperative educational services pursuant
5 to section forty-four hundred two or section forty-four hundred three of
6 this article, and regulations promulgated thereunder, for a specific
7 school year. Such application shall be submitted at least sixty days in
8 advance of the proposed date on which the waiver would be effective and
9 shall be in a form prescribed by the commissioner.

10 2. Before submitting an application for a waiver, the local school
11 district, approved private school or board of cooperative educational
12 services shall provide notice of the proposed waiver to the parents or
13 persons in parental relationship to the students that would be impacted
14 by the waiver if granted. Such notice shall be in a form and manner that
15 will ensure that such parents and persons in parental relationship will
16 be aware of all relevant changes that would occur under the waiver, and
17 shall include information on the form, manner and date by which parents
18 may submit written comments on the proposed waiver. The local school
19 district, approved private school, or board of cooperative educational
20 services shall provide at least sixty days for such parents and persons
21 in parental relationship to submit written comments, and shall include
22 in the waiver application submitted to the commissioner pursuant to
23 subdivision one of this section any written comments received from such
24 parents or persons in parental relation to such students.

25 3. The commissioner may grant a waiver from any requirement imposed on
26 a local school district, approved private school or board of cooperative
27 educational services pursuant to section forty-four hundred two or
28 section forty-four hundred three of this article, upon a finding that

1 such waiver will enable a local school district, approved private school
2 or board of cooperative educational services to implement an innovative
3 special education program that is consistent with applicable federal
4 requirements, and would enhance student achievement and/or opportunities
5 for placement in regular classes and programs. In making such determi-
6 nation, the commissioner shall consider any comments received by the
7 local school district, approved private school or board of cooperative
8 educational services from parents or persons in parental relation to the
9 students that would be directly affected by the waiver if granted.

10 4. Any local school district, approved private school or board of
11 cooperative educational services granted a waiver shall submit an annual
12 report to the commissioner regarding the operation and evaluation of the
13 program no later than thirty days after the end of each school year for
14 which a waiver is granted.

15 § 21. Notwithstanding any provision of law to the contrary, for the
16 2016-2017 school year and thereafter, any pre-kindergarten program
17 receiving state funds that is identified by the office of children and
18 family services, the department of health and mental hygiene of the city
19 of New York, or the state education department as needing extraordinary
20 quality support shall participate in QUALITYstarsNY as a condition of
21 continued receipt of state funds, unless such participation would be
22 contrary to an existing contract with the department. The state educa-
23 tion department shall include such participation as a condition of
24 continued receipt of state funds in any new contract or contract renewal
25 or application for renewal of funding for any state-funded pre-kinder-
26 garten program for the 2016-2017 school year or thereafter.

1 § 22. Notwithstanding any provision of law, rule, or regulation to the
2 contrary, there shall be an empire state pre-kindergarten grant board as
3 follows:

4 1. Creation.

5 (a) The empire state pre-kindergarten grant board ("the board") is
6 hereby created to have and exercise the powers, duties and prerogatives
7 provided by the provisions of this section and any other provision of
8 law. The board shall remain in existence during the period from the
9 effective date of this section through the date on which the last of the
10 funds available for grants for programs listed in paragraph (a) of
11 subdivision 2 of this section are disbursed.

12 (b) The membership of the board shall consist of three persons
13 appointed by the governor, of which one shall be upon the recommendation
14 of the temporary president of the senate and one upon the recommendation
15 of the speaker of the assembly. The term of the members first appointed
16 shall continue until March 31, 2017, and thereafter their successors
17 shall serve for a term of one year ending on March 31 in each year. Upon
18 recommendation of the nominating party, the governor shall replace any
19 member in accordance with the provision contained in this subdivision
20 for the appointment of members. The members of the board shall vote
21 among themselves to determine who shall serve as chair. The board shall
22 act by unanimous vote of the members of the board. Any determination of
23 the board shall be evidenced by a certification thereof executed by all
24 the members. Each member of the board shall be entitled to designate a
25 representative to attend meetings of the board on the designating
26 member's behalf, and to vote or otherwise act on the designating
27 member's behalf in the designating member's absence. Notice of such
28 designation shall be furnished in writing to the board by the designat-

1 ing member. A representative shall serve at the pleasure of the desig-
2 nating member during the member's term of office. A representative shall
3 not be authorized to delegate any of his or her duties or functions to
4 any other person.

5 (c) Every officer, employee, or member of a governing or other board
6 of any school district, program or other entity offering pre-kindergar-
7 ten services, and every New York state regent and every officer or
8 employee of the board of regents or the department of education shall be
9 ineligible for appointment as a member, representative, officer, employ-
10 ee or agent of the board.

11 (d) The members of the board shall serve without salary or per diem
12 allowance but shall be entitled to reimbursement for actual and neces-
13 sary expenses incurred in the performance of official duties pursuant to
14 this section or other provision of law, provided however that such
15 members and representatives are not, at the time such expenses are
16 incurred, public officers or employees otherwise entitled to such
17 reimbursement.

18 (e) The members, their representatives, officers and staff to the
19 board shall be deemed employees within the meaning of section 17 of the
20 public officers law.

21 2. Powers, functions, duties and administration of the empire state
22 pre-kindergarten grant board.

23 (a) Notwithstanding any provision of section 3602-ee of the education
24 law or any other provision of law to the contrary, the empire state
25 pre-kindergarten grant board shall have the power, and it shall be its
26 duty, to distribute all new grant awards for the following pre-kinder-
27 garten programs via a competitive request for proposals process:

1 (i) the statewide universal full-day pre-kindergarten program pursuant
2 to section 3602-ee of the education law;

3 (ii) the empire state pre-kindergarten grants for three-year-old chil-
4 dren established pursuant to a chapter of the laws of 2016;

5 (iii) the priority pre-kindergarten program established pursuant to
6 chapter 53 of the laws of 2013; and

7 (iv) the pre-kindergarten grants for three and four year old children
8 established pursuant to chapter 53 of the laws of 2015.

9 (b) The office of children and family services shall serve as staff to
10 the empire state pre-kindergarten grant board, with the cooperation of
11 any other state agency, and shall assist in tasks including but not
12 limited to the drafting of any requests for proposals, the scoring of
13 applications pursuant to the criteria in such requests for proposals,
14 the preparation of draft award lists, and the preparation of any other
15 information or materials which would assist the board in carrying out
16 its duties.

17 (c) Notwithstanding any provision of law to the contrary, the board
18 shall have final approval authority over any request for proposals used
19 to distribute any grant funding for pre-kindergarten programs pursuant
20 to paragraph (a) of this subdivision, provided that any request for
21 proposals issued after the effective date of this section shall contain
22 a requirement that any awardee identified by the office of children and
23 family services, the department of health and mental hygiene of the city
24 of New York, or the state education department as needing extraordinary
25 quality support shall participate in QUALITYstarsNY as a condition of
26 continued receipt of state funds.

1 (d) Notwithstanding any provision of law to the contrary, the board
2 shall have final approval authority for any grant awards for pre-kinder-
3 garten programs pursuant to paragraph (a) of this subdivision.

4 (e) On behalf of and at the direction of the board, the state educa-
5 tion department shall enter into a contract with any school district,
6 program, or other entity awarded a grant pursuant to this section.

7 (f) Except as explicitly set forth herein, nothing in this section
8 should be construed to alter or amend the program administration and
9 other requirements of the grant programs listed in paragraph (a) of this
10 subdivision.

11 3. Reporting. The empire state pre-kindergarten grant board shall,
12 annually on or before December first, prepare and submit an annual
13 report to the governor and the chair of the assembly ways and means
14 committee and the chair of the senate finance committee. Such report
15 shall contain at a minimum the following information: (i) a list of all
16 applications filed by any entity for a grant distributed by the pre-kin-
17 dergarten grant board, including the name of the applying entity, the
18 grant program applied for, and the amount of the grant requested; (ii) a
19 list of the applications granted by the board specifying the amount of
20 the grant approved if such amount is different from the amount applied
21 for; (iii) a statement showing the dollar amount of all grants approved
22 by the board and the dollar amount of the remaining available capacity
23 for future grants; and (iv) a statement showing the numbers of new full-
24 day slots, new half-day slots, and slots converted from half-day to
25 full-day as a result of such grants.

26 § 23. Subdivision 16 of section 3602-ee of the education law, as added
27 by section 1 of part CC of chapter 56 of the laws of 2014, is amended to
28 read as follows:

1 16. The authority of the department to administer the universal full-
2 day pre-kindergarten program shall expire June thirtieth, two thousand
3 [sixteen] seventeen; provided that the program shall continue and remain
4 in full effect.

5 § 24. Paragraph b of subdivision 6-c of section 3602 of the education
6 law, as added by chapter 1 of the laws of 2013, is amended to read as
7 follows:

8 b. For projects approved by the commissioner authorized to receive
9 additional building aid pursuant to this subdivision for the purchase of
10 stationary metal detectors, security cameras or other security devices
11 approved by the commissioner that increase the safety of students and
12 school personnel, provided that for purposes of this paragraph such
13 other security devices shall be limited to electronic security systems
14 and hardened doors, and provided that for projects approved by the
15 commissioner on or after the first day of July two thousand thirteen and
16 before the first day of July [two thousand sixteen] two thousand seven-
17 teen such additional aid shall equal the product of (i) the building aid
18 ratio computed for use in the current year pursuant to paragraph c of
19 subdivision six of this section plus ten percentage points, except that
20 in no case shall this amount exceed one hundred percent, and (ii) the
21 actual approved expenditures incurred in the base year pursuant to this
22 subdivision, provided that the limitations on cost allowances prescribed
23 by paragraph a of subdivision six of this section shall not apply, and
24 provided further that any projects aided under this paragraph must be
25 included in a district's school safety plan. The commissioner shall
26 annually prescribe a special cost allowance for metal detectors, and
27 security cameras, and the approved expenditures shall not exceed such
28 cost allowance.

1 § 25. Section 2 of chapter 552 of the laws of 1995 amending the educa-
2 tion law relating to contracts for the transportation of school chil-
3 dren, as amended by chapter 116 of the laws of 2013, is amended to read
4 as follows:

5 § 2. This act shall take effect on the first day of January next
6 succeeding the date on which it shall have become a law and shall remain
7 in full force and effect until January 1, [2017] 2020, when upon such
8 date the provisions of this act shall be deemed repealed.

9 § 26. Paragraph b of subdivision 2 of section 3612 of the education
10 law, as amended by section 8 of part A of chapter 56 of the laws of
11 2015, is amended to read as follows:

12 b. Such grants shall be awarded to school districts, within the limits
13 of funds appropriated therefor, through a competitive process that takes
14 into consideration the magnitude of any shortage of teachers in the
15 school district, the number of teachers employed in the school district
16 who hold temporary licenses to teach in the public schools of the state,
17 the number of provisionally certified teachers, the fiscal capacity and
18 geographic sparsity of the district, the number of new teachers the
19 school district intends to hire in the coming school year and the number
20 of summer in the city student internships proposed by an eligible school
21 district, if applicable. Grants provided pursuant to this section shall
22 be used only for the purposes enumerated in this section. Notwithstand-
23 ing any other provision of law to the contrary, a city school district
24 in a city having a population of one million or more inhabitants receiv-
25 ing a grant pursuant to this section may use no more than eighty percent
26 of such grant funds for any recruitment, retention and certification
27 costs associated with transitional certification of teacher candidates
28 for the school years two thousand one--two thousand two through [two

1 thousand fifteen--two thousand sixteen] two thousand sixteen--two thou-
2 sand seventeen.

3 § 27. Subdivision 6 of section 4402 of the education law, as amended
4 by section 9 of part A of chapter 56 of the laws of 2015, is amended to
5 read as follows:

6 6. Notwithstanding any other law, rule or regulation to the contrary,
7 the board of education of a city school district with a population of
8 one hundred twenty-five thousand or more inhabitants shall be permitted
9 to establish maximum class sizes for special classes for certain
10 students with disabilities in accordance with the provisions of this
11 subdivision. For the purpose of obtaining relief from any adverse fiscal
12 impact from under-utilization of special education resources due to low
13 student attendance in special education classes at the middle and
14 secondary level as determined by the commissioner, such boards of educa-
15 tion shall, during the school years nineteen hundred ninety-five--nine-
16 ty-six through June thirtieth, two thousand [sixteen] seventeen of the
17 [two thousand fifteen--two thousand sixteen] two thousand sixteen--two
18 thousand seventeen school year, be authorized to increase class sizes in
19 special classes containing students with disabilities whose age ranges
20 are equivalent to those of students in middle and secondary schools as
21 defined by the commissioner for purposes of this section by up to but
22 not to exceed one and two tenths times the applicable maximum class size
23 specified in regulations of the commissioner rounded up to the nearest
24 whole number, provided that in a city school district having a popu-
25 lation of one million or more, classes that have a maximum class size of
26 fifteen may be increased by no more than one student and provided that
27 the projected average class size shall not exceed the maximum specified
28 in the applicable regulation, provided that such authorization shall

1 terminate on June thirtieth, two thousand. Such authorization shall be
2 granted upon filing of a notice by such a board of education with the
3 commissioner stating the board's intention to increase such class sizes
4 and a certification that the board will conduct a study of attendance
5 problems at the secondary level and will implement a corrective action
6 plan to increase the rate of attendance of students in such classes to
7 at least the rate for students attending regular education classes in
8 secondary schools of the district. Such corrective action plan shall be
9 submitted for approval by the commissioner by a date during the school
10 year in which such board increases class sizes as provided pursuant to
11 this subdivision to be prescribed by the commissioner. Upon at least
12 thirty days notice to the board of education, after conclusion of the
13 school year in which such board increases class sizes as provided pursu-
14 ant to this subdivision, the commissioner shall be authorized to termi-
15 nate such authorization upon a finding that the board has failed to
16 develop or implement an approved corrective action plan.

17 § 28. Subdivision b of section 2 of chapter 756 of the laws of 1992,
18 relating to funding a program for work force education conducted by the
19 consortium for worker education in New York city, as amended by section
20 13 of part A of chapter 56 of the laws of 2015, is amended to read as
21 follows:

22 b. Reimbursement for programs approved in accordance with subdivision
23 a of this section for the 2012--2013 school year shall not exceed 63.3
24 percent of the lesser of such approvable costs per contact hour or
25 twelve dollars and thirty-five cents per contact hour, reimbursement for
26 the 2013--2014 school year shall not exceed 62.3 percent of the lesser
27 of such approvable costs per contact hour or twelve dollars and sixty-
28 five cents per contact hour, reimbursement for the 2014--2015 school

1 year shall not exceed 61.6 percent of the lesser of such approvable
2 costs per contact hour or thirteen dollars per contact hour, [and]
3 reimbursement for the 2015--2016 school year shall not exceed 60.7
4 percent of the lesser of such approvable costs per contact hour or thir-
5 teen dollars and forty cents per contact hour, and reimbursement for the
6 2016--2017 school year shall not exceed 60.3 percent of the lesser of
7 such approvable costs per contact hour or thirteen dollars eighty cents
8 per contact hour where a contact hour represents sixty minutes of
9 instruction services provided to an eligible adult. Notwithstanding any
10 other provision of law to the contrary, for the 2012--2013 school year
11 such contact hours shall not exceed one million six hundred sixty-four
12 thousand five hundred thirty-two (1,664,532) hours; whereas for the
13 2013--2014 school year such contact hours shall not exceed one million
14 six hundred forty-nine thousand seven hundred forty-six (1,649,746)
15 hours; whereas for the 2014--2015 school year such contact hours shall
16 not exceed one million six hundred twenty-five thousand (1,625,000)
17 hours; whereas for the 2015--2016 school year such contact hours shall
18 not exceed one million five hundred ninety-nine thousand fifteen
19 (1,599,015) hours; whereas for the 2016--2017 school year such contact
20 hours shall not exceed one million three hundred eighty-two thousand two
21 hundred eleven (1,382,211). Notwithstanding any other provision of law
22 to the contrary, the apportionment calculated for the city school
23 district of the city of New York pursuant to subdivision 11 of section
24 3602 of the education law shall be computed as if such contact hours
25 provided by the consortium for worker education, not to exceed the
26 contact hours set forth herein, were eligible for aid in accordance with
27 the provisions of such subdivision 11 of section 3602 of the education
28 law.

1 § 29. Section 4 of chapter 756 of the laws of 1992, relating to fund-
2 ing a program for work force education conducted by the consortium for
3 worker education in New York city, is amended by adding a new subdivi-
4 sion u to read as follows:

5 u. The provisions of this subdivision shall not apply after the
6 completion of payments for the 2016--2017 school year. Notwithstanding
7 any inconsistent provisions of law, the commissioner shall withhold a
8 portion of employment preparation education aid due to the city school
9 district of the city of New York to support a portion of the costs of
10 the work force education program. Such moneys shall be credited to the
11 elementary and secondary education fund local assistance account and
12 shall not exceed eleven million five hundred thousand dollars
13 (\$11,500,000).

14 § 30. Section 6 of chapter 756 of the laws of 1992, relating to fund-
15 ing a program for work force education conducted by the consortium for
16 worker education in New York city, as amended by section 15 of part A of
17 chapter 56 of the laws of 2015, is amended to read as follows:

18 § 6. This act shall take effect July 1, 1992, and shall be deemed
19 repealed on June 30, [2016] 2017.

20 § 31. Section 99-u of the state finance law, as added by section 2 of
21 part GG of chapter 59 of the laws of 2013, subdivision 2-a as added by
22 chapter 453 of the laws if 2015, is amended to read as follows:

23 § 99-u. New York state teen health education fund. 1. There is hereby
24 established in the joint custody of the state comptroller and commis-
25 sioner of taxation and finance a special [account] fund to be known as
26 the "New York state teen health education fund".

27 2. Such fund shall consist of all revenues received by the department
28 of taxation and finance, pursuant to the provisions of section six

1 hundred thirty-c of the tax law and all other moneys appropriated there-
2 to from any other fund or source pursuant to law. Nothing contained in
3 this section shall prevent the state from receiving grants, gifts or
4 bequests for the purposes of the fund as defined in this section and
5 depositing them into the fund according to law.

6 2-a. On or before the first day of February each year, the commission-
7 er of [health] education shall provide a written report to the temporary
8 president of the senate, speaker of the assembly, chair of the senate
9 finance committee, chair of the assembly ways and means committee, chair
10 of the senate committee on health, chair of the assembly health commit-
11 tee, the state comptroller and the public. Such report shall include how
12 the monies of the fund were utilized during the preceding calendar year,
13 and shall include:

14 (i) the amount of money dispersed from the fund and the award process
15 used for such disbursements;

16 (ii) recipients of awards from the fund;

17 (iii) the amount awarded to each;

18 (iv) the purposes for which such awards were granted; and

19 (v) a summary financial plan for such monies which shall include esti-
20 mates of all receipts and all disbursements for the current and succeed-
21 ing fiscal years, along with the actual results from the prior fiscal
22 year.

23 3. [The moneys in said account shall be retained by the fund and shall
24 be released by the commissioner of taxation and finance only upon
25 certificates signed by the commissioner of education or his or her
26 designee and only for the purposes set forth in this section.] Moneys
27 shall be payable from the fund on the audit and warrant of the comp-

1 troller on vouchers approved and certified by the commissioner of educa-
2 tion.

3 4. The moneys in such fund shall be expended for the purpose of
4 supplementing educational programs in schools for health and awareness
5 of issues facing teens today when it comes to their health. Eligible
6 health programs are those with an established curriculum providing
7 instruction on alcohol, tobacco and other drug abuse prevention, the
8 causes and problems associated with teen obesity, and for awareness of
9 the symptoms of teen endometriosis.

10 § 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
11 relating to certain provisions related to the 1994-95 state operations,
12 aid to localities, capital projects and debt service budgets, as amended
13 by section 16 of part A of chapter 56 of the laws of 2015, is amended to
14 read as follows:

15 1. Sections one through seventy of this act shall be deemed to have
16 been in full force and effect as of April 1, 1994 provided, however,
17 that sections one, two, twenty-four, twenty-five and twenty-seven
18 through seventy of this act shall expire and be deemed repealed on March
19 31, 2000; provided, however, that section twenty of this act shall apply
20 only to hearings commenced prior to September 1, 1994, and provided
21 further that section twenty-six of this act shall expire and be deemed
22 repealed on March 31, 1997; and provided further that sections four
23 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
24 twenty-one-a of this act shall expire and be deemed repealed on March
25 31, 1997; and provided further that sections three, fifteen, seventeen,
26 twenty, twenty-two and twenty-three of this act shall expire and be
27 deemed repealed on March 31, [2017] 2018.

1 § 33. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
2 of 1995, amending the education law and other laws relating to state aid
3 to school districts and the appropriation of funds for the support of
4 government, as amended by section 17 of part A of chapter 56 of the laws
5 of 2015, are amended to read as follows:

6 (22) sections one hundred twelve, one hundred thirteen, one hundred
7 fourteen, one hundred fifteen and one hundred sixteen of this act shall
8 take effect on July 1, 1995; provided, however, that section one hundred
9 thirteen of this act shall remain in full force and effect until July 1,
10 [2016] 2017 at which time it shall be deemed repealed;

11 (24) sections one hundred eighteen through one hundred thirty of this
12 act shall be deemed to have been in full force and effect on and after
13 July 1, 1995; provided further, however, that the amendments made pursu-
14 ant to section one hundred twenty-four of this act shall be deemed to be
15 repealed on and after July 1, [2016] 2017;

16 § 34. Section 12 of chapter 147 of the laws of 2001, amending the
17 education law relating to conditional appointment of school district,
18 charter school or BOCES employees, as amended by section 19 of part A of
19 chapter 56 of the laws of 2015, is amended to read as follows:

20 § 12. This act shall take effect on the same date as chapter 180 of
21 the laws of 2000 takes effect, and shall expire July 1, [2016] 2017 when
22 upon such date the provisions of this act shall be deemed repealed.

23 § 35. Section 4 of chapter 425 of the laws of 2002, amending the
24 education law relating to the provision of supplemental educational
25 services, attendance at a safe public school and the suspension of
26 pupils who bring a firearm to or possess a firearm at a school, as
27 amended by section 20 of part A of chapter 56 of the laws of 2015, is
28 amended to read as follows:

1 § 4. This act shall take effect July 1, 2002 and shall expire and be
2 deemed repealed June 30, [2016] 2017.

3 § 36. Section 5 of chapter 101 of the laws of 2003, amending the
4 education law relating to the implementation of the No Child Left Behind
5 Act of 2001, as amended by section 21 of part A of chapter 56 of the
6 laws of 2015, is amended to read as follows:

7 § 5. This act shall take effect immediately; provided that sections
8 one, two and three of this act shall expire and be deemed repealed on
9 June 30, [2016] 2017.

10 § 37. School bus driver training. In addition to apportionments other-
11 wise provided by section 3602 of the education law, for aid payable in
12 the 2016--2017 school year, the commissioner of education shall allocate
13 school bus driver training grants to school districts and boards of
14 cooperative educational services pursuant to sections 3650-a, 3650-b and
15 3650-c of the education law, or for contracts directly with not-for-pro-
16 fit educational organizations for the purposes of this section. Such
17 payments shall not exceed four hundred thousand dollars (\$400,000) per
18 school year.

19 § 38. Special apportionment for salary expenses. a. Notwithstanding
20 any other provision of law, upon application to the commissioner of
21 education, not sooner than the first day of the second full business
22 week of June 2017 and not later than the last day of the third full
23 business week of June 2017, a school district eligible for an apportion-
24 ment pursuant to section 3602 of the education law shall be eligible to
25 receive an apportionment pursuant to this section, for the school year
26 ending June 30, 2017, for salary expenses incurred between April 1 and
27 June 30, 2016 and such apportionment shall not exceed the sum of (i) the
28 deficit reduction assessment of 1990--1991 as determined by the commis-

1 sioner of education, pursuant to paragraph f of subdivision 1 of section
2 3602 of the education law, as in effect through June 30, 1993, plus (ii)
3 186 percent of such amount for a city school district in a city with a
4 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
5 such amount for a city school district in a city with a population of
6 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
7 ing to the latest federal census, plus (iv) the net gap elimination
8 adjustment for 2010--2011, as determined by the commissioner of educa-
9 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
10 nation adjustment for 2011--2012 as determined by the commissioner of
11 education pursuant to subdivision 17 of section 3602 of the education
12 law, and provided further that such apportionment shall not exceed such
13 salary expenses. Such application shall be made by a school district,
14 after the board of education or trustees have adopted a resolution to do
15 so and in the case of a city school district in a city with a population
16 in excess of 125,000 inhabitants, with the approval of the mayor of such
17 city.

18 b. The claim for an apportionment to be paid to a school district
19 pursuant to subdivision a of this section shall be submitted to the
20 commissioner of education on a form prescribed for such purpose, and
21 shall be payable upon determination by such commissioner that the form
22 has been submitted as prescribed. Such approved amounts shall be payable
23 on the same day in September of the school year following the year in
24 which application was made as funds provided pursuant to subparagraph
25 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
26 law, on the audit and warrant of the state comptroller on vouchers
27 certified or approved by the commissioner of education in the manner
28 prescribed by law from moneys in the state lottery fund and from the

1 general fund to the extent that the amount paid to a school district
2 pursuant to this section exceeds the amount, if any, due such school
3 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
4 section 3609-a of the education law in the school year following the
5 year in which application was made.

6 c. Notwithstanding the provisions of section 3609-a of the education
7 law, an amount equal to the amount paid to a school district pursuant to
8 subdivisions a and b of this section shall first be deducted from the
9 following payments due the school district during the school year
10 following the year in which application was made pursuant to subpara-
11 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
12 section 3609-a of the education law in the following order: the lottery
13 apportionment payable pursuant to subparagraph (2) of such paragraph
14 followed by the fixed fall payments payable pursuant to subparagraph (4)
15 of such paragraph and then followed by the district's payments to the
16 teachers' retirement system pursuant to subparagraph (1) of such para-
17 graph, and any remainder to be deducted from the individualized payments
18 due the district pursuant to paragraph b of such subdivision shall be
19 deducted on a chronological basis starting with the earliest payment due
20 the district.

21 § 39. Special apportionment for public pension accruals. a. Notwith-
22 standing any other provision of law, upon application to the commission-
23 er of education, not later than June 30, 2017, a school district eligi-
24 ble for an apportionment pursuant to section 3602 of the education law
25 shall be eligible to receive an apportionment pursuant to this section,
26 for the school year ending June 30, 2017 and such apportionment shall
27 not exceed the additional accruals required to be made by school
28 districts in the 2004--2005 and 2005--2006 school years associated with

1 changes for such public pension liabilities. The amount of such addi-
2 tional accrual shall be certified to the commissioner of education by
3 the president of the board of education or the trustees or, in the case
4 of a city school district in a city with a population in excess of
5 125,000 inhabitants, the mayor of such city. Such application shall be
6 made by a school district, after the board of education or trustees have
7 adopted a resolution to do so and in the case of a city school district
8 in a city with a population in excess of 125,000 inhabitants, with the
9 approval of the mayor of such city.

10 b. The claim for an apportionment to be paid to a school district
11 pursuant to subdivision a of this section shall be submitted to the
12 commissioner of education on a form prescribed for such purpose, and
13 shall be payable upon determination by such commissioner that the form
14 has been submitted as prescribed. Such approved amounts shall be payable
15 on the same day in September of the school year following the year in
16 which application was made as funds provided pursuant to subparagraph
17 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
18 law, on the audit and warrant of the state comptroller on vouchers
19 certified or approved by the commissioner of education in the manner
20 prescribed by law from moneys in the state lottery fund and from the
21 general fund to the extent that the amount paid to a school district
22 pursuant to this section exceeds the amount, if any, due such school
23 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
24 section 3609-a of the education law in the school year following the
25 year in which application was made.

26 c. Notwithstanding the provisions of section 3609-a of the education
27 law, an amount equal to the amount paid to a school district pursuant to
28 subdivisions a and b of this section shall first be deducted from the

1 following payments due the school district during the school year
2 following the year in which application was made pursuant to subpara-
3 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
4 section 3609-a of the education law in the following order: the lottery
5 apportionment payable pursuant to subparagraph (2) of such paragraph
6 followed by the fixed fall payments payable pursuant to subparagraph (4)
7 of such paragraph and then followed by the district's payments to the
8 teachers' retirement system pursuant to subparagraph (1) of such para-
9 graph, and any remainder to be deducted from the individualized payments
10 due the district pursuant to paragraph b of such subdivision shall be
11 deducted on a chronological basis starting with the earliest payment due
12 the district.

13 § 40. a. Notwithstanding any other law, rule or regulation to the
14 contrary, any moneys appropriated to the state education department may
15 be suballocated to other state departments or agencies, as needed, to
16 accomplish the intent of the specific appropriations contained therein.

17 b. Notwithstanding any other law, rule or regulation to the contrary,
18 moneys appropriated to the state education department from the general
19 fund/aid to localities, local assistance account-001, shall be for
20 payment of financial assistance, as scheduled, net of disallowances,
21 refunds, reimbursement and credits.

22 c. Notwithstanding any other law, rule or regulation to the contrary,
23 all moneys appropriated to the state education department for aid to
24 localities shall be available for payment of aid heretofore or hereafter
25 to accrue and may be suballocated to other departments and agencies to
26 accomplish the intent of the specific appropriations contained therein.

27 d. Notwithstanding any other law, rule or regulation to the contrary,
28 moneys appropriated to the state education department for general

1 support for public schools may be interchanged with any other item of
2 appropriation for general support for public schools within the general
3 fund local assistance account office of prekindergarten through grade
4 twelve education programs.

5 § 41. Notwithstanding the provision of any law, rule, or regulation to
6 the contrary, the city school district of the city of Rochester, upon
7 the consent of the board of cooperative educational services of the
8 supervisory district serving its geographic region may purchase from
9 such board for the 2016--2017 school year, as a non-component school
10 district, services required by article 19 of the education law.

11 § 42. The amounts specified in this section shall be a set aside from
12 the state funds which each such district is receiving from the total
13 foundation aid: for the purpose of the development, maintenance or
14 expansion of magnet schools or magnet school programs for the 2016--2017
15 school year. To the city school district of the city of New York there
16 shall be paid forty-eight million one hundred seventy-five thousand
17 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
18 for the Andrew Jackson High School; to the Buffalo city school district,
19 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
20 Rochester city school district, fifteen million dollars (\$15,000,000);
21 to the Syracuse city school district, thirteen million dollars
22 (\$13,000,000); to the Yonkers city school district, forty-nine million
23 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
24 district, four million six hundred forty-five thousand dollars
25 (\$4,645,000); to the Poughkeepsie city school district, two million four
26 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
27 city school district, two million dollars (\$2,000,000); to the New
28 Rochelle city school district, one million four hundred ten thousand

1 dollars (\$1,410,000); to the Schenectady city school district, one
2 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
3 city school district, one million one hundred fifty thousand dollars
4 (\$1,150,000); to the White Plains city school district, nine hundred
5 thousand dollars (\$900,000); to the Niagara Falls city school district,
6 six hundred thousand dollars (\$600,000); to the Albany city school
7 district, three million five hundred fifty thousand dollars
8 (\$3,550,000); to the Utica city school district, two million dollars
9 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
10 thousand dollars (\$566,000); to the Middletown city school district,
11 four hundred thousand dollars (\$400,000); to the Freeport union free
12 school district, four hundred thousand dollars (\$400,000); to the Green-
13 burgh central school district, three hundred thousand dollars
14 (\$300,000); to the Amsterdam city school district, eight hundred thou-
15 sand dollars (\$800,000); to the Peekskill city school district, two
16 hundred thousand dollars (\$200,000); and to the Hudson city school
17 district, four hundred thousand dollars (\$400,000). Notwithstanding the
18 provisions of this section, a school district receiving a grant pursuant
19 to this section may use such grant funds for: (i) any instructional or
20 instructional support costs associated with the operation of a magnet
21 school; or (ii) any instructional or instructional support costs associ-
22 ated with implementation of an alternative approach to reduction of
23 racial isolation and/or enhancement of the instructional program and
24 raising of standards in elementary and secondary schools of school
25 districts having substantial concentrations of minority students. The
26 commissioner of education shall not be authorized to withhold magnet
27 grant funds from a school district that used such funds in accordance
28 with this section, notwithstanding any inconsistency with a request for

1 proposals issued by such commissioner. For the purpose of attendance
2 improvement and dropout prevention for the 2016--2017 school year, for
3 any city school district in a city having a population of more than one
4 million, the set aside for attendance improvement and dropout prevention
5 shall equal the amount set aside in the base year. For the 2016--2017
6 school year, it is further provided that any city school district in a
7 city having a population of more than one million shall allocate at
8 least one-third of any increase from base year levels in funds set aside
9 pursuant to the requirements of this section to community-based organ-
10 izations. Any increase required pursuant to this section to community-
11 based organizations must be in addition to allocations provided to
12 community-based organizations in the base year. For the purpose of
13 teacher support for the 2016--2017 school year: to the city school
14 district of the city of New York, sixty-two million seven hundred seven
15 thousand dollars (\$62,707,000); to the Buffalo city school district, one
16 million seven hundred forty-one thousand dollars (\$1,741,000); to the
17 Rochester city school district, one million seventy-six thousand dollars
18 (\$1,076,000); to the Yonkers city school district, one million one
19 hundred forty-seven thousand dollars (\$1,147,000); and to the Syracuse
20 city school district, eight hundred nine thousand dollars (\$809,000).
21 All funds made available to a school district pursuant to this section
22 shall be distributed among teachers including prekindergarten teachers
23 and teachers of adult vocational and academic subjects in accordance
24 with this section and shall be in addition to salaries heretofore or
25 hereafter negotiated or made available; provided, however, that all
26 funds distributed pursuant to this section for the current year shall be
27 deemed to incorporate all funds distributed pursuant to former subdivi-
28 sion 27 of section 3602 of the education law for prior years. In school

1 districts where the teachers are represented by certified or recognized
2 employee organizations, all salary increases funded pursuant to this
3 section shall be determined by separate collective negotiations
4 conducted pursuant to the provisions and procedures of article 14 of the
5 civil service law, notwithstanding the existence of a negotiated agree-
6 ment between a school district and a certified or recognized employee
7 organization.

8 § 43. Support of public libraries. The moneys appropriated for the
9 support of public libraries by a chapter of the laws of 2016 enacting
10 the aid to localities budget shall be apportioned for the 2016-2017
11 state fiscal year in accordance with the provisions of sections 271,
12 272, 273, 282, 284, and 285 of the education law as amended by the
13 provisions of this chapter and the provisions of this section, provided
14 that library construction aid pursuant to section 273-a of the education
15 law shall not be payable from the appropriations for the support of
16 public libraries and provided further that no library, library system or
17 program, as defined by the commissioner of education, shall receive less
18 total system or program aid than it received for the year 2001-2002
19 except as a result of a reduction adjustment necessary to conform to the
20 appropriations for support of public libraries. Notwithstanding any
21 other provision of law to the contrary the moneys appropriated for the
22 support of public libraries for the year 2016-2017 by a chapter of the
23 laws of 2016 enacting the education, labor and family assistance budget
24 shall fulfill the state's obligation to provide such aid and, pursuant
25 to a plan developed by the commissioner of education and approved by the
26 director of the budget, the aid payable to libraries and library systems
27 pursuant to such appropriations shall be reduced proportionately to

1 assure that the total amount of aid payable does not exceed the total
2 appropriations for such purpose.

3 § 44. Severability. The provisions of this act shall be severable, and
4 if the application of any clause, sentence, paragraph, subdivision,
5 section or part of this act to any person or circumstance shall be
6 adjudged by any court of competent jurisdiction to be invalid, such
7 judgment shall not necessarily affect, impair or invalidate the applica-
8 tion of any such clause, sentence, paragraph, subdivision, section, part
9 of this act or remainder thereof, as the case may be, to any other
10 person or circumstance, but shall be confined in its operation to the
11 clause, sentence, paragraph, subdivision, section or part thereof
12 directly involved in the controversy in which such judgment shall have
13 been rendered.

14 § 45. This act shall take effect immediately, and shall be deemed to
15 have been in full force and effect on and after April 1, 2016, provided,
16 however, that:

17 1. Sections one, six, seven, eight, nine, ten, twenty-six, twenty-sev-
18 en, twenty-eight, twenty-nine, thirty-seven, forty-one and forty-two of
19 this act shall take effect July 1, 2016.

20 2. The amendments to paragraph b-1 of subdivision 4 of section 3602 of
21 the education law made by section seven of this act shall not affect the
22 expiration of such paragraph and shall be deemed to expire therewith.

23 3. The amendments to subdivision 1 of section 2856 of the education
24 law made by section twelve of this act shall be subject to the expira-
25 tion and reversion of such subdivision pursuant to subdivision d of
26 section 27 of chapter 378 of the laws of 2007, as amended, when upon
27 such date the provisions of section thirteen of this act shall take
28 effect.

1 4. The amendments to chapter 756 of the laws of 1992, amending the
2 education law relating to funding a program for work force education
3 conducted by a consortium for worker education in New York City made by
4 sections twwnnty-eight and twenty-nine of this act shall not affect the
5 repeal of such chapter and shall be deemed repealed therewith.

6 5. Section thirty-three of this act shall take effect immediately and
7 shall be deemed to have been in full force and effect on and after the
8 effective date of section 140 of chapter 82 of the laws of 1995.

9 PART B

10 Section 1. Section 2801-a of the education law, as added by chapter
11 181 of the laws of 2000, subdivision 1 as amended by chapter 380 of the
12 laws of 2001, is amended to read as follows:

13 § 2801-a. School safety plans. 1. The board of education or trustees,
14 as defined in section two of this chapter, of every school district
15 within the state, however created, and every board of cooperative educa-
16 tional services and county vocational education and extension board and
17 the chancellor of the city school district of the city of New York shall
18 adopt and amend a comprehensive district-wide school safety plan and
19 building-level [school safety] emergency response plans regarding crisis
20 intervention, emergency response and management, provided that in the
21 city school district of the city of New York, such plans shall be
22 adopted by the chancellor of the city school district. Such plans shall
23 be developed by a district-wide school safety team and a building-level
24 school safety team established pursuant to subdivision four of this
25 section and shall be in a form developed by the commissioner in consul-
26 tation with the division of criminal justice services, the superinten-

1 dent of the state police and any other appropriate state agencies. [A
2 school district having only one school building, shall develop a single
3 building-level school safety plan, which shall also fulfill all require-
4 ments for development of a district-wide plan.]

5 2. Such comprehensive district-wide safety plan shall be developed by
6 the district-wide school safety team and shall include at a minimum:

7 a. policies and procedures for responding to implied or direct threats
8 of violence by students, teachers, other school personnel as well as
9 visitors to the school;

10 b. policies and procedures for responding to acts of violence by
11 students, teachers, other school personnel as well as visitors to the
12 school, including consideration of zero-tolerance policies for school
13 violence;

14 c. appropriate prevention and intervention strategies such as:

15 (i) collaborative arrangements with state and local law enforcement
16 officials, designed to ensure that school safety officers and other
17 security personnel are adequately trained, including being trained to
18 de-escalate potentially violent situations, and are effectively and
19 fairly recruited;

20 (ii) non-violent conflict resolution training programs;

21 (iii) peer mediation programs and youth courts; and

22 (iv) extended day and other school safety programs;

23 d. policies and procedures for contacting appropriate law enforcement
24 officials in the event of a violent incident;

25 e. policies and procedures for contacting parents, guardians or
26 persons in parental relation to the students of the district in the
27 event of a violent incident;

1 f. policies and procedures relating to school building security,
2 including where appropriate the use of school safety officers and/or
3 security devices or procedures;

4 g. policies and procedures for the dissemination of informative mate-
5 rials regarding the early detection of potentially violent behaviors,
6 including but not limited to the identification of family, community and
7 environmental factors, to teachers, administrators, school personnel,
8 persons in parental relation to students of the district, students and
9 other persons deemed appropriate to receive such information;

10 h. policies and procedures for annual school safety training for staff
11 and students; provided that the district must certify to the commission-
12 er that all staff have undergone annual training on the emergency
13 response plan by September fifteenth of each school year or within ten
14 days of hire, and that the school safety training include components on
15 violence prevention and mental health;

16 i. protocols for responding to bomb threats, hostage-takings, intru-
17 sions and kidnappings;

18 j. strategies for improving communication among students and between
19 students and staff and reporting of potentially violent incidents, such
20 as the establishment of youth-run programs, peer mediation, conflict
21 resolution, creating a forum or designating a mentor for students
22 concerned with bullying or violence and establishing anonymous reporting
23 mechanisms for school violence; [and]

24 k. a description of the duties of hall monitors and any other school
25 safety personnel, the training required of all personnel acting in a
26 school security capacity, and the hiring and screening process for all
27 personnel acting in a school security capacity; and

1 1. the designation of the superintendent, or superintendent's desig-
2 nee, as the district chief emergency officer responsible for coordinat-
3 ing communication between school staff and law enforcement and first
4 responders, and ensuring staff understanding of the district-level safe-
5 ty plan. The chief emergency officer shall also be responsible for
6 ensuring the completion and yearly updating of building-level emergency
7 response plans.

8 3. A school emergency response plan, developed by the building-level
9 school safety team defined in subdivision four of this section, shall be
10 kept confidential, including but not limited to the floor plans, blue-
11 prints, schematics or other maps of the school interior, schools grounds
12 and road maps of the immediate surrounding area, and shall not be
13 disclosed except to authorized department or school staff, and law
14 enforcement officers, and shall include the following elements:

15 a. policies and procedures for [the safe evacuation of students,
16 teachers, other school personnel as well as visitors to the school in
17 the event of a serious violent incident or other emergency, which shall
18 include evacuation routes and shelter sites and procedures for address-
19 ing medical needs, transportation and emergency notification to persons
20 in parental relation to a student. For purposes of this subdivision,
21 "serious violent incident" means an incident of violent criminal conduct
22 that is, or appears to be, life threatening and warrants the evacuation
23 of students and/or staff, as defined in regulations of the commissioner
24 developed in conjunction with the division of criminal justice services]
25 response to emergency situations, such as those requiring evacuation,
26 sheltering, and lock-down. These policies shall include, at a minimum
27 evacuation routes, shelter sites, and procedures for addressing medical

1 needs, transportation and emergency notification of parents and guardi-
2 ans;

3 b. designation of an emergency response team comprised of school
4 personnel, [local] law enforcement officials, fire officials and repre-
5 sentatives from local regional and/or state emergency response agencies,
6 other appropriate incident response teams, and a post-incident response
7 team that includes appropriate school personnel, medical personnel,
8 mental health counselors and others who can assist the school community
9 in coping with the aftermath of a violent incident;

10 c. [procedures for assuring that crisis response and law enforcement
11 officials have access to] floor plans, blueprints, schematics or other
12 maps of the school interior, school grounds and road maps of the immedi-
13 ate surrounding area;

14 d. establishment of internal and external communication systems in
15 emergencies;

16 e. definition of the chain of command in a manner consistent with the
17 national interagency incident management system/incident command system;

18 f. coordination of the school safety plan with the state-wide plan for
19 disaster mental health services to assure that the school has access to
20 federal, state and local mental health resources in the event of a
21 violent incident;

22 g. procedures for review and the conduct of drills and other exercises
23 to test components of the emergency response plan; and

24 h. policies and procedures for securing and restricting access to the
25 crime scene in order to preserve evidence in cases of violent crimes on
26 school property.

27 4. Each district-wide school safety team shall be appointed by the
28 board of education, or the chancellor in the case of the city school

1 district of the city of New York, and shall include but not be limited
2 to representatives of the school board, [student,] teacher, administra-
3 tor, and parent organizations, school safety personnel, and other school
4 personnel. Each building-level school safety team shall be appointed by
5 the building principal, in accordance with regulations or guidelines
6 prescribed by the board of education, chancellor or other governing
7 body. Such building-level teams shall include but not be limited to
8 representatives of teacher, administrator, and parent organizations,
9 school safety personnel and other school personnel, community members,
10 [local] law enforcement officials, [local ambulance] fire officials or
11 other emergency response agencies, and any other representatives the
12 board of education, chancellor or other governing body deems appropri-
13 ate.

14 5. [Each safety plan shall be reviewed by the appropriate school safe-
15 ty team on at least an annual basis, and updated as needed] The
16 district-wide safety plan and building-level emergency response plans
17 shall be reviewed by the appropriate team on at least an annual basis
18 and updated as needed.

19 6. Each board of education, chancellor or other governing body shall
20 make each district-wide [and building-level school] safety plan avail-
21 able for public comment at least thirty days prior to its adoption[,
22 provided that only a summary of each building-level emergency response
23 plan shall be made available for public comment]. Such district-wide
24 [and building-level] plans may be adopted by the school board only after
25 at least one public hearing that provides for the participation of
26 school personnel, parents, students and any other interested parties.
27 Each district shall file a copy of its district-wide [comprehensive]
28 safety plan with the commissioner and all amendments to such plan shall

1 be filed with the commissioner no later than thirty days after their
2 adoption.

3 [A] 7. Each board of education, chancellor or other governing body or
4 officer shall ensure a copy of each building-level [safety] emergency
5 response plan and any amendments thereto, shall be filed with the appro-
6 priate local law enforcement agency and with the state police within
7 thirty days of its adoption. Building-level emergency response plans
8 shall be confidential and shall not be subject to disclosure under arti-
9 cle six of the public officers law or any other provision of law. If the
10 board of education, chancellor or other governing body or chancellor
11 fails to file such plan as required by this section, the commissioner
12 may, in an amount determined by the commissioner, withhold public money
13 from the district until the district is in compliance.

14 [7. The commissioner may grant a waiver of the requirements of this
15 section to any school district or board of cooperative educational
16 services for a period of up to two years from the date of enactment upon
17 a finding by the commissioner that such district had adopted a compre-
18 hensive school safety plan on the effective date of this section which
19 is in substantial compliance with the requirements of this section.]

20 8. The commissioner shall annually report to the governor and the
21 legislature on the implementation and compliance with the provisions of
22 this section.

23 9. Whenever it shall have been demonstrated to the satisfaction of the
24 commissioner that a school district has failed to adopt a code of
25 conduct which fully satisfies the requirements of section twenty-eight
26 hundred one of this article, or a [school safety plan] district-wide
27 safety plan or building-level emergency response plans which satisfies
28 the requirements of this section, or to faithfully and completely imple-

1 ment [either or both] all three, the commissioner may, on thirty days
2 notice to the district, withhold from the district monies to be paid to
3 such district for the current school year pursuant to section thirty-six
4 hundred nine-a of this chapter, exclusive of monies to be paid in
5 respect of obligations to the retirement systems for school and district
6 staff and pursuant to collective bargaining agreements, or the commis-
7 sioner may direct the district to expend up to such amount upon the
8 development and implementation of a code of conduct and a school
9 district safety plan as required by such sections. Prior to such with-
10 holding or redirection, the commissioner shall provide the district an
11 opportunity to present evidence of extenuating circumstances; when
12 combined with evidence that the district shall promptly comply within
13 short time frames that shall be established by the commissioner as part
14 of an agreement between the district and the commissioner, the commis-
15 sioner may temporarily stay the withholding or redirection of funds
16 pending implementation of such agreement. If the district promptly and
17 fully complies with the agreement and is in full compliance with this
18 section and section twenty-eight hundred one of this article, the
19 commissioner shall abate the withholding in its entirety. Any failure to
20 meet the obligations of the compliance agreement by the district within
21 the time frames established shall be considered a willful violation of a
22 commissioner's order by the members of the district board for purposes
23 of subdivision one of section three hundred six of the education law.
24 Notwithstanding any other law, rule or regulation, such transfer shall
25 take effect upon filing of a notice thereof with the director of the
26 budget and the chairs of the senate finance and assembly ways and means
27 committees.

1 § 2. The section heading and subdivisions 1 and 1-a of section 807 of
2 the education law, the section heading as amended by chapter 765 of the
3 laws of 1964, subdivision 1 as amended by chapter 143 of the laws of
4 1985 and subdivision 1-a as added by chapter 9 of the laws of 1991, are
5 amended to read as follows:

6 Fire and emergency drills. 1. It shall be the duty of the principal
7 or other person in charge of every public or private school or educa-
8 tional institution within the state, other than colleges or universi-
9 ties, to instruct and train the pupils by means of drills, so that they
10 may in a sudden emergency be able to [leave the school building] respond
11 appropriately in the shortest possible time and without confusion or
12 panic. Such drills [or rapid dismissals] shall be held at least twelve
13 times in each school year, eight of which required drills shall be held
14 between September first and December [first] thirty-first of each such
15 year. [At least one-third of all such required drills shall be through
16 use of the fire escapes on buildings where fire escapes are provided. In
17 the course of at least one such drill, pupils shall be instructed in the
18 procedure to be followed in the event that a fire occurs during lunch
19 period, provided however, that such additional instruction may be waived
20 where a drill is held during the regular school lunch period. At least
21 four] Eight of all such drills shall be evacuation drills, four of which
22 shall be through use of the fire escapes on buildings where fire escapes
23 are provided or through the use of identified secondary means of egress.
24 Four of all such required drills shall be lock-down drills. Drills
25 shall be conducted at different times of the school day with at least
26 one of the eight required evacuation drills occurring during a mass
27 gathering event such as lunch or assemblies. Four additional drills
28 shall be held in each school year during the hours after sunset and

1 before sunrise in school buildings in which students are provided with
2 sleeping accommodations. At least two additional drills shall be held
3 during summer school in buildings where summer school is conducted, and
4 one of such drills shall be held during the first week of summer school.

5 1-a. In the case of after-school programs, events or performances
6 which are conducted within a school building and which include persons
7 who do not regularly attend classes in such school building, the princi-
8 pal or other person in charge of the building shall require the teacher
9 or person in charge of such after-school program, event or performance
10 to notify persons in attendance at the beginning of each such program,
11 event or performance, of the procedures to be followed in the event of
12 an emergency so that they may be able to [leave the building] respond in
13 a timely, orderly manner.

14 § 3. Subdivision 7 of section 3604 of the education law, as amended by
15 section 31 of part B of chapter 57 of the laws of 2007, is amended to
16 read as follows:

17 7. No district shall be entitled to any portion of such school moneys
18 on such apportionment unless the report of the trustees or board of
19 education for the preceding school year shall show that the public
20 schools were actually in session in the district and taught by a quali-
21 fied teacher or by successive qualified teachers or by qualified teach-
22 ers for not less than one hundred eighty days. The moneys payable to a
23 school district pursuant to section thirty-six hundred nine-a of this
24 chapter in the current year shall be reduced by one one-hundred eight-
25 ieth of the district's total foundation aid for each day less than one
26 hundred eighty days that the schools of the district were actually in
27 session, except that the commissioner may disregard such reduction, up
28 to five days, in the apportionment of public money, if he finds that the

1 schools of the district were not in session for one hundred eighty days
2 because of extraordinarily adverse weather conditions, impairment of
3 heating facilities, insufficiency of water supply, shortage of fuel,
4 lack of electricity, natural gas leakage, unacceptable levels of chemi-
5 cal substances, a credible threat to student safety as reasonably deter-
6 mined by a lead school official or the destruction of a school building
7 either in whole or in part, and if, further, the commissioner finds that
8 such district cannot make up such days of instruction by using for the
9 secondary grades all scheduled vacation days which occur prior to the
10 first scheduled regents examination day in June, and for the elementary
11 grades all scheduled vacation days which occur prior to the last sched-
12 uled regents examination day in June. For the purposes of this subdivi-
13 sion, "scheduled vacation days" shall mean days on which the schools of
14 the district are not in session and for which no prohibition exists in
15 subdivision eight of this section for them to be in session.

16 § 4. This act shall take effect July 1, 2016.

17 PART C

18 Section 1. Subparagraphs a and b of paragraph 2 of subdivision A of
19 section 6221 of the education law, as added by chapter 305 of the laws
20 of 1979, is amended to read as follows:

21 a. Notwithstanding any other provision of law, the city of New York
22 shall appropriate in its expense budget and pay to the account of the
23 senior colleges of the city university of New York as operating aid
24 amounts in accordance with the following schedule:

25 (i) For the twelve-month period commencing July first, nineteen
26 hundred seventy-nine, an amount equal to the lesser of fifty-eight

1 million, three hundred ninety-three thousand dollars (\$58,393,000) or
2 twenty-five per centum of the net operating expenses of such senior
3 college programs and services, as certified by the comptroller of the
4 state of New York to be properly chargeable to such twelve-month period;

5 (ii) For the twelve-month period commencing July first, nineteen
6 hundred eighty, an amount equal to eighty per centum of the amount spec-
7 ified in (i) of subparagraph a of this paragraph.

8 (iii) For the twelve-month period commencing July first, nineteen
9 hundred eighty-one, an amount equal to forty per centum of the amount
10 specified in (i) of subparagraph a of this paragraph.

11 [b.] (iv) For the [twelve-month] period commencing July first, nine-
12 teen hundred eighty-two and [thereafter] ending June thirtieth, two
13 thousand sixteen, the city of New York shall not be required to make any
14 appropriation in support of the net operating expenses of the programs
15 and services of the senior colleges of the city university.

16 (v) For the twelve-month period commencing July first, two thousand
17 sixteen and for each twelve month period thereafter, an amount equal to
18 thirty per centum of the net operating expenses of the approved programs
19 and services of the senior colleges, plus an additional amount equal to
20 thirty per centum of the city university senior college debt service and
21 capital construction administrative expense for the twelve-month period
22 first beginning April first, two thousand fourteen and for each twelve-
23 month period thereafter as certified by the director of the budget to be
24 properly chargeable to such twelve-month period.

25 § 2. Subparagraph c of paragraph 2 of subdivision A of section 6221 of
26 the education law is relettered subparagraph b.

27 § 3. Subparagraph d of paragraph 2 of subdivision A of section 6221 of
28 the education law is relettered subparagraph c.

1 § 4. Subparagraph e of paragraph 2 of subdivision A of section 6221 of
2 the education law, as added by chapter 815 of the laws of 1980 and the
3 opening paragraph and item (iii) as amended by chapter 87 of the laws of
4 2002, is amended to read as follows:

5 [e.] d. In addition to the amounts specified in subparagraph a of this
6 paragraph [and notwithstanding the provisions of subparagraph b of this
7 paragraph], the city of New York shall appropriate in its expense budget
8 and pay to the account of the senior colleges of the city university of
9 New York as the city's share of operating aid for the college of Staten
10 Island and New York city college of technology amounts in accordance
11 with the following schedule:

12 (i) For the twelve month period commencing July first, nineteen
13 hundred eighty, an amount that shall equal four million, one hundred
14 thousand dollars (\$4,100,000).

15 (ii) For the twelve month period commencing July first, nineteen
16 hundred eighty-one, an amount equal to one-half of the amount specified
17 in clause (i) of this subparagraph.

18 (iii) For the [twelve month] period commencing July first, nineteen
19 hundred eighty-two, and [thereafter] ending June thirtieth, two thousand
20 sixteen the city of New York shall not be required to make any appropri-
21 ation for operating aid for the college of Staten Island and New York
22 city college of technology.

23 § 5. Paragraph 4 of subdivision A of section 6221 of the education
24 law, as added by chapter 305 of the law of 1979, is amended to read as
25 follows:

26 4. [Commencing] Notwithstanding the provision of any law, rule or
27 regulation to the contrary, (a) commencing with the twelve-month period
28 beginning July first, nineteen hundred eighty-two and [thereafter]

1 ending June thirtieth, two thousand sixteen, the state shall reimburse
2 to the city of New York one hundred per centum of the net operating
3 expenses of the approved programs and services of the senior
4 colleges[.]; and

5 (b) commencing with the twelve-month period beginning July first, two
6 thousand sixteen and for each twelve-month period thereafter, the state
7 shall reimburse to the city of New York seventy per centum of the net
8 operating expenses of the approved programs and services of the senior
9 colleges less an additional amount equal to thirty per centum of the
10 city university senior college debt service and capital construction
11 administrative expense for the twelve-month period first beginning April
12 first, two thousand fourteen and for each twelve month period thereafter
13 as certified by the director of the budget to be properly chargeable to
14 such twelve-month period.

15 § 6. Subdivision D of section 6221 of the education law, as added by
16 chapter 815 of the laws of 1980 and as relettered by chapter 585 of the
17 laws of 1988, is amended to read as follows:

18 D. College of Staten Island. Notwithstanding the designation of the
19 college of Staten Island as a senior college:

20 (i) the city of New York shall annually appropriate in its expense
21 budget and pay to the city university of New York, as operating aid in
22 support of the programs and services of the college of Staten Island, an
23 amount for each full-time equivalent student in the associate degree
24 program of the college equal to the amount the city of New York is
25 appropriating and paying for each full-time equivalent student in the
26 community colleges;

27 (ii) and the state of New York shall annually appropriate and pay to
28 the city university of New York an amount equal to [the net operating]

1 its share of expenses of the college of Staten Island less the amount
2 payable by the city of New York pursuant to this [subdivision] section.
3 Such state of New York payment shall be made in four installments on or
4 before April twenty-fifth, June twenty-fifth, October twenty-fifth and
5 January twenty-fifth. The amount to be paid by the city of New York
6 pursuant to this subdivision shall be determined by the state director
7 of the budget, based upon information submitted by the mayor in such
8 form and content and at such time as may be [required] required by the
9 state director of the budget.

10 § 7. Subdivision E of section 6221 of the education law, as added by
11 chapter 170 of the laws of 1994, paragraph (i) as amended by section 2
12 and paragraph (ii) as renumbered by section 3 of part HH of chapter 57
13 of the laws of 2009, is amended to read as follows:

14 E. Medgar Evers college. Notwithstanding the designation of Medgar
15 Evers college as a senior college:

16 (i) in addition to the amounts specified in subparagraph e of para-
17 graph two of subdivision A of this section, the city of New York shall
18 annually appropriate in its expense budget and pay to the city universi-
19 ty of New York as operating aid in support of the programs and services,
20 an amount for each full-time equivalent student in the associate degree
21 program of the college equal to the amount the city of New York is
22 appropriating and paying for each full-time equivalent student in the
23 community colleges; and

24 (ii) the state of New York shall annually appropriate and pay to the
25 city of New York on behalf of the city university of New York an amount
26 equal to [the net operating] its share of expenses of Medgar Evers
27 college less the amount payable by the city of New York pursuant to this
28 [subdivision] section. Such state of New York payment shall be made in

1 four installments on or before April twenty-fifth, June twenty-fifth,
2 October twenty-fifth and February twenty-fifth. The amount to be paid by
3 the city of New York pursuant to this subdivision shall be determined by
4 the state director of the budget, based upon information submitted by
5 the mayor in such form and content and at such time as may be required
6 by the state director of the budget.

7 § 8. This act shall take effect immediately.

8 PART D

9 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
10 355 of the education law, as amended by chapter 260 of the laws of 2011,
11 the opening paragraph as amended by chapter 437 of the laws of 2015 and
12 clause (ii) as amended by section 1 of part P of chapter 57 of the laws
13 of 2012, is amended to read as follows:

14 (4) The trustees shall not impose a differential tuition charge based
15 upon need or income. Except as hereinafter provided, all students
16 enrolled in programs leading to like degrees at state-operated insti-
17 tutions of the state university shall be charged a uniform rate of
18 tuition except for differential tuition rates based on state residency.
19 Provided, however, that the trustees may authorize the presidents of the
20 colleges of technology and the colleges of agriculture and technology to
21 set differing rates of tuition for each of the colleges for students
22 enrolled in degree-granting programs leading to an associate degree and
23 non-degree granting programs so long as such tuition rate does not
24 exceed the tuition rate charged to students who are enrolled in like
25 degree programs or degree-granting undergraduate programs leading to a
26 baccalaureate degree at other state-operated institutions of the state

1 university of New York. Notwithstanding any other provision of this
2 subparagraph, the trustees may authorize the setting of a separate cate-
3 gory of tuition rate, that shall be greater than the tuition rate for
4 resident students and less than the tuition rate for non-resident
5 students, only for students enrolled in distance learning courses who
6 are not residents of the state. Except as otherwise authorized in this
7 subparagraph, the trustees shall not adopt changes affecting tuition
8 charges prior to the enactment of the annual budget, provided however
9 that:

10 (i) Commencing with the two thousand eleven--two thousand twelve
11 academic year and ending in the two thousand fifteen--two thousand
12 sixteen academic year the state university of New York board of trustees
13 shall be empowered to increase the resident undergraduate rate of
14 tuition by not more than three hundred dollars over the resident under-
15 graduate rate of tuition adopted by the board of trustees in the prior
16 academic year, provided however that if the annual resident undergradu-
17 ate rate of tuition would exceed five thousand dollars, then a tuition
18 credit for each eligible student, as determined and calculated by the
19 New York state higher education services corporation pursuant to section
20 six hundred eighty-nine-a of this title, shall be applied toward the
21 tuition charged for each semester, quarter or term of study. Tuition for
22 each semester, quarter or term of study shall not be due for any student
23 eligible to receive such tuition credit until the tuition credit is
24 calculated and applied against the tuition charged for the corresponding
25 semester, quarter or term.

26 (ii) Commencing with the two thousand sixteen--two thousand seventeen
27 academic year and ending in the two thousand twenty--two thousand twen-
28 ty-one academic year the state university of New York board of trustees

1 shall be empowered to increase the resident undergraduate rate of
2 tuition by not more than three hundred dollars over the resident under-
3 graduate rate of tuition adopted by the board of trustees in the prior
4 academic year, provided, however that if the annual resident undergradu-
5 ate rate of tuition would exceed five thousand dollars, then a tuition
6 credit for each eligible student, as determined and calculated by the
7 New York state higher education services corporation pursuant to section
8 six hundred eighty-nine-a of this title, shall be applied toward the
9 tuition charged for each semester, quarter or term of study. Tuition for
10 each semester, quarter or term of study shall not be due for any student
11 eligible to receive such tuition credit until the tuition credit is
12 calculated and applied against the tuition charged for the corresponding
13 semester, quarter or term. Provided, further:

14 (1) The board of trustees shall only increase the rate of tuition upon
15 determination that (a) administrative cost savings are being implemented
16 to mitigate the need for a tuition increase, provided that such savings
17 shall not include a staffing reduction; and (b) the increase is justi-
18 fied based upon inflationary indices.

19 (2) The revenue resulting from an increase in the rate of tuition
20 shall be allocated to each campus pursuant to a plan approved by the
21 board of trustees to support investments in faculty, instruction and a
22 tuition credit for each eligible student.

23 [(ii)] (iii) On or before November thirtieth, two thousand [eleven]
24 sixteen, the trustees shall approve and submit to the chairs of the
25 assembly ways and means committee and the senate finance committee and
26 to the director of the budget a master tuition plan setting forth the
27 tuition rates that the trustees propose for resident undergraduate
28 students for the five year period commencing with the two thousand

1 [eleven] sixteen--two thousand [twelve] seventeen academic year and
2 ending in the two thousand [fifteen-two thousand sixteen] twenty--two
3 thousand twenty-one academic year, and shall submit any proposed amend-
4 ments to such plan by November thirtieth of each subsequent year there-
5 after through November thirtieth, two thousand [fifteen] twenty, and
6 provided further, that with the approval of the board of trustees, each
7 university center may increase non-resident undergraduate tuition rates
8 each year by not more than ten percent over the tuition rates of the
9 prior academic year for a [five] ten year period commencing with the
10 semester following the semester in which the governor and the chancellor
11 of the state university of New York approve the NY-SUNY 2020 proposal
12 for such university center.

13 [(iii)] (iv) The state shall appropriate annually and make available
14 general fund operating support, including fringe benefits, for the state
15 university in an amount not less than the amount appropriated and made
16 available to the state university in state fiscal year two thousand
17 eleven--two thousand twelve. Beginning in state fiscal year two thousand
18 twelve-two thousand thirteen and thereafter, the state shall appropriate
19 and make available general fund operating support, including fringe
20 benefits, for the state university in an amount not less than the amount
21 appropriated and made available in the prior state fiscal year;
22 provided, however, that if the governor declares a fiscal emergency, and
23 communicates such emergency to the temporary president of the senate and
24 speaker of the assembly, state support for operating expenses at the
25 state university and city university may be reduced in a manner propor-
26 tionate to one another, and the aforementioned provisions shall not
27 apply.

1 [(iv)] (v) For the state university fiscal years commencing two thou-
2 sand eleven--two thousand twelve and ending two thousand [fifteen--two
3 thousand sixteen] twenty--two thousand twenty-one, each university
4 center may set aside a portion of its tuition revenues derived from
5 tuition increases to provide increased financial aid for New York state
6 resident undergraduate students whose net taxable income is eighty thou-
7 sand dollars or more subject to the approval of a NY-SUNY 2020 proposal
8 by the governor and the chancellor of the state university of New York.
9 Nothing in this paragraph shall be construed as to authorize that
10 students whose net taxable income is eighty thousand dollars or more are
11 eligible for tuition assistance program awards pursuant to section six
12 hundred sixty-seven of this chapter.

13 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education
14 law, as amended by chapter 260 of the laws of 2011 and the opening para-
15 graph as amended by chapter 437 of the laws of 2015, is amended to read
16 as follows:

17 (a) The board of trustees shall establish positions, departments,
18 divisions and faculties; appoint and in accordance with the provisions
19 of law fix salaries of instructional and non-instructional employees
20 therein; establish and conduct courses and curricula; prescribe condi-
21 tions of student admission, attendance and discharge; and shall have the
22 power to determine in its discretion whether tuition shall be charged
23 and to regulate tuition charges, and other instructional and non-in-
24 structional fees and other fees and charges at the educational units of
25 the city university. The trustees shall review any proposed community
26 college tuition increase and the justification for such increase. The
27 justification provided by the community college for such increase shall
28 include a detailed analysis of ongoing operating costs, capital, debt

1 service expenditures, and all revenues. The trustees shall not impose a
2 differential tuition charge based upon need or income. All students
3 enrolled in programs leading to like degrees at the senior colleges
4 shall be charged a uniform rate of tuition, except for differential
5 tuition rates based on state residency. Notwithstanding any other
6 provision of this paragraph, the trustees may authorize the setting of a
7 separate category of tuition rate, that shall be greater than the
8 tuition rate for resident students and less than the tuition rate for
9 non-resident students, only for students enrolled in distance learning
10 courses who are not residents of the state; provided, however, that:

11 (i) Commencing with the two thousand eleven--two thousand twelve
12 academic year and ending in the two thousand fifteen--two thousand
13 sixteen academic year, the city university of New York board of trustees
14 shall be empowered to increase the resident undergraduate rate of
15 tuition by not more than three hundred dollars over the resident under-
16 graduate rate of tuition adopted by the board of trustees in the prior
17 academic year, provided however that if the annual resident undergradu-
18 ate rate of tuition would exceed five thousand dollars, then a tuition
19 credit for each eligible student, as determined and calculated by the
20 New York state higher education services corporation pursuant to section
21 six hundred eighty-nine-a of this chapter, shall be applied toward the
22 tuition charged for each semester, quarter or term of study. Tuition
23 for each semester, quarter or term of study shall not be due for any
24 student eligible to receive such tuition credit until the tuition credit
25 is calculated and applied against the tuition charged for the corre-
26 sponding semester, quarter or term.

27 (ii) Commencing with the two thousand sixteen--two thousand seventeen
28 academic year and ending in the two thousand twenty--two thousand twen-

1 ty-one academic year the city university of New York board of trustees
2 shall be empowered to increase the resident undergraduate rate of
3 tuition by not more than three hundred dollars over the resident under-
4 graduate rate of tuition adopted by the board of trustees in the prior
5 academic year, provided however that if the annual resident undergradu-
6 ate rate of tuition would exceed five thousand dollars, then a tuition
7 credit for each eligible student, as determined and calculated by the
8 New York state higher education services corporation pursuant to section
9 six hundred eighty-nine-a of this title, shall be applied toward the
10 tuition charged for each semester, quarter or term of study. Tuition for
11 each semester, quarter or term of study shall not be due for any student
12 eligible to receive such tuition credit until the tuition credit is
13 calculated and applied against the tuition charged for the corresponding
14 semester, quarter or term. Provided, further:

15 (1) The board of trustees shall only increase the rate of tuition upon
16 determination that (a) administrative cost savings are being implemented
17 to mitigate the need for a tuition increase, provided that such savings
18 shall not include a staffing reduction; and (b) the increase is justi-
19 fied based upon inflationary indices.

20 (2) The revenue resulting from an increase in the rate of tuition
21 shall be allocated to each campus pursuant to a plan approved by the
22 board of trustees to support investments in faculty, instruction and a
23 tuition credit for each eligible student.

24 [(ii)] (iii) On or before November thirtieth, two thousand [eleven]
25 sixteen, the trustees shall approve and submit to the chairs of the
26 assembly ways and means committee and the senate finance committee and
27 to the director of the budget a master tuition plan setting forth the
28 tuition rates that the trustees propose for resident undergraduate

1 students for the five year period commencing with the two thousand
2 [eleven] sixteen--two thousand [twelve] seventeen academic year and
3 ending in the two thousand [fifteen--two thousand sixteen] twenty--two
4 thousand twenty-one academic year, and shall submit any proposed amend-
5 ments to such plan by November thirtieth of each subsequent year there-
6 after through November thirtieth, two thousand [fifteen] twenty.

7 [(iii)] (iv) The state shall appropriate annually and make available
8 state support for operating expenses, including fringe benefits, for the
9 city university in an amount not less than the amount appropriated and
10 made available to the city university in state fiscal year two thousand
11 eleven--two thousand twelve. Beginning in state fiscal year two thousand
12 twelve--two thousand thirteen and [thereafter] ending in state fiscal
13 year two thousand fifteen--two thousand sixteen, the state shall appro-
14 priate and make available state support for operating expenses, includ-
15 ing fringe benefits, for the city university in an amount not less than
16 the amount appropriated and made available in the prior state fiscal
17 year; provided, however, that if the governor declares a fiscal emergen-
18 cy, and communicates such emergency to the temporary president of the
19 senate and speaker of the assembly, state support for operating expenses
20 of the state university and city university may be reduced in a manner
21 proportionate to one another, and the aforementioned provisions shall
22 not apply.

23 (v) Beginning in academic fiscal year two thousand sixteen--two thou-
24 sand seventeen and thereafter, the state and city of New York shall
25 appropriate annually and make available its representative share of
26 support for expenses pursuant to section six thousand two hundred twen-
27 ty-one of this title, including fringe benefits, for the city university
28 in an amount not less than the amount appropriated and made available

1 for expenses in the prior academic fiscal year; provided, however, that
2 if the governor declares a fiscal emergency, and communicates such emer-
3 gency to the temporary president of the senate and speaker of the assem-
4 bly, state support for operating expenses of the state university and
5 city university may be reduced in a manner proportionate to one another,
6 and the aforementioned provisions shall not apply.

7 § 3. Subdivision 5 of section 359 of the education law, as added by
8 chapter 260 of the laws of 2011, is amended to read as follows:

9 5. The state university trustees shall conduct a study regarding the
10 effectiveness and functionality of the New York state tuition assistance
11 program, which shall consider a variety of factors including, but not
12 limited to, the costs associated with pursuing a degree in undergraduate
13 study, current tuition assistance program thresholds and award levels,
14 current eligibility criteria to qualify for an award under the tuition
15 assistance program, and any other information the trustees determine to
16 be relevant. The study shall also include recommendations to improve the
17 tuition assistance program to better meet the future financial aid needs
18 of students who reside in New York state and to ensure continued access
19 and affordability of the state university of New York. The study shall
20 be submitted to the governor, the temporary president of the senate, the
21 speaker of the assembly, the director of the division of the budget, the
22 senate finance committee, the assembly ways and means committee and the
23 higher education committees of the legislature on or before October
24 first, two thousand thirteen. In addition, the state university shall
25 annually examine and report on each state-operated campus' efforts to
26 promote fiscal stability for the duration of the [five] ten year tuition
27 plan by implementing cost saving measures [and increasing fundraising
28 efforts]. Further, the trustees shall [periodically review their patent

1 policies to ensure competitiveness, and shall] annually report on how
2 the revenue generated [by this paragraph has helped retain and grow
3 full-time faculty and increase program availability. The University
4 Centers shall also report annually to the state university trustees on
5 how research revenue yields quantifiable results for each of the four
6 campuses and state university of New York at Buffalo and state universi-
7 ty of New York at Stony Brook shall additionally report on what each
8 campus is doing to maintain their AAU status] has been invested in
9 faculty, instruction and student financial assistance.

10 § 4. Subdivision 17 of section 6206 of the education law, as added by
11 chapter 260 of the laws of 2011, is amended to read as follows:

12 17. The city university trustees shall conduct a study regarding the
13 effectiveness and functionality of the New York state tuition assistance
14 program, which shall consider a variety of factors including, but not
15 limited to, the costs associated with pursuing a degree in undergraduate
16 study, current tuition assistance program thresholds and award levels,
17 current eligibility criteria to qualify for an award under the tuition
18 assistance program and any other information the trustees determine to
19 be relevant. The study shall also include recommendations to improve the
20 tuition assistance program to better meet the future financial aid needs
21 of students who reside in New York state and to ensure continued access
22 and affordability of the city university of New York. The study shall be
23 submitted to the governor, the temporary president of the senate, the
24 speaker of the assembly, the director of the division of budget, the
25 senate finance committee, the assembly ways and means committee and the
26 higher education committees of the legislature on or before October
27 first, two thousand thirteen. In addition, the city university shall
28 annually examine and report on each [state-operated campus'] senior

1 college's efforts to promote fiscal stability for the duration of the
2 [five] ten year tuition plan by implementing cost saving measures [and
3 increasing fundraising efforts]. Further, the trustees shall annually
4 report on how the revenue generated has been invested in faculty,
5 instruction and student financial assistance.

6 § 5. Section 16 of chapter 260 of the laws of 2011 amending the educa-
7 tion law and the New York state urban development corporation act relat-
8 ing to establishing components of the NY-SUNY 2020 challenge grant
9 program, as amended by section 65-a of part HH of chapter 57 of the laws
10 of 2013, is amended to read as follows:

11 § 16. This act shall take effect July 1, 2011; provided that sections
12 one, two, three, four, five, six, eight, nine, ten, eleven, twelve,
13 thirteen, fourteen and fifteen of this act shall expire [5] 10 years
14 after such effective date when upon such date the provisions of this act
15 shall be deemed repealed.

16 § 6. This act shall take effect immediately; provided that the amend-
17 ments to subparagraph 4 of paragraph h of subdivision 2 of section 355
18 of the education law made by section one of this act, the amendments to
19 paragraph (a) of subdivision 7 of section 6206 of the education law made
20 by section two of this act, the amendments to subdivision 5 of section
21 359 of the education law made by section three of this act, and the
22 amendments to subdivision 17 of section 6206 of the education law made
23 by section four of this act shall not affect the repeal of such
24 provisions and shall be deemed repealed therewith; provided further,
25 that if chapter 437 of the laws of 2015 shall not have taken effect by
26 such effective date, then sections one and two of this act shall take
27 effect on the same day and in the same manner as sections 1 and 3 of
28 chapter 437 of the laws of 2015, take effect.

1

PART E

2 Section 1. The state finance law is amended by adding a new section
3 99-y to read as follows:

4 § 99-y. SUNY Stony Brook Affiliation escrow fund. 1. Notwithstanding
5 any other provision of law, rule, regulation, or practice to the contra-
6 ry, there is hereby established in the joint custody of the comptroller
7 and the chancellor of the state university of New York (SUNY) a trust
8 and agency fund, to be known as the "SUNY Stony Brook Affiliation escrow
9 fund" which shall be available without fiscal year limitation.

10 2. The SUNY Stony Brook Affiliation escrow fund shall consist of (i)
11 all monies generated through the activities of Stony Brook at Southamp-
12 ton Hospital, including but not limited to patient revenue, federal
13 reimbursement, and other associated revenue sources, and (ii) rent
14 payments made by Stony Brook University Hospital to the Southampton
15 Hospital Association under a certain lease agreement approved by the
16 director of the budget, the office of the New York state attorney gener-
17 al and the office of the New York state comptroller.

18 3. Monies of the SUNY Stony Brook Affiliation escrow fund shall be
19 expended only for the purposes of Stony Brook Hospital at Southampton.

20 § 2. This act shall take effect immediately.

21

PART F

22 Section 1. This act shall be known and may be cited as the "New York
23 state DREAM Act".

24 § 2. Subdivision 3 of section 661 of the education law is REPEALED.

1 § 3. Paragraph a of subdivision 5 of section 661 of the education law,
2 as amended by chapter 466 of the laws of 1977, is amended to read as
3 follows:

4 a. (i) Except as provided in subdivision two of section six hundred
5 seventy-four of this part and subparagraph (ii) of this paragraph, an
6 applicant for an award at the undergraduate level of study must either
7 ~~[(i)]~~ (a) have been a legal resident of the state for at least one year
8 immediately preceding the beginning of the semester, quarter or term of
9 attendance for which application for assistance is made, or ~~[(ii)]~~ (b)
10 be a legal resident of the state and have been a legal resident during
11 his or her last two semesters of high school either prior to graduation,
12 or prior to admission to college. Provided further that persons shall be
13 eligible to receive awards under section six hundred sixty-eight or
14 section six hundred sixty-nine of this part who are currently legal
15 residents of the state and are otherwise qualified.

16 (ii) An applicant who is not a legal resident of the state eligible
17 pursuant to subparagraph (i) of this paragraph, but is a United States
18 citizen, an alien lawfully admitted for permanent residence in the
19 United States, an individual of a class of refugees paroled by the
20 attorney general of the United States under his or her parole authority
21 pertaining to the admission of aliens to the United States, or an appli-
22 cant without lawful immigration status shall be eligible for an award at
23 the undergraduate level of study provided that the student:

24 (a) attended a registered New York state high school for two or more
25 years, graduated from a registered New York state high school, lived
26 continuously in New York state while attending an approved New York
27 state high school, applied for attendance at the institution of higher
28 education for the undergraduate study for which an award is sought, and

1 attended within five years of receiving a New York state high school
2 diploma; or

3 (b) attended an approved New York state program for a state high
4 school equivalency diploma, lived continuously in New York state while
5 attending an approved New York state program for a general equivalency
6 diploma, received a state high school equivalency diploma, subsequently
7 applied for attendance at the institution of higher education for the
8 undergraduate study for which an award is sought, earned admission based
9 on that general equivalency diploma, and attended the institution of
10 higher education for the undergraduate study for which an award is
11 sought within five years of receiving a state high school equivalency
12 diploma; or

13 (c) is otherwise eligible for the payment of tuition and fees at a
14 rate no greater than that imposed for resident students of the state
15 university of New York, the city university of New York or community
16 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
17 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
18 vision seven of section six thousand two hundred six of this chapter.

19 Provided, further, that a student without lawful immigration status
20 shall also be required to file an affidavit with such institution of
21 higher education stating that the student has filed an application to
22 legalize his or her immigration status, or will file such an application
23 as soon as he or she is eligible to do so.

24 § 4. Paragraph b of subdivision 5 of section 661 of the education law,
25 as amended by chapter 466 of the laws of 1977, is amended to read as
26 follows:

27 b. [An] (i) Except as otherwise provided in subparagraph (ii) of this
28 paragraph, an applicant for an award at the graduate level of study must

1 either [(i)] (a) have been a legal resident of the state for at least
2 one year immediately preceding the beginning of the semester, quarter or
3 term of attendance for which application for assistance is made, or
4 [(ii)] (b) be a legal resident of the state and have been a legal resi-
5 dent during his or her last academic year of undergraduate study and
6 have continued to be a legal resident until matriculation in the gradu-
7 ate program.

8 (ii) An applicant who is not a legal resident of the state eligible
9 pursuant to subparagraph (i) of this paragraph, but is a United States
10 citizen, an alien lawfully admitted for permanent residence in the
11 United States, an individual of a class of refugees paroled by the
12 attorney general of the United States under his or her parole authority
13 pertaining to the admission of aliens to the United States, or an appli-
14 cant without lawful immigration status shall be eligible for an award at
15 the graduate level of study provided that the student:

16 (a) attended a registered New York state high school for two or more
17 years, graduated from a registered New York state high school, lived
18 continuously in New York state while attending an approved New York
19 state high school, applied for attendance at the institution of higher
20 education for the graduate study for which an award is sought, and
21 attended within ten years of receiving a New York state high school
22 diploma; or

23 (b) attended an approved New York state program for a state high
24 school equivalency diploma, lived continuously in New York state while
25 attending an approved New York state program for a general equivalency
26 diploma, received a state high school equivalency diploma, subsequently
27 applied for attendance at the institution of higher education for the
28 graduate study for which an award is sought, and attended the institu-

1 tion of higher education for the graduate study for which an award is
2 sought within ten years of receiving a state high school equivalency
3 diploma; or

4 (c) is otherwise eligible for the payment of tuition and fees at a
5 rate no greater than that imposed for resident students of the state
6 university of New York, the city university of New York or community
7 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
8 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
9 vision seven of section six thousand two hundred six of this chapter.

10 Provided, further, that a student without lawful immigration status
11 shall also be required to file an affidavit with such institution of
12 higher education stating that the student has filed an application to
13 legalize his or her immigration status, or will file such an application
14 as soon as he or she is eligible to do so.

15 § 5. Paragraph d of subdivision 5 of section 661 of the education law,
16 as amended by chapter 844 of the laws of 1975, is amended to read as
17 follows:

18 d. If an applicant for an award allocated on a geographic basis has
19 more than one residence in this state, his or her residence for the
20 purpose of this article shall be his or her place of actual residence
21 during the major part of the year while attending school, as determined
22 by the commissioner; and further provided that an applicant who does not
23 have a residence in this state and is eligible for an award pursuant to
24 subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of
25 this subdivision shall be deemed to reside in the geographic area of the
26 institution of higher education in which he or she attends for purposes
27 of an award allocated on a geographic basis.

1 § 6. Paragraph e of subdivision 5 of section 661 of the education law,
2 as added by chapter 630 of the laws of 2005, is amended to read as
3 follows:

4 e. Notwithstanding any other provision of this article to the contra-
5 ry, the New York state [residency] eligibility [requirement] require-
6 ments for receipt of awards [is] set forth in paragraphs a and b of this
7 subdivision are waived for a member, or the spouse or dependent of a
8 member, of the armed forces of the United States on full-time active
9 duty and stationed in this state.

10 § 7. Clauses (i) and (ii) of subparagraph 8 of paragraph h of subdivi-
11 sion 2 of section 355 of the education law, as added by chapter 327 of
12 the laws of 2002, are amended to read as follows:

13 (i) attended an approved New York high school for two or more years,
14 graduated from an approved New York high school, lived continuously in
15 New York state while attending an approved New York high school, and
16 applied for attendance [at] and attended an institution or educational
17 unit of the state university within five years of receiving a New York
18 state high school diploma; or

19 (ii) attended an approved New York state program for general equiv-
20 alency diploma exam preparation, received a general equivalency diploma
21 issued within New York state, lived continuously in New York state while
22 attending an approved New York state program for general equivalency
23 diploma exam preparation, and subsequently applied for attendance [at],
24 earned admission based on that general equivalency diploma, and attended
25 an institution or educational unit of the state university within five
26 years of receiving a general equivalency diploma issued within New York
27 state; or

1 § 8. Subparagraphs (i) and (ii) of paragraph (a-1) of subdivision 7 of
2 section 6206 of the education law, as amended by chapter 260 of the laws
3 of 2011, are amended to read as follows:

4 (i) attended an approved New York high school for two or more years,
5 graduated from an approved New York high school, lived continuously in
6 New York state while attending an approved New York high school, and
7 applied for attendance [at] and attended an institution or educational
8 unit of the city university within five years of receiving a New York
9 state high school diploma; or

10 (ii) attended an approved New York state program for general equiv-
11 alency diploma exam preparation, received a general equivalency diploma
12 issued within New York state, lived continuously in New York state while
13 attending an approved New York state program for general equivalency
14 diploma exam preparation, and subsequently applied for attendance [at],
15 earned admission based on that general equivalency diploma, and attended
16 an institution or educational unit of the city university within five
17 years of receiving a general equivalency diploma issued within New York
18 state; or

19 § 8-a. Paragraph (a) of subdivision 7 of section 6206 of the education
20 law, as amended by chapter 327 of the laws of 2002, the opening para-
21 graph as amended by section 4 of chapter 437 of the laws of 2015, is
22 amended to read as follows:

23 (a) The board of trustees shall establish positions, departments,
24 divisions and faculties; appoint and in accordance with the provisions
25 of law fix salaries of instructional and non-instructional employees
26 therein; establish and conduct courses and curricula; prescribe condi-
27 tions of student admission, attendance and discharge; and shall have the
28 power to determine in its discretion whether tuition shall be charged

1 and to regulate tuition charges, and other instructional and non-in-
2 structional fees and other fees and charges at the educational units of
3 the city university. The trustees shall review any proposed community
4 college tuition increase and the justification for such increase. The
5 justification provided by the community college for such increase shall
6 include a detailed analysis of ongoing operating costs, capital, debt
7 service expenditures, and all revenues. The trustees shall not impose a
8 differential tuition charge based upon need or income. All students
9 enrolled in programs leading to like degrees at the senior colleges
10 shall be charged a uniform rate of tuition, except for differential
11 tuition rates based on state residency. Notwithstanding any other
12 provision of this paragraph, the trustees may authorize the setting of a
13 separate category of tuition rate, that shall be greater than the
14 tuition rate for resident students and less than the tuition rate for
15 non-resident students, only for students enrolled in distance learning
16 courses who are not residents of the state. The trustees shall further
17 provide that the payment of tuition and fees by any student who is not a
18 resident of New York state, other than a non-immigrant alien within the
19 meaning of paragraph (15) of subsection (a) of section 1101 of title 8
20 of the United States Code, shall be paid at a rate or charge no greater
21 than that imposed for students who are residents of the state if such
22 student:

23 (i) attended an approved New York high school for two or more years,
24 graduated from an approved New York high school, lived continuously in
25 New York state while attending an approved New York high school, and
26 applied for attendance [at] and attended an institution or educational
27 unit of the city university within five years of receiving a New York
28 state high school diploma; or

1 (ii) attended an approved New York state program for general equiv-
2 alency diploma exam preparation, received a general equivalency diploma
3 issued within New York state, lived continuously in New York state while
4 attending an approved New York state program for general equivalency
5 diploma exam preparation, and subsequently applied for attendance [at],
6 earned admission based on that general equivalency diploma, and attended
7 an institution or educational unit of the city university within five
8 years of receiving a general equivalency diploma issued within New York
9 state; or

10 (iii) was enrolled in an institution or educational unit of the city
11 university in the fall semester or quarter of the two thousand one--two
12 thousand two academic year and was authorized by such institution or
13 educational unit to pay tuition at the rate or charge imposed for
14 students who are residents of the state.

15 A student without lawful immigration status shall also be required to
16 file an affidavit with such institution or educational unit stating that
17 the student has filed an application to legalize his or her immigration
18 status, or will file such an application as soon as he or she is eligi-
19 ble to do so. The trustees shall not adopt changes in tuition charges
20 prior to the enactment of the annual budget. The board of trustees may
21 accept as partial reimbursement for the education of veterans of the
22 armed forces of the United States who are otherwise qualified such sums
23 as may be authorized by federal legislation to be paid for such educa-
24 tion. The board of trustees may conduct on a fee basis extension courses
25 and courses for adult education appropriate to the field of higher
26 education. In all courses and courses of study it may, in its
27 discretion, require students to pay library, laboratory, locker, break-
28 age and other instructional and non-instructional fees and meet the cost

1 of books and consumable supplies. In addition to the foregoing fees and
2 charges, the board of trustees may impose and collect fees and charges
3 for student government and other student activities and receive and
4 expend them as agent or trustee.

5 § 9. Subdivision 5 of section 6301 of the education law, as amended by
6 chapter 327 of the laws of 2002, is amended to read as follows:

7 5. "Resident." A person who has resided in the state for a period of
8 at least one year and in the county, city, town, intermediate school
9 district, school district or community college region, as the case may
10 be, for a period of at least six months, both immediately preceding the
11 date of such person's registration in a community college or, for the
12 purposes of section sixty-three hundred five of this article, his or her
13 application for a certificate of residence; provided, however, that this
14 term shall include any student who is not a resident of New York state,
15 other than a non-immigrant alien within the meaning of paragraph (15) of
16 subsection (a) of section 1101 of title 8 of the United States Code, if
17 such student:

18 (i) attended an approved New York high school for two or more years,
19 graduated from an approved New York high school, lived continuously in
20 New York state while attending an approved New York high school, and
21 applied for attendance [at an institution or educational unit of the
22 state university] and attended a community college within five years of
23 receiving a New York state high school diploma; or

24 (ii) attended an approved New York state program for general equiv-
25 alency diploma exam preparation, received a general equivalency diploma
26 issued within New York state, lived continuously in New York state while
27 attending an approved New York state program for general equivalency
28 diploma exam preparation, and subsequently applied for attendance [at an

1 institution or educational unit of the state university], earned admis-
2 sion based on that general equivalency diploma, and attended a community
3 college within five years of receiving a general equivalency diploma
4 issued within New York state; or

5 (iii) was enrolled in [an institution or educational unit of the state
6 university] a community college in the fall semester or quarter of the
7 two thousand one--two thousand two academic year and was authorized by
8 such [institution or educational unit] community college to pay tuition
9 at the rate or charge imposed for students who are residents of the
10 state.

11 Provided, further, that a student without lawful immigration status
12 shall also be required to file an affidavit with such [institution or
13 educational unit] community college stating that the student has filed
14 an application to legalize his or her immigration status, or will file
15 such an application as soon as he or she is eligible to do so.

16 In the event that a person qualified as above for state residence, but
17 has been a resident of two or more counties in the state during the six
18 months immediately preceding his or her application for a certificate of
19 residence pursuant to section sixty-three hundred five of this chapter,
20 the charges to the counties of residence shall be allocated among the
21 several counties proportional to the number of months, or major fraction
22 thereof, of residence in each county.

23 § 10. Paragraph d of subdivision 3 of section 6451 of the education
24 law, as amended by chapter 149 of the laws of 1972, is amended to read
25 as follows:

26 d. Any necessary supplemental financial assistance, which may include
27 the cost of books and necessary maintenance for such enrolled students,
28 including students without lawful immigration status provided that the

1 student meets the requirements set forth in subparagraph (ii) of para-
2 graph a or subparagraph (ii) of paragraph b of subdivision five of
3 section six hundred sixty-one of this chapter, as applicable; provided,
4 however, that such supplemental financial assistance shall be furnished
5 pursuant to criteria promulgated by the commissioner with the approval
6 of the director of the budget.

7 § 11. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
8 of the education law, as added by chapter 917 of the laws of 1970, is
9 amended to read as follows:

10 (v) Any necessary supplemental financial assistance, which may include
11 the cost of books and necessary maintenance for such students, including
12 students without lawful immigration status provided that the student
13 meets the requirements set forth in subparagraph (ii) of paragraph a or
14 subparagraph (ii) of paragraph b of subdivision five of section six
15 hundred sixty-one of this chapter, as applicable; provided, however,
16 that such supplemental financial assistance shall be furnished pursuant
17 to criteria promulgated by such universities and approved by the regents
18 and the director of the budget.

19 § 12. Paragraph (a) of subdivision 2 of section 6455 of the education
20 law, as added by chapter 285 of the laws of 1986, is amended to read as
21 follows:

22 (a) (i) Undergraduate science and technology entry program moneys may
23 be used for tutoring, counseling, remedial and special summer courses,
24 supplemental financial assistance, program administration, and other
25 activities which the commissioner may deem appropriate. To be eligible
26 for undergraduate collegiate science and technology entry program
27 support, a student must be a resident of New York [who is], or meet the
28 requirements of subparagraph (ii) of this paragraph, and must be either

1 economically disadvantaged or from a minority group historically under
2 represented in the scientific, technical, health and health-related
3 professions, and [who demonstrates] must demonstrate interest in and a
4 potential for a professional career if provided special services. Eligi-
5 ble students must be in good academic standing, enrolled full time in an
6 approved, undergraduate level program of study, as defined by the
7 regents.

8 (ii) An applicant who is not a legal resident of the state eligible
9 pursuant to subparagraph (i) of this paragraph, but is a United States
10 citizen, an alien lawfully admitted for permanent residence in the
11 United States, an individual of a class of refugees paroled by the
12 attorney general of the United States under his or her parole authority
13 pertaining to the admission of aliens to the United States, or an appli-
14 cant without lawful immigration status shall be eligible for an award at
15 the undergraduate level of study provided that the student:

16 (a) attended a registered New York state high school for two or more
17 years, graduated from a registered New York state high school, lived
18 continuously in New York state while attending an approved New York
19 state high school, applied for attendance at the institution of higher
20 education for the undergraduate study for which an award is sought, and
21 attended within five years of receiving a New York state high school
22 diploma; or

23 (b) attended an approved New York state program for a state high
24 school equivalency diploma, lived continuously in New York state while
25 attending an approved New York state program for a general equivalency
26 diploma, received a state high school equivalency diploma, subsequently
27 applied for attendance at the institution of higher education for the
28 undergraduate study for which an award is sought, earned admission based

1 on that general equivalency diploma, and attended the institution of
2 higher education for the undergraduate study for which an award is
3 sought within five years of receiving a state high school equivalency
4 diploma; or

5 (c) is otherwise eligible for the payment of tuition and fees at a
6 rate no greater than that imposed for resident students of the state
7 university of New York, the city university of New York or community
8 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
9 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
10 vision seven of section six thousand two hundred six of this chapter.

11 Provided, further, that a student without lawful immigration status
12 shall also be required to file an affidavit with such institution of
13 higher education stating that the student has filed an application to
14 legalize his or her immigration status, or will file such an application
15 as soon as he or she is eligible to do so.

16 § 13. Paragraph (a) of subdivision 3 of section 6455 of the education
17 law, as added by chapter 285 of the laws of 1986, is amended to read as
18 follows:

19 (a) (i) Graduate science and technology entry program moneys may be
20 used for recruitment, academic enrichment, career planning, supplemental
21 financial assistance, review for licensing examinations, program admin-
22 istration, and other activities which the commissioner may deem appro-
23 priate. To be eligible for graduate collegiate science and technology
24 entry program support, a student must be a resident of New York [who
25 is], or meet the requirements of subparagraph (ii) of this paragraph,
26 and must be either economically disadvantaged or from a minority group
27 historically underrepresented in the scientific, technical and health-
28 related professions. Eligible students must be in good academic stand-

1 ing, enrolled full time in an approved graduate level program, as
2 defined by the regents.

3 (ii) An applicant who is not a legal resident of the state eligible
4 pursuant to subparagraph (i) of this paragraph, but is a United States
5 citizen, an alien lawfully admitted for permanent residence in the
6 United States, an individual of a class of refugees paroled by the
7 attorney general of the United States under his or her parole authority
8 pertaining to the admission of aliens to the United States, or an appli-
9 cant without lawful immigration status shall be eligible for an award at
10 the graduate level of study provided that the student:

11 (a) attended a registered New York state high school for two or more
12 years, graduated from a registered New York state high school, lived
13 continuously in New York state while attending an approved New York
14 state high school, applied for attendance at the institution of higher
15 education for the graduate study for which an award is sought, and
16 attended within ten years of receiving a New York state high school
17 diploma; or

18 (b) attended an approved New York state program for a state high
19 school equivalency diploma, lived continuously in New York state while
20 attending an approved New York state program for a general equivalency
21 diploma, received a state high school equivalency diploma, subsequently
22 applied for attendance at the institution of higher education for the
23 graduate study for which an award is sought, and attended the institu-
24 tion of higher education for the graduate study for which an award is
25 sought within ten years of receiving a state high school equivalency
26 diploma; or

27 (c) is otherwise eligible for the payment of tuition and fees at a
28 rate no greater than that imposed for resident students of the state

1 university of New York, the city university of New York or community
2 college as prescribed in subparagraph eight of paragraph h of subdivi-
3 sion two of section three hundred fifty-five or paragraph (a) of subdi-
4 vision seven of section six thousand two hundred six of this chapter.

5 Provided, further, that a student without lawful immigration status
6 shall also be required to file an affidavit with such institution of
7 higher education stating that the student has filed an application to
8 legalize his or her immigration status, or will file such an application
9 as soon as he or she is eligible to do so.

10 § 14. Subparagraph (i) of paragraph a of subdivision 2 of section
11 695-e of the education law, as amended by chapter 593 of the laws of
12 2003, is amended to read as follows:

13 (i) the name, address and social security number [or], employer iden-
14 tification number, or individual taxpayer identification number of the
15 account owner unless a family tuition account that was in effect prior
16 to the effective date of the chapter of the laws of two thousand sixteen
17 that amended this subparagraph does not allow for a taxpayer identifica-
18 tion number, in which case a taxpayer identification number shall be
19 allowed upon the expiration of the contract;

20 § 15. Subparagraph (iii) of paragraph a of subdivision 2 of section
21 695-e of the education law, as amended by chapter 593 of the laws of
22 2003, is amended to read as follows:

23 (iii) the name, address, and social security number, employer iden-
24 tification number, or individual taxpayer identification number of the
25 designated beneficiary, unless a family tuition account that was in
26 effect prior to the effective date of the chapter of the laws of two
27 thousand sixteen that amended this subparagraph does not allow for a

1 taxpayer identification number, in which case a taxpayer identification
2 number shall be allowed upon the expiration of the contract; and

3 § 16. The president of the higher education services corporation shall
4 establish an application form and procedures that shall allow a student
5 applicant that meets the requirements set forth in subparagraph (ii) of
6 paragraph a or subparagraph (ii) of paragraph b of subdivision 5 of
7 section 661 of the education law to apply directly to the higher educa-
8 tion services corporation for applicable awards without having to submit
9 information to any other state or federal agency. All information
10 contained with the applications filed with such corporation shall be
11 deemed confidential, except that the corporation shall be entitled to
12 release information to participating institutions as necessary for the
13 administration of financial aid programs and to the extent required
14 pursuant to article six of the public officers law or otherwise required
15 by law.

16 § 17. The higher education services corporation is authorized to
17 promulgate rules and regulations, and may promulgate emergency regu-
18 lations, necessary for the implementation of the provisions of this act.

19 § 18. This act shall take effect on the ninetieth day after the issu-
20 ance of regulations and the development of an application form by the
21 president of the higher education services corporation or on the nineti-
22 eth day after it shall have become a law, whichever shall be later;
23 provided, however, that:

24 a. the amendments to subparagraphs (i) and (ii) of paragraph (a-1) of
25 subdivision 7 of section 6206 of the education law made by section eight
26 of this act shall not affect the expiration of such paragraph and shall
27 be deemed to expire therewith; when upon such date the provisions of
28 section eight-a of this act shall take effect; and

1 b. the president of the higher education services corporation shall
2 notify the legislative bill drafting commission upon the occurrence of
3 the issuance of regulations and the development of an application form
4 provided for in this section in order that the commission may maintain
5 an accurate and timely effective data base of the official text of the
6 laws of the state of New York in furtherance of effectuating the
7 provisions of section 44 of the legislative law and section 70-b of the
8 public officers law.

9 PART G

10 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of
11 2005 amending the education law relating to the New York state licensed
12 social worker loan forgiveness program, as amended by section 1 of part
13 M of chapter 58 of the laws of 2011, is amended to read as follows:

14 (a) section two of this act shall expire and be deemed repealed June
15 30, [2016] 2021; and provided, further that the amendment to paragraph b
16 of subdivision 1 of section 679-c and the amendment to paragraph 2 of
17 subdivision a of section 679-d of the education law made by sections
18 three and four of this act shall not affect the repeal of such sections
19 and shall be deemed repealed therewith;

20 § 2. Section 3 of part V of chapter 57 of the laws of 2005 amending
21 the education law relating to the New York state nursing faculty loan
22 forgiveness incentive program and the New York state nursing faculty
23 scholarship program, as amended by section 1 of part L of chapter 58 of
24 the laws of 2011, is amended to read as follows:

25 § 3. This act shall take effect on the same date and in the same
26 manner as Part H of this chapter; provided that section two of this act

1 shall take effect on the same date and in the same manner as Part I of
2 this chapter; and provided further that this act shall expire and be
3 deemed repealed on June 30, [2016] 2021.

4 § 3. Section 17 of chapter 31 of the laws of 1985 amending the educa-
5 tion law relating to regents scholarships in certain professions, as
6 amended by section 1 of part K of chapter 58 of the laws of 2011, is
7 amended to read as follows:

8 § 17. This act shall take effect immediately; provided, however, that
9 the scholarship and loan forgiveness programs established pursuant to
10 the provisions of this act shall terminate upon the granting of such
11 awards for the 2008-2009 school year provided, however, that the regents
12 physician loan forgiveness program established pursuant to this act
13 shall not terminate until the granting of such awards for the [2015-16]
14 2020-21 school year, provided that the final disbursement of any multi-
15 year awards granted in such school year shall be paid.

16 § 4. Paragraph a of subdivision 5 of section 679-c of the education
17 law, as amended by section 1 of part E3 of chapter 57 of the laws of
18 2007, is amended to read as follows:

19 a. The corporation shall convert to a student loan the full amount of
20 the award given pursuant to this section, plus interest, according to a
21 schedule to be determined by the corporation if: (1) three years after
22 the completion of the degree program it is found that an applicant did
23 not begin to provide nursing faculty or clinical nurse faculty services;
24 (2) if such applicant does not provide nursing faculty or clinical nurs-
25 ing faculty services for four years within seven years of the completion
26 of the master's degree program in nursing or doctoral degree; or (3) the
27 student fails to receive a master's degree in nursing or doctoral degree
28 that will qualify them as nursing faculty or adjunct clinical faculty

1 within the three years of receiving the award. The terms and conditions
2 of this subdivision shall be deferred for any interruption in graduate
3 or doctoral study or employment as established by the rules and regu-
4 lations of the corporation. Any obligation to comply with such
5 provisions as outlined in this section shall be cancelled upon the death
6 of the recipient. Notwithstanding any provisions of this subdivision to
7 the contrary, the corporation is authorized to promulgate rules and
8 regulations to provide for the waiver or suspension of any financial
9 obligation which would involve extreme hardship.

10 § 5. Subdivision 5 of section 669-d of the education law, as amended
11 by section 1 of part H1 of section 109 of the laws of 2006, is amended
12 to read as follows:

13 5. The corporation shall convert to a student loan the full amount of
14 the award given pursuant to this section, plus interest, according to a
15 schedule to be determined by the corporation if: (a) two years after the
16 completion of the degree program and receipt of initial certification it
17 is found that a recipient is not teaching in the field of math or
18 science in a school located within New York state providing secondary
19 education recognized by the board of regents or the university of the
20 state of New York; or (b) a recipient has not taught in the field of
21 math or science in a school located within New York state providing
22 secondary education recognized by the board of regents or the university
23 of the state of New York for five of the seven years after the
24 completion of the degree program and receipt of initial certification;
25 or (c) a recipient fails to complete their degree program or changes
26 majors to an undergraduate degree program other than in science or math;
27 or (d) a recipient fails to receive or maintain their teaching certifi-
28 cate or license in New York state; or (e) a recipient fails to respond

1 to requests by the corporation for the status of his or her academic or
2 professional progress. The terms and conditions of this subdivision
3 shall be deferred for any interruption in undergraduate or graduate
4 study or employment as established by the rules and regulations of the
5 corporation. Any obligation to comply with such provisions as outlined
6 in this section shall be cancelled upon the death of the recipient.
7 Notwithstanding any provisions of this subdivision to the contrary, the
8 corporation is authorized to promulgate rules and regulations to provide
9 for the waiver or suspension of any financial obligation which would
10 involve extreme hardship.

11 § 6. This act shall take effect immediately; provided that the amend-
12 ments to paragraph a of subdivision 5 of section 679-c of the education
13 law made by section four of this act shall not affect the repeal of such
14 section and shall be deemed repealed therewith.

15 PART H

16 Section 1. Section 7408 of the education law is amended by adding a
17 new subdivision 6 to read as follows:

18 6. Notwithstanding any other provision of law, any firm established to
19 lawfully engage in the practice of public accountancy pursuant to arti-
20 cle fifteen of the business corporation law, articles one and eight-B of
21 the partnership law, or articles twelve and thirteen of the limited
22 liability company law shall be deemed authorized to register pursuant to
23 this section.

24 § 2. Section 1503 of the business corporation law is amended by adding
25 a new paragraph (h) to read as follows:

1 (h) Any firm established for the business purpose of incorporating as
2 a professional service corporation formed to lawfully engage in the
3 practice of public accountancy, as such practice is respectively defined
4 under article one hundred forty-nine of the education law shall be
5 required to show (1) that a simple majority of the ownership of the
6 firm, in terms of financial interests, including ownership-based compen-
7 sation, and voting rights held by the firm's owners, belongs to individ-
8 uals licensed to practice public accountancy in some state, and (2) that
9 all shareholders of a professional service corporation whose principal
10 place of business is in this state, and who are engaged in the practice
11 of public accountancy in this state, hold a valid license issued under
12 section seventy-four hundred four of the education law or are public
13 accountants licensed under section seventy-four hundred five of the
14 education law. Although firms may include non-licensee owners, the firm
15 and its owners must comply with rules promulgated by the state board for
16 public accountancy. Notwithstanding the provisions of this paragraph, a
17 firm incorporated under this section may not have non-licensee owners if
18 the firm's name includes the words "certified public accountant," or
19 "certified public accountants," or the abbreviations "CPA" or "CPAs".
20 Each non-licensee owner of a firm that is incorporated under this
21 section shall be (1) a natural person who actively participates in the
22 business of the firm or its affiliated entities, or (2) an entity,
23 including, but not limited to, a partnership or professional corpo-
24 ration, provided each beneficial owner of an equity interest in such
25 entity is a natural person who actively participates in the business
26 conducted by the firm or its affiliated entities. For purposes of this
27 subdivision, "actively participate" means to provide services to clients
28 or to otherwise individually take part in the day-to-day business or

1 management of the firm. Such a firm shall have attached to its certif-
2 icate of incorporation a certificate or certificates demonstrating the
3 firm's compliance with this paragraph, in lieu of the certificate or
4 certificates required by subparagraph (ii) of paragraph (b) of this
5 section.

6 § 3. Section 1507 of the business corporation law is amended by adding
7 a new paragraph (c) to read as follows:

8 (c) Any firm established for the business purpose of incorporating as
9 a professional service corporation pursuant to paragraph (h) of section
10 fifteen hundred three of this article may issue shares to individuals
11 who are authorized by law to practice in this state a profession which
12 such corporation is authorized to practice and who are or have been
13 engaged in the practice of such profession in such corporation or a
14 predecessor entity, or who will engage in the practice of such profes-
15 sion in such corporation within thirty days of the date such shares are
16 issued and may also issue shares to employees of the corporation not
17 licensed as certified public accountants, provided that:

18 (i) at least fifty-one percent of the outstanding shares of stock of
19 the corporation are owned by certified public accountants,

20 (ii) at least fifty-one percent of the directors are certified public
21 accountants,

22 (iii) at least fifty-one percent of the officers are certified public
23 accountants,

24 (iv) the president, the chairperson of the board of directors and the
25 chief executive officer or officers are certified public accountants.

26 No shareholder of a firm established for the business purpose of incor-
27 porating as a professional service corporation pursuant to paragraph (h)
28 of section fifteen hundred three of this article shall enter into a

1 voting trust agreement, proxy or any other type of agreement vesting in
2 another person, other than another shareholder of the same corporation,
3 the authority to exercise voting power of any or all of his or her
4 shares. All shares issued, agreements made or proxies granted in
5 violation of this section shall be void.

6 § 4. Section 1508 of the business corporation law is amended by adding
7 a new paragraph (c) to read as follows:

8 (c) The directors and officers of any firm established for the busi-
9 ness purpose of incorporating as a professional service corporation
10 pursuant to paragraph (h) of section fifteen hundred three of this arti-
11 cle may include individuals who are not licensed to practice public
12 accountancy, provided however that at least fifty-one percent of the
13 directors, at least fifty-one percent of the officers and the president,
14 the chairperson of the board of directors and the chief executive offi-
15 cer or officers are authorized by law to practice in this state a
16 profession which such corporation is authorized to practice, and are
17 either shareholders of such corporation or engaged in the practice of
18 their professions in such corporation.

19 § 5. Section 1509 of the business corporation law, as amended by chap-
20 ter 550 of the laws of 2011, is amended to read as follows:

21 § 1509. Disqualification of shareholders, directors, officers and
22 employees.

23 If any shareholder, director, officer or employee of a professional
24 service corporation, including a design professional service corpo-
25 ration, or any firm established for the business purpose of incorporat-
26 ing as a professional service corporation pursuant to paragraph (h) of
27 section fifteen hundred three of this article, who has been rendering
28 professional service to the public becomes legally disqualified to prac-

1 tice his profession within this state, he shall sever all employment
2 with, and financial interests (other than interests as a creditor) in,
3 such corporation forthwith or as otherwise provided in section 1510 of
4 this article. All provisions of law regulating the rendering of profes-
5 sional services by a person elected or appointed to a public office
6 shall be applicable to a shareholder, director, officer and employee of
7 such corporation in the same manner and to the same extent as if fully
8 set forth herein. Such legal disqualification to practice his profession
9 within this state shall be deemed to constitute an irrevocable offer by
10 the disqualified shareholder to sell his shares to the corporation,
11 pursuant to the provisions of section 1510 of this article or of the
12 certificate of incorporation, by-laws or agreement among the corporation
13 and all shareholders, whichever is applicable. Compliance with the terms
14 of such offer shall be specifically enforceable in the courts of this
15 state. A professional service corporation's failure to enforce compli-
16 ance with this provision shall constitute a ground for forfeiture of its
17 certificate of incorporation and its dissolution.

18 § 6. Paragraph (a) of section 1511 of the business corporation law, as
19 amended by chapter 550 of the laws of 2011, is amended and new paragraph
20 (c) is added to read as follows:

21 (a) No shareholder of a professional service corporation [or], includ-
22 ing a design professional service corporation, or any firm established
23 for the business purpose of incorporating as a professional service
24 corporation pursuant to paragraph (h) of section fifteen hundred three
25 of this article, may sell or transfer his shares in such corporation
26 except to another individual who is eligible to have shares issued to
27 him by such corporation or except in trust to another individual who
28 would be eligible to receive shares if he were employed by the corpo-

1 ration. Nothing herein contained shall be construed to prohibit the
2 transfer of shares by operation of law or by court decree. No transfer-
3 ee of shares by operation of law or court decree may vote the shares for
4 any purpose whatsoever except with respect to corporate action under
5 sections 909 and 1001 of this chapter. The restriction in the preceding
6 sentence shall not apply, however, where such transferee would be eligi-
7 ble to have shares issued to him if he were an employee of the corpo-
8 ration and, if there are other shareholders, a majority of such other
9 shareholders shall fail to redeem the shares so transferred, pursuant to
10 section 1510 of this article, within sixty days of receiving written
11 notice of such transfer. Any sale or transfer, except by operation of
12 law or court decree or except for a corporation having only one share-
13 holder, may be made only after the same shall have been approved by the
14 board of directors, or at a shareholders' meeting specially called for
15 such purpose by such proportion, not less than a majority, of the
16 outstanding shares as may be provided in the certificate of incorpo-
17 ration or in the by-laws of such professional service corporation. At
18 such shareholders' meeting the shares held by the shareholder proposing
19 to sell or transfer his shares may not be voted or counted for any
20 purpose, unless all shareholders consent that such shares be voted or
21 counted. The certificate of incorporation or the by-laws of the profes-
22 sional service corporation, or the professional service corporation and
23 the shareholders by private agreement, may provide, in lieu of or in
24 addition to the foregoing provisions, for the alienation of shares and
25 may require the redemption or purchase of such shares by such corpo-
26 ration at prices and in a manner specifically set forth therein. The
27 existence of the restrictions on the sale or transfer of shares, as
28 contained in this article and, if applicable, in the certificate of

1 incorporation, by-laws, stock purchase or stock redemption agreement,
2 shall be noted conspicuously on the face or back of every certificate
3 for shares issued by a professional service corporation. Any sale or
4 transfer in violation of such restrictions shall be void.

5 (c) A firm established for the business purpose of incorporating as a
6 professional service corporation pursuant to paragraph (h) of section
7 fifteen hundred three of this article, shall purchase or redeem the
8 shares of a non-licensed professional shareholder in the case of his or
9 her termination of employment within thirty days after such termination.
10 A firm established for the business purpose of incorporating as a
11 professional service corporation pursuant to paragraph (h) of section
12 fifteen hundred three of this article, shall not be required to purchase
13 or redeem the shares of a terminated non-licensed professional share-
14 holder if such shares, within thirty days after such termination, are
15 sold or transferred to another employee of the corporation pursuant to
16 this article.

17 § 7. Paragraph (a) of section 1512 of the business corporation law, as
18 amended by chapter 550 of the laws of 2011, is amended to read as
19 follows:

20 (a) Notwithstanding any other provision of law, the name of a profes-
21 sional service corporation, including a design professional service
22 corporation and any firm established for the business purpose of incor-
23 porating as a professional service corporation pursuant to paragraph (h)
24 of section fifteen hundred three of this article, may contain any word
25 which, at the time of incorporation, could be used in the name of a
26 partnership practicing a profession which the corporation is authorized
27 to practice, and may not contain any word which could not be used by

1 such a partnership. Provided, however, the name of a professional
2 service corporation may not contain the name of a deceased person unless

3 (1) such person's name was part of the corporate name at the time of
4 such person's death; or

5 (2) such person's name was part of the name of an existing partnership
6 and at least two-thirds of such partnership's partners become sharehold-
7 ers of the corporation.

8 § 8. Section 1514 of the business corporation law is amended by adding
9 a new paragraph (c) to read as follows:

10 (c) Each firm established for the business purpose of incorporating as
11 a professional service corporation pursuant to paragraph (h) of section
12 fifteen hundred three of this article shall, at least once every three
13 years on or before the date prescribed by the licensing authority,
14 furnish a statement to the licensing authority listing the names and
15 residence addresses of each shareholder, director and officer of such
16 corporation and certify as the date of certification and at all times
17 over the entire three year period that:

18 (i) at least fifty-one percent of the outstanding shares of stock of
19 the corporation are and were owned by certified public accountants,

20 (ii) at least fifty-one percent of the directors are and were certi-
21 fied public accountants,

22 (iii) at least fifty-one percent of the officers are and were certi-
23 fied public accountants,

24 (iv) the president, the chairperson of the board of directors and the
25 chief executive officer or officers are and were certified public
26 accountants.

1 The statement shall be signed by the president or any certified public
2 accountant vice-president and attested to by the secretary or any
3 assistant secretary of the corporation.

4 § 9. Paragraph (d) of section 1525 of the business corporation law, as
5 added by chapter 505 of the laws of 1983, is amended to read as follows:

6 (d) "Foreign professional service corporation" means a professional
7 service corporation, whether or not denominated as such, organized under
8 the laws of a jurisdiction other than this state, all of the sharehold-
9 ers, directors and officers of which are authorized and licensed to
10 practice the profession for which such corporation is licensed to do
11 business; except that all shareholders, directors and officers of a
12 foreign professional service corporation which provides health services
13 in this state shall be licensed in this state. Notwithstanding any other
14 provision of law a foreign professional service corporation formed to
15 lawfully engage in the practice of public accountancy, as such practice
16 is respectively defined under article one hundred forty-nine of the
17 education law, shall be required to show (1) that a simple majority of
18 the ownership of the firm, in terms of financial interests, including
19 ownership-based compensation, and voting rights held by the firm's
20 owners, belongs to individuals licensed to practice public accountancy
21 in some state, and (2) that all shareholders of a foreign professional
22 service corporation whose principal place of business is in this state,
23 and who are engaged in the practice of public accountancy in this state,
24 hold a valid license issued under section seventy-four hundred four of
25 the education law or are public accountants licensed under section
26 seventy-four hundred five of the education law. Although firms may
27 include non-licensee owners, the firm and its owners must comply with
28 rules promulgated by the state board for public accountancy. Notwith-

1 standing the foregoing, a firm registered under this section may not
2 have non-licensee owners if the firm's name includes the words "certi-
3 fied public accountant," or "certified public accountants," or the
4 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
5 incorporated under this section shall be (1) a natural person who
6 actively participates in the business of the firm or its affiliated
7 entities, or (2) an entity, including, but not limited to, a partnership
8 or professional corporation, provided each beneficial owner of an equity
9 interest in such entity is a natural person who actively participates in
10 the business conducted by the firm or its affiliated entities. For
11 purposes of this subdivision, "actively participate" means to provide
12 services to clients or to otherwise individually take part in the day-
13 to-day business or management of the firm.

14 § 10. The fourteenth undesignated paragraph of section 2 of the part-
15 nership law, as added by chapter 576 of the laws of 1994, is amended to
16 read as follows:

17 "Professional partnership" means (1) a partnership without limited
18 partners each of whose partners is a professional authorized by law to
19 render a professional service within this state, (2) a partnership with-
20 out limited partners each of whose partners is a professional, at least
21 one of whom is authorized by law to render a professional service within
22 this state or (3) a partnership without limited partners authorized by,
23 or holding a license, certificate, registration or permit issued by the
24 licensing authority pursuant to the education law to render a profes-
25 sional service within this state; except that all partners of a profes-
26 sional partnership that provides medical services in this state must be
27 licensed pursuant to article 131 of the education law to practice medi-
28 cine in this state and all partners of a professional partnership that

1 provides dental services in this state must be licensed pursuant to
2 article 133 of the education law to practice dentistry in this state;
3 [and further] except that all partners of a professional partnership
4 that provides professional engineering, land surveying, architectural
5 and/or landscape architectural services in this state must be licensed
6 pursuant to article 145, article 147 and/or article 148 of the education
7 law to practice one or more of such professions in this state; and
8 further except that all partners of a professional partnership that
9 provides public accountancy services, whose principal place of business
10 is in this state and who provide public accountancy services, must be
11 licensed pursuant to article 149 of the education law to practice public
12 accountancy in this state. Notwithstanding any other provisions of law
13 a professional partnership formed to lawfully engage in the practice of
14 public accountancy, as such practice is respectively defined under arti-
15 cle 149 of the education law, shall be required to show (1) that a
16 simple majority of the ownership of the firm, in terms of financial
17 interests, including ownership-based compensation, and voting rights
18 held by the firm's owners, belongs to individuals licensed to practice
19 public accountancy in some state, and (2) that all shareholders of a
20 professional partnership whose principal place of business is in this
21 state, and who are engaged in the practice of public accountancy in this
22 state, hold a valid license issued under section 7404 of the education
23 law or are public accountants licensed under section 7405 of the educa-
24 tion law. Although firms may include non-licensee owners, the firm and
25 its owners must comply with rules promulgated by the state board for
26 public accountancy. Notwithstanding the foregoing, a firm registered
27 under this section may not have non-licensee owners if the firm's name
28 includes the words "certified public accountant," or "certified public

1 accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee
2 owner of a firm that is incorporated under this section shall be (1) a
3 natural person who actively participates in the business of the firm or
4 its affiliated entities, or (2) an entity, including, but not limited
5 to, a partnership or professional corporation, provided each beneficial
6 owner of an equity interest in such entity is a natural person who
7 actively participates in the business conducted by the firm or its
8 affiliated entities. For purposes of this subdivision, "actively partic-
9 ipate" means to provide services to clients or to otherwise individually
10 take part in the day-to-day business or management of the firm.

11 § 10-a. The fourteenth undesignated paragraph of section 2 of the
12 partnership law, as amended by chapter 475 of the laws of 2014, is
13 amended to read as follows:

14 "Professional partnership" means (1) a partnership without limited
15 partners each of whose partners is a professional authorized by law to
16 render a professional service within this state, (2) a partnership with-
17 out limited partners each of whose partners is a professional, at least
18 one of whom is authorized by law to render a professional service within
19 this state or (3) a partnership without limited partners authorized by,
20 or holding a license, certificate, registration or permit issued by the
21 licensing authority pursuant to the education law to render a profes-
22 sional service within this state; except that all partners of a profes-
23 sional partnership that provides medical services in this state must be
24 licensed pursuant to article 131 of the education law to practice medi-
25 cine in this state and all partners of a professional partnership that
26 provides dental services in this state must be licensed pursuant to
27 article 133 of the education law to practice dentistry in this state;
28 [and further] except that all partners of a professional partnership

1 that provides professional engineering, land surveying, geologic, archi-
2 tectural and/or landscape architectural services in this state must be
3 licensed pursuant to article 145, article 147 and/or article 148 of the
4 education law to practice one or more of such professions in this state;
5 and further except that all partners of a professional partnership that
6 provides public accountancy services, whose principal place of business
7 is in this state and who provide public accountancy services, must be
8 licensed pursuant to article 149 of the education law to practice public
9 accountancy in this state. Notwithstanding any other provisions of law
10 a professional partnership formed to lawfully engage in the practice of
11 public accountancy, as such practice is respectively defined under arti-
12 cle 149 of the education law, shall be required to show (1) that a
13 simple majority of the ownership of the firm, in terms of financial
14 interests, including ownership-based compensation, and voting rights
15 held by the firm's owners, belongs to individuals licensed to practice
16 public accountancy in some state, and (2) that all shareholders of a
17 professional partnership whose principal place of business is in this
18 state, and who are engaged in the practice of public accountancy in this
19 state, hold a valid license issued under section 7404 of the education
20 law or are public accountants licensed under section 7405 of the educa-
21 tion law. Although firms may include non-licensee owners, the firm and
22 its owners must comply with rules promulgated by the state board for
23 public accountancy. Notwithstanding the foregoing, a firm registered
24 under this section may not have non-licensee owners if the firm's name
25 includes the words "certified public accountant," or "certified public
26 accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee
27 owner of a firm that is incorporated under this section shall be (1) a
28 natural person who actively participates in the business of the firm or

1 its affiliated entities, or (2) an entity, including, but not limited
2 to, a partnership or professional corporation, provided each beneficial
3 owner of an equity interest in such entity is a natural person who
4 actively participates in the business conducted by the firm or its
5 affiliated entities. For purposes of this subdivision, "actively partic-
6 ipate" means to provide services to clients or to otherwise individually
7 take part in the day-to-day business or management of the firm.

8 § 11. Subdivision (q) of section 121-1500 of the partnership law, as
9 amended by chapter 554 of the laws of 2013, is amended to read as
10 follows:

11 (q) Each partner of a registered limited liability partnership formed
12 to provide medical services in this state must be licensed pursuant to
13 article 131 of the education law to practice medicine in this state and
14 each partner of a registered limited liability partnership formed to
15 provide dental services in this state must be licensed pursuant to arti-
16 cle 133 of the education law to practice dentistry in this state. Each
17 partner of a registered limited liability partnership formed to provide
18 veterinary services in this state must be licensed pursuant to article
19 135 of the education law to practice veterinary medicine in this state.
20 Each partner of a registered limited liability partnership formed to
21 provide public accountancy services, whose principal place of business
22 is in this state and who provides public accountancy services, must be
23 licensed pursuant to article 149 of the education law to practice public
24 accountancy in this state. Each partner of a registered limited liabil-
25 ity partnership formed to provide professional engineering, land survey-
26 ing, architectural and/or landscape architectural services in this state
27 must be licensed pursuant to article 145, article 147 and/or article 148
28 of the education law to practice one or more of such professions in this

1 state. Each partner of a registered limited liability partnership formed
2 to provide licensed clinical social work services in this state must be
3 licensed pursuant to article 154 of the education law to practice clin-
4 ical social work in this state. Each partner of a registered limited
5 liability partnership formed to provide creative arts therapy services
6 in this state must be licensed pursuant to article 163 of the education
7 law to practice creative arts therapy in this state. Each partner of a
8 registered limited liability partnership formed to provide marriage and
9 family therapy services in this state must be licensed pursuant to arti-
10 cle 163 of the education law to practice marriage and family therapy in
11 this state. Each partner of a registered limited liability partnership
12 formed to provide mental health counseling services in this state must
13 be licensed pursuant to article 163 of the education law to practice
14 mental health counseling in this state. Each partner of a registered
15 limited liability partnership formed to provide psychoanalysis services
16 in this state must be licensed pursuant to article 163 of the education
17 law to practice psychoanalysis in this state. Each partner of a regis-
18 tered limited liability partnership formed to provide applied behavior
19 analysis service in this state must be licensed or certified pursuant to
20 article 167 of the education law to practice applied behavior analysis
21 in this state. Notwithstanding any other provisions of law a limited
22 liability partnership formed to lawfully engage in the practice of
23 public accountancy, as such practice is respectively defined under arti-
24 cle 149 of the education law, shall be required to show (1) that a
25 simple majority of the ownership of the firm, in terms of financial
26 interests, including ownership-based compensation, and voting rights
27 held by the firm's owners, belongs to individuals licensed to practice
28 public accountancy in some state, and (2) that all partners of a limited

1 liability partnership whose principal place of business is in this
2 state, and who are engaged in the practice of public accountancy in this
3 state, hold a valid license issued under section 7404 of the education
4 law or are public accountants licensed under section 7405 of the educa-
5 tion law. Although firms may include non-licensee owners, the firm and
6 its owners must comply with rules promulgated by the state board for
7 public accountancy. Notwithstanding the foregoing, a firm registered
8 under this section may not have non-licensee owners if the firm's name
9 includes the words "certified public accountant," or "certified public
10 accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee
11 owner of a firm that is incorporated under this section shall be (1) a
12 natural person who actively participates in the business of the firm or
13 its affiliated entities, or (2) an entity, including, but not limited
14 to, a partnership or professional corporation, provided each beneficial
15 owner of an equity interest in such entity is a natural person who
16 actively participates in the business conducted by the firm or its
17 affiliated entities. For purposes of this subdivision, "actively partic-
18 ipate" means to provide services to clients or to otherwise individually
19 take part in the day-to-day business or management of the firm.

20 § 11-a. Subdivision (q) of section 121-1500 of the partnership law, as
21 amended by chapter 475 of the laws of 2014, is amended to read as
22 follows:

23 (q) Each partner of a registered limited liability partnership formed
24 to provide medical services in this state must be licensed pursuant to
25 article 131 of the education law to practice medicine in this state and
26 each partner of a registered limited liability partnership formed to
27 provide dental services in this state must be licensed pursuant to arti-
28 cle 133 of the education law to practice dentistry in this state. Each

1 partner of a registered limited liability partnership formed to provide
2 veterinary services in this state must be licensed pursuant to article
3 135 of the education law to practice veterinary medicine in this state.
4 Each partner of a registered limited liability partnership formed to
5 provide public accountancy services, whose principal place of business
6 is in this state and who provides public accountancy services, must be
7 licensed pursuant to article 149 of the education law to practice public
8 accountancy in this state. Each partner of a registered limited liabil-
9 ity partnership formed to provide professional engineering, land survey-
10 ing, geological services, architectural and/or landscape architectural
11 services in this state must be licensed pursuant to article 145, article
12 147 and/or article 148 of the education law to practice one or more of
13 such professions in this state. Each partner of a registered limited
14 liability partnership formed to provide licensed clinical social work
15 services in this state must be licensed pursuant to article 154 of the
16 education law to practice clinical social work in this state. Each part-
17 ner of a registered limited liability partnership formed to provide
18 creative arts therapy services in this state must be licensed pursuant
19 to article 163 of the education law to practice creative arts therapy in
20 this state. Each partner of a registered limited liability partnership
21 formed to provide marriage and family therapy services in this state
22 must be licensed pursuant to article 163 of the education law to prac-
23 tice marriage and family therapy in this state. Each partner of a regis-
24 tered limited liability partnership formed to provide mental health
25 counseling services in this state must be licensed pursuant to article
26 163 of the education law to practice mental health counseling in this
27 state. Each partner of a registered limited liability partnership formed
28 to provide psychoanalysis services in this state must be licensed pursu-

1 ant to article 163 of the education law to practice psychoanalysis in
2 this state. Each partner of a registered limited liability partnership
3 formed to provide applied behavior analysis service in this state must
4 be licensed or certified pursuant to article 167 of the education law to
5 practice applied behavior analysis in this state. Notwithstanding any
6 other provisions of law a limited liability partnership formed to
7 lawfully engage in the practice of public accountancy, as such practice
8 is respectively defined under article 149 of the education law, shall be
9 required to show (1) that a simple majority of the ownership of the
10 firm, in terms of financial interests, including ownership-based compen-
11 sation, and voting rights held by the firm's owners, belongs to individ-
12 uals licensed to practice public accountancy in some state, and (2) that
13 all partners of a limited liability partnership whose principal place of
14 business is in this state, and who are engaged in the practice of public
15 accountancy in this state, hold a valid license issued under section
16 7404 of the education law or are public accountants licensed under
17 section 7405 of the education law. Although firms may include non-li-
18 censee owners, the firm and its owners must comply with rules promulgat-
19 ed by the state board for public accountancy. Notwithstanding the fore-
20 going, a firm registered under this section may not have non-licensee
21 owners if the firm's name includes the words "certified public account-
22 ant," or "certified public accountants," or the abbreviations "CPA" or
23 "CPAs." Each non-licensee owner of a firm that is incorporated under
24 this section shall be (1) a natural person who actively participates in
25 the business of the firm or its affiliated entities, or (2) an entity,
26 including, but not limited to, a partnership or professional corpo-
27 ration, provided each beneficial owner of an equity interest in such
28 entity is a natural person who actively participates in the business

1 conducted by the firm or its affiliated entities. For purposes of this
2 subdivision, "actively participate" means to provide services to clients
3 or to otherwise individually take part in the day-to-day business or
4 management of the firm.

5 § 12. Subdivision (q) of section 121-1502 of the partnership law, as
6 amended by chapter 554 of the laws of 2013, is amended to read as
7 follows:

8 (q) Each partner of a foreign limited liability partnership which
9 provides medical services in this state must be licensed pursuant to
10 article 131 of the education law to practice medicine in the state and
11 each partner of a foreign limited liability partnership which provides
12 dental services in the state must be licensed pursuant to article 133 of
13 the education law to practice dentistry in this state. Each partner of a
14 foreign limited liability partnership which provides veterinary service
15 in the state shall be licensed pursuant to article 135 of the education
16 law to practice veterinary medicine in this state. Each partner of a
17 foreign limited liability partnership which provides professional engi-
18 neering, land surveying, architectural and/or landscape architectural
19 services in this state must be licensed pursuant to article 145, article
20 147 and/or article 148 of the education law to practice one or more of
21 such professions. Each partner of a foreign registered limited liability
22 partnership formed to provide public accountancy services, whose princi-
23 pal place of business is in this state and who provides public accoun-
24 tancy services, must be licensed pursuant to article 149 of the educa-
25 tion law to practice public accountancy in this state. Each partner of a
26 foreign limited liability partnership which provides licensed clinical
27 social work services in this state must be licensed pursuant to article
28 154 of the education law to practice licensed clinical social work in

1 this state. Each partner of a foreign limited liability partnership
2 which provides creative arts therapy services in this state must be
3 licensed pursuant to article 163 of the education law to practice crea-
4 tive arts therapy in this state. Each partner of a foreign limited
5 liability partnership which provides marriage and family therapy
6 services in this state must be licensed pursuant to article 163 of the
7 education law to practice marriage and family therapy in this state.
8 Each partner of a foreign limited liability partnership which provides
9 mental health counseling services in this state must be licensed pursu-
10 ant to article 163 of the education law to practice mental health coun-
11 seling in this state. Each partner of a foreign limited liability part-
12 nership which provides psychoanalysis services in this state must be
13 licensed pursuant to article 163 of the education law to practice
14 psychoanalysis in this state. Each partner of a foreign limited liabil-
15 ity partnership which provides applied behavior analysis services in
16 this state must be licensed or certified pursuant to article 167 of the
17 education law to practice applied behavior analysis in this state.
18 Notwithstanding any other provisions of law a foreign limited liability
19 partnership formed to lawfully engage in the practice of public accoun-
20 tancy, as such practice is respectively defined under article 149 of the
21 education law, shall be required to show (1) that a simple majority of
22 the ownership of the firm, in terms of financial interests, including
23 ownership-based compensation, and voting rights held by the firm's
24 owners, belongs to individuals licensed to practice public accountancy
25 in some state, and (2) that all partners of a foreign limited liability
26 partnership whose principal place of business is in this state, and who
27 are engaged in the practice of public accountancy in this state, hold a
28 valid license issued under section 7404 of the education law or are

1 public accountants licensed under section 7405 of the education law.
2 Although firms may include non-licensee owners, the firm and its owners
3 must comply with rules promulgated by the state board for public accoun-
4 tancy. Notwithstanding the foregoing, a firm registered under this
5 section may not have non-licensee owners if the firm's name includes the
6 words "certified public accountant," or "certified public accountants,"
7 or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm
8 that is incorporated under this section shall be (1) a natural person
9 who actively participates in the business of the firm or its affiliated
10 entities, or (2) an entity, including, but not limited to, a partnership
11 or professional corporation, provided each beneficial owner of an equity
12 interest in such entity is a natural person who actively participates in
13 the business conducted by the firm or its affiliated entities. For
14 purposes of this subdivision, "actively participate" means to provide
15 services to clients or to otherwise individually take part in the day-
16 to-day business or management of the firm.

17 § 12-a. Subdivision (q) of section 121-1502 of the partnership law, as
18 amended by chapter 475 of the laws of 2014, is amended to read as
19 follows:

20 (q) Each partner of a foreign limited liability partnership which
21 provides medical services in this state must be licensed pursuant to
22 article 131 of the education law to practice medicine in the state and
23 each partner of a foreign limited liability partnership which provides
24 dental services in the state must be licensed pursuant to article 133 of
25 the education law to practice dentistry in this state. Each partner of
26 a foreign limited liability partnership which provides veterinary
27 service in the state shall be licensed pursuant to article 135 of the
28 education law to practice veterinary medicine in this state. Each part-

1 ner of a foreign limited liability partnership which provides profes-
2 sional engineering, land surveying, geological services, architectural
3 and/or landscape architectural services in this state must be licensed
4 pursuant to article 145, article 147 and/or article 148 of the education
5 law to practice one or more of such professions. Each partner of a
6 foreign registered limited liability partnership formed to provide
7 public accountancy services, whose principal place of business is in
8 this state and who provides public accountancy services, must be
9 licensed pursuant to article 149 of the education law to practice public
10 accountancy in this state. Each partner of a foreign limited liability
11 partnership which provides licensed clinical social work services in
12 this state must be licensed pursuant to article 154 of the education law
13 to practice licensed clinical social work in this state. Each partner of
14 a foreign limited liability partnership which provides creative arts
15 therapy services in this state must be licensed pursuant to article 163
16 of the education law to practice creative arts therapy in this state.
17 Each partner of a foreign limited liability partnership which provides
18 marriage and family therapy services in this state must be licensed
19 pursuant to article 163 of the education law to practice marriage and
20 family therapy in this state. Each partner of a foreign limited liabil-
21 ity partnership which provides mental health counseling services in this
22 state must be licensed pursuant to article 163 of the education law to
23 practice mental health counseling in this state. Each partner of a
24 foreign limited liability partnership which provides psychoanalysis
25 services in this state must be licensed pursuant to article 163 of the
26 education law to practice psychoanalysis in this state. Each partner of
27 a foreign limited liability partnership which provides applied behavior
28 analysis services in this state must be licensed or certified pursuant

1 to article 167 of the education law to practice applied behavior analy-
2 sis in this state. Notwithstanding any other provisions of law a foreign
3 limited liability partnership formed to lawfully engage in the practice
4 of public accountancy, as such practice is respectively defined under
5 article 149 of the education law, shall be required to show (1) that a
6 simple majority of the ownership of the firm, in terms of financial
7 interests, including ownership-based compensation, and voting rights
8 held by the firm's owners, belongs to individuals licensed to practice
9 public accountancy in some state, and (2) that all partners of a foreign
10 limited liability partnership whose principal place of business is in
11 this state, and who are engaged in the practice of public accountancy in
12 this state, hold a valid license issued under section 7404 of the educa-
13 tion law or are public accountants licensed under section 7405 of the
14 education law. Although firms may include non-licensee owners, the firm
15 and its owners must comply with rules promulgated by the state board for
16 public accountancy. Notwithstanding the foregoing, a firm registered
17 under this section may not have non-licensee owners if the firm's name
18 includes the words "certified public accountant," or "certified public
19 accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee
20 owner of a firm that is incorporated under this section shall be (1) a
21 natural person who actively participates in the business of the firm or
22 its affiliated entities, or (2) an entity, including, but not limited
23 to, a partnership or professional corporation, provided each beneficial
24 owner of an equity interest in such entity is a natural person who
25 actively participates in the business conducted by the firm or its
26 affiliated entities. For purposes of this subdivision, "actively
27 participate" means to provide services to clients or to otherwise indi-
28 vidually take part in the day-to-day business or management of the firm.

1 § 13. Subdivision (h) of section 121-101 of the partnership law, as
2 added by chapter 950 of the laws of 1990, is amended to read as follows:

3 (h) "Limited partnership" and "domestic limited partnership" mean,
4 unless the context otherwise requires, a partnership (i) formed by two
5 or more persons pursuant to this article or which complies with subdivi-
6 sion (a) of section 121-1202 of this article and (ii) having one or more
7 general partners and one or more limited partners. Notwithstanding any
8 other provisions of law a limited partnership or domestic limited part-
9 nership formed to lawfully engage in the practice of public accountancy,
10 as such practice is respectively defined under article 149 of the educa-
11 tion law shall be required to show (1) that a simple majority of the
12 ownership of the firm, in terms of financial interests, including owner-
13 ship-based compensation, and voting rights held by the firm's owners,
14 belongs to individuals licensed to practice public accountancy in some
15 state, and (2) that all partners of a limited partnership or domestic
16 limited partnership, whose principal place of business is in this state,
17 and who are engaged in the practice of public accountancy in this state,
18 hold a valid license issued under section 7404 of the education law or
19 are public accountants licensed under section 7405 of the education law.
20 Although firms may include non-licensee owners, the firm and its owners
21 must comply with rules promulgated by the state board for public accoun-
22 tancy. Notwithstanding the foregoing, a firm registered under this
23 section may not have non-licensee owners if the firm's name includes the
24 words "certified public accountant," or "certified public accountants,"
25 or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm
26 that is registered under this section shall be (1) a natural person who
27 actively participates in the business of the firm or its affiliated
28 entities, or (2) an entity, including, but not limited to, a partnership

1 or professional corporation, provided each beneficial owner of an equity
2 interest in such entity is a natural person who actively participates in
3 the business conducted by the firm or its affiliated entities. For
4 purposes of this subdivision, "actively participate" means to provide
5 services to clients or to otherwise individually take part in the day-
6 to-day business or management of the firm.

7 § 14. Subdivision (b) of section 1207 of the limited liability company
8 law, as amended by chapter 554 of the laws of 2013, is amended to read
9 as follows:

10 (b) With respect to a professional service limited liability company
11 formed to provide medical services as such services are defined in arti-
12 cle 131 of the education law, each member of such limited liability
13 company must be licensed pursuant to article 131 of the education law to
14 practice medicine in this state. With respect to a professional service
15 limited liability company formed to provide dental services as such
16 services are defined in article 133 of the education law, each member of
17 such limited liability company must be licensed pursuant to article 133
18 of the education law to practice dentistry in this state. With respect
19 to a professional service limited liability company formed to provide
20 veterinary services as such services are defined in article 135 of the
21 education law, each member of such limited liability company must be
22 licensed pursuant to article 135 of the education law to practice veter-
23 inary medicine in this state. With respect to a professional service
24 limited liability company formed to provide professional engineering,
25 land surveying, architectural and/or landscape architectural services as
26 such services are defined in article 145, article 147 and article 148 of
27 the education law, each member of such limited liability company must be
28 licensed pursuant to article 145, article 147 and/or article 148 of the

1 education law to practice one or more of such professions in this state.
2 With respect to a professional service limited liability company formed
3 to provide public accountancy services as such services are defined in
4 article 149 of the education law each member of such limited liability
5 company whose principal place of business is in this state and who
6 provides public accountancy services, must be licensed pursuant to arti-
7 cle 149 of the education law to practice public accountancy in this
8 state. With respect to a professional service limited liability company
9 formed to provide licensed clinical social work services as such
10 services are defined in article 154 of the education law, each member of
11 such limited liability company shall be licensed pursuant to article 154
12 of the education law to practice licensed clinical social work in this
13 state. With respect to a professional service limited liability company
14 formed to provide creative arts therapy services as such services are
15 defined in article 163 of the education law, each member of such limited
16 liability company must be licensed pursuant to article 163 of the educa-
17 tion law to practice creative arts therapy in this state. With respect
18 to a professional service limited liability company formed to provide
19 marriage and family therapy services as such services are defined in
20 article 163 of the education law, each member of such limited liability
21 company must be licensed pursuant to article 163 of the education law to
22 practice marriage and family therapy in this state. With respect to a
23 professional service limited liability company formed to provide mental
24 health counseling services as such services are defined in article 163
25 of the education law, each member of such limited liability company must
26 be licensed pursuant to article 163 of the education law to practice
27 mental health counseling in this state. With respect to a professional
28 service limited liability company formed to provide psychoanalysis

1 services as such services are defined in article 163 of the education
2 law, each member of such limited liability company must be licensed
3 pursuant to article 163 of the education law to practice psychoanalysis
4 in this state. With respect to a professional service limited liability
5 company formed to provide applied behavior analysis services as such
6 services are defined in article 167 of the education law, each member of
7 such limited liability company must be licensed or certified pursuant to
8 article 167 of the education law to practice applied behavior analysis
9 in this state. Notwithstanding any other provisions of law a profes-
10 sional service limited liability company formed to lawfully engage in
11 the practice of public accountancy, as such practice is respectively
12 defined under article 149 of the education law shall be required to show
13 (1) that a simple majority of the ownership of the firm, in terms of
14 financial interests, including ownership-based compensation, and voting
15 rights held by the firm's owners, belongs to individuals licensed to
16 practice public accountancy in some state, and (2) that all members of a
17 limited professional service limited liability company, whose principal
18 place of business is in this state, and who are engaged in the practice
19 of public accountancy in this state, hold a valid license issued under
20 section 7404 of article 149 of the education law or are public account-
21 ants licensed under section 7405 of article 149 of the education law.
22 Although firms may include non-licensee owners, the firm and its owners
23 must comply with rules promulgated by the state board for public accoun-
24 tancy. Notwithstanding the foregoing, a firm registered under this
25 section may not have non-licensee owners if the firm's name includes the
26 words "certified public accountant," or "certified public accountants,"
27 or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm
28 that is registered under this section shall be (1) a natural person who

1 actively participates in the business of the firm or its affiliated
2 entities, or (2) an entity, including, but not limited to, a partnership
3 or professional corporation, provided each beneficial owner of an equity
4 interest in such entity is a natural person who actively participates in
5 the business conducted by the firm or its affiliated entities. For
6 purposes of this subdivision, "actively participate" means to provide
7 services to clients or to otherwise individually take part in the day-
8 to-day business or management of the firm.

9 § 14-a. Subdivision (b) of section 1207 of the limited liability
10 company law, as amended by chapter 475 of the laws of 2014, is amended
11 to read as follows:

12 (b) With respect to a professional service limited liability company
13 formed to provide medical services as such services are defined in arti-
14 cle 131 of the education law, each member of such limited liability
15 company must be licensed pursuant to article 131 of the education law to
16 practice medicine in this state. With respect to a professional service
17 limited liability company formed to provide dental services as such
18 services are defined in article 133 of the education law, each member of
19 such limited liability company must be licensed pursuant to article 133
20 of the education law to practice dentistry in this state. With respect
21 to a professional service limited liability company formed to provide
22 veterinary services as such services are defined in article 135 of the
23 education law, each member of such limited liability company must be
24 licensed pursuant to article 135 of the education law to practice veter-
25 inary medicine in this state. With respect to a professional service
26 limited liability company formed to provide professional engineering,
27 land surveying, architectural, landscape architectural and/or geological
28 services as such services are defined in article 145, article 147 and

1 article 148 of the education law, each member of such limited liability
2 company must be licensed pursuant to article 145, article 147 and/or
3 article 148 of the education law to practice one or more of such
4 professions in this state. With respect to a professional service
5 limited liability company formed to provide public accountancy services
6 as such services are defined in article 149 of the education law each
7 member of such limited liability company whose principal place of busi-
8 ness is in this state and who provides public accountancy services, must
9 be licensed pursuant to article 149 of the education law to practice
10 public accountancy in this state. With respect to a professional service
11 limited liability company formed to provide licensed clinical social
12 work services as such services are defined in article 154 of the educa-
13 tion law, each member of such limited liability company shall be
14 licensed pursuant to article 154 of the education law to practice
15 licensed clinical social work in this state. With respect to a profes-
16 sional service limited liability company formed to provide creative arts
17 therapy services as such services are defined in article 163 of the
18 education law, each member of such limited liability company must be
19 licensed pursuant to article 163 of the education law to practice crea-
20 tive arts therapy in this state. With respect to a professional service
21 limited liability company formed to provide marriage and family therapy
22 services as such services are defined in article 163 of the education
23 law, each member of such limited liability company must be licensed
24 pursuant to article 163 of the education law to practice marriage and
25 family therapy in this state. With respect to a professional service
26 limited liability company formed to provide mental health counseling
27 services as such services are defined in article 163 of the education
28 law, each member of such limited liability company must be licensed

1 pursuant to article 163 of the education law to practice mental health
2 counseling in this state. With respect to a professional service limited
3 liability company formed to provide psychoanalysis services as such
4 services are defined in article 163 of the education law, each member of
5 such limited liability company must be licensed pursuant to article 163
6 of the education law to practice psychoanalysis in this state. With
7 respect to a professional service limited liability company formed to
8 provide applied behavior analysis services as such services are defined
9 in article 167 of the education law, each member of such limited liabil-
10 ity company must be licensed or certified pursuant to article 167 of the
11 education law to practice applied behavior analysis in this state.
12 Notwithstanding any other provisions of law a professional service
13 limited liability company formed to lawfully engage in the practice of
14 public accountancy, as such practice is respectively defined under arti-
15 cle 149 of the education law shall be required to show (1) that a simple
16 majority of the ownership of the firm, in terms of financial interests,
17 including ownership-based compensation, and voting rights held by the
18 firm's owners, belongs to individuals licensed to practice public
19 accountancy in some state, and (2) that all members of a limited profes-
20 sional service limited liability company, whose principal place of busi-
21 ness is in this state, and who are engaged in the practice of public
22 accountancy in this state, hold a valid license issued under section
23 7404 of article 149 of the education law or are public accountants
24 licensed under section 7405 of article 149 of the education law.
25 Although firms may include non-licensee owners, the firm and its owners
26 must comply with rules promulgated by the state board for public accoun-
27 tancy. Notwithstanding the foregoing, a firm registered under this
28 section may not have non-licensee owners if the firm's name includes the

1 words "certified public accountant," or "certified public accountants,"
2 or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm
3 that is registered under this section shall be (1) a natural person who
4 actively participates in the business of the firm or its affiliated
5 entities, or (2) an entity, including, but not limited to, a partnership
6 or professional corporation, provided each beneficial owner of an equity
7 interest in such entity is a natural person who actively participates in
8 the business conducted by the firm or its affiliated entities. For
9 purposes of this subdivision, "actively participate" means to provide
10 services to clients or to otherwise individually take part in the day-
11 to-day business or management of the firm.

12 § 15. Subdivisions (a) and (f) of section 1301 of the limited liabil-
13 ity company law, subdivision (a) as amended by chapter 554 of the laws
14 of 2013 and subdivision (f) as amended by chapter 170 of the laws of
15 1996, are amended to read as follows:

16 (a) "Foreign professional service limited liability company" means a
17 professional service limited liability company, whether or not denomi-
18 nated as such, organized under the laws of a jurisdiction other than
19 this state, (i) each of whose members and managers, if any, is a profes-
20 sional authorized by law to render a professional service within this
21 state and who is or has been engaged in the practice of such profession
22 in such professional service limited liability company or a predecessor
23 entity, or will engage in the practice of such profession in the profes-
24 sional service limited liability company within thirty days of the date
25 such professional becomes a member, or each of whose members and manag-
26 ers, if any, is a professional at least one of such members is author-
27 ized by law to render a professional service within this state and who
28 is or has been engaged in the practice of such profession in such

1 professional service limited liability company or a predecessor entity,
2 or will engage in the practice of such profession in the professional
3 service limited liability company within thirty days of the date such
4 professional becomes a member, or (ii) authorized by, or holding a
5 license, certificate, registration or permit issued by the licensing
6 authority pursuant to, the education law to render a professional
7 service within this state; except that all members and managers, if any,
8 of a foreign professional service limited liability company that
9 provides health services in this state shall be licensed in this state.
10 With respect to a foreign professional service limited liability company
11 which provides veterinary services as such services are defined in arti-
12 cle 135 of the education law, each member of such foreign professional
13 service limited liability company shall be licensed pursuant to article
14 135 of the education law to practice veterinary medicine. With respect
15 to a foreign professional service limited liability company which
16 provides medical services as such services are defined in article 131 of
17 the education law, each member of such foreign professional service
18 limited liability company must be licensed pursuant to article 131 of
19 the education law to practice medicine in this state. With respect to a
20 foreign professional service limited liability company which provides
21 dental services as such services are defined in article 133 of the
22 education law, each member of such foreign professional service limited
23 liability company must be licensed pursuant to article 133 of the educa-
24 tion law to practice dentistry in this state. With respect to a foreign
25 professional service limited liability company which provides profes-
26 sional engineering, land surveying, architectural and/or landscape
27 architectural services as such services are defined in article 145,
28 article 147 and article 148 of the education law, each member of such

1 foreign professional service limited liability company must be licensed
2 pursuant to article 145, article 147 and/or article 148 of the education
3 law to practice one or more of such professions in this state. With
4 respect to a foreign professional service limited liability company
5 which provides public accountancy services as such services are defined
6 in article 149 of the education law, each member of such foreign profes-
7 sional service limited liability company whose principal place of busi-
8 ness is in this state and who provides public accountancy services,
9 shall be licensed pursuant to article 149 of the education law to prac-
10 tice public accountancy in this state. With respect to a foreign profes-
11 sional service limited liability company which provides licensed clin-
12 ical social work services as such services are defined in article 154 of
13 the education law, each member of such foreign professional service
14 limited liability company shall be licensed pursuant to article 154 of
15 the education law to practice clinical social work in this state. With
16 respect to a foreign professional service limited liability company
17 which provides creative arts therapy services as such services are
18 defined in article 163 of the education law, each member of such foreign
19 professional service limited liability company must be licensed pursuant
20 to article 163 of the education law to practice creative arts therapy in
21 this state. With respect to a foreign professional service limited
22 liability company which provides marriage and family therapy services as
23 such services are defined in article 163 of the education law, each
24 member of such foreign professional service limited liability company
25 must be licensed pursuant to article 163 of the education law to prac-
26 tice marriage and family therapy in this state. With respect to a
27 foreign professional service limited liability company which provides
28 mental health counseling services as such services are defined in arti-

1 cle 163 of the education law, each member of such foreign professional
2 service limited liability company must be licensed pursuant to article
3 163 of the education law to practice mental health counseling in this
4 state. With respect to a foreign professional service limited liability
5 company which provides psychoanalysis services as such services are
6 defined in article 163 of the education law, each member of such foreign
7 professional service limited liability company must be licensed pursuant
8 to article 163 of the education law to practice psychoanalysis in this
9 state. With respect to a foreign professional service limited liability
10 company which provides applied behavior analysis services as such
11 services are defined in article 167 of the education law, each member of
12 such foreign professional service limited liability company must be
13 licensed or certified pursuant to article 167 of the education law to
14 practice applied behavior analysis in this state. Notwithstanding any
15 other provisions of law a foreign professional service limited liability
16 company formed to lawfully engage in the practice of public accountancy,
17 as such practice is respectively defined under article 149 of the educa-
18 tion law shall be required to show (1) that a simple majority of the
19 ownership of the firm, in terms of financial interests, including owner-
20 ship-based compensation, and voting rights held by the firm's owners,
21 belongs to individuals licensed to practice public accountancy in some
22 state, and (2) that all members of a foreign limited professional
23 service limited liability company, whose principal place of business is
24 in this state, and who are engaged in the practice of public accountancy
25 in this state, hold a valid license issued under section 7404 of the
26 education law or are public accountants licensed under section 7405 of
27 the education law. Although firms may include non-licensee owners, the
28 firm and its owners must comply with rules promulgated by the state

1 board for public accountancy. Notwithstanding the foregoing, a firm
2 registered under this section may not have non-licensee owners if the
3 firm's name includes the words "certified public accountant," or "certi-
4 fied public accountants," or the abbreviations "CPA" or "CPAs." Each
5 non-licensee owner of a firm that is registered under this section shall
6 be (1) a natural person who actively participates in the business of the
7 firm or its affiliated entities, or (2) an entity, including, but not
8 limited to, a partnership or professional corporation, provided each
9 beneficial owner of an equity interest in such entity is a natural
10 person who actively participates in the business conducted by the firm
11 or its affiliated entities. For purposes of this subdivision, "actively
12 participate" means to provide services to clients or to otherwise indi-
13 vidually take part in the day-to-day business or management of the firm.

14 (f) "Professional partnership" means (1) a partnership without limited
15 partners each of whose partners is a professional authorized by law to
16 render a professional service within this state, (2) a partnership with-
17 out limited partners each of whose partners is a professional, at least
18 one of whom is authorized by law to render a professional service within
19 this state or (3) a partnership without limited partners authorized by,
20 or holding a license, certificate, registration or permit issued by the
21 licensing authority pursuant to the education law to render a profes-
22 sional service within this state; except that all partners of a profes-
23 sional partnership that provides medical services in this state must be
24 licensed pursuant to article 131 of the education law to practice medi-
25 cine in this state and all partners of a professional partnership that
26 provides dental services in this state must be licensed pursuant to
27 article 133 of the education law to practice dentistry in this state;
28 except that all partners of a professional partnership that provides

1 veterinary services in this state must be licensed pursuant to article
2 135 of the education law to practice veterinary medicine in this state;
3 and further except that all partners of a professional partnership that
4 provides professional engineering, land surveying, architectural, and/or
5 landscape architectural services in this state must be licensed pursuant
6 to article 145, article 147 and/or article 148 of the education law to
7 practice one or more of such professions. With respect to a professional
8 partnership which provides public accountancy services as such services
9 are defined in article 149 of the education law, each member of such
10 professional partnership whose principal place of business is in this
11 state and who provides public accountancy services, shall be licensed
12 pursuant to article 149 of the education law to practice public accoun-
13 tancy. Notwithstanding any other provisions of law a professional part-
14 nership formed to lawfully engage in the practice of public accountancy,
15 as such practice is respectively defined under article 149 of the educa-
16 tion law shall be required to show (1) that a simple majority of the
17 ownership of the firm, in terms of financial interests, including owner-
18 ship-based compensation, and voting rights held by the firm's owners,
19 belongs to individuals licensed to practice public accountancy in some
20 state, and (2) that all members of a limited professional partnership,
21 whose principal place of business is in this state, and who are engaged
22 in the practice of public accountancy in this state, hold a valid
23 license issued under section 7404 of the education law or are public
24 accountants licensed under section 7405 of the education law. Although
25 firms may include non-licensee owners, the firm and its owners must
26 comply with rules promulgated by the state board for public accountancy.
27 Notwithstanding the foregoing, a firm registered under this section may
28 not have non-licensee owners if the firm's name includes the words

1 "certified public accountant," or "certified public accountants," or the
2 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that
3 is registered under this section shall be (1) a natural person who
4 actively participates in the business of the firm or its affiliated
5 entities, or (2) an entity, including, but not limited to, a partnership
6 or professional corporation, provided each beneficial owner of an equity
7 interest in such entity is a natural person who actively participates in
8 the business conducted by the firm or its affiliated entities. For
9 purposes of this subdivision, "actively participate" means to provide
10 services to clients or to otherwise individually take part in the day-
11 to-day business or management of the firm.

12 § 15-a. Subdivisions (a) and (f) of section 1301 of the limited
13 liability company law, as amended by chapter 475 of the laws of 2014,
14 are amended to read as follows:

15 (a) "Foreign professional service limited liability company" means a
16 professional service limited liability company, whether or not denomi-
17 nated as such, organized under the laws of a jurisdiction other than
18 this state, (i) each of whose members and managers, if any, is a profes-
19 sional authorized by law to render a professional service within this
20 state and who is or has been engaged in the practice of such profession
21 in such professional service limited liability company or a predecessor
22 entity, or will engage in the practice of such profession in the profes-
23 sional service limited liability company within thirty days of the date
24 such professional becomes a member, or each of whose members and manag-
25 ers, if any, is a professional at least one of such members is author-
26 ized by law to render a professional service within this state and who
27 is or has been engaged in the practice of such profession in such
28 professional service limited liability company or a predecessor entity,

1 or will engage in the practice of such profession in the professional
2 service limited liability company within thirty days of the date such
3 professional becomes a member, or (ii) authorized by, or holding a
4 license, certificate, registration or permit issued by the licensing
5 authority pursuant to, the education law to render a professional
6 service within this state; except that all members and managers, if any,
7 of a foreign professional service limited liability company that
8 provides health services in this state shall be licensed in this state.
9 With respect to a foreign professional service limited liability company
10 which provides veterinary services as such services are defined in arti-
11 cle 135 of the education law, each member of such foreign professional
12 service limited liability company shall be licensed pursuant to article
13 135 of the education law to practice veterinary medicine. With respect
14 to a foreign professional service limited liability company which
15 provides medical services as such services are defined in article 131 of
16 the education law, each member of such foreign professional service
17 limited liability company must be licensed pursuant to article 131 of
18 the education law to practice medicine in this state. With respect to a
19 foreign professional service limited liability company which provides
20 dental services as such services are defined in article 133 of the
21 education law, each member of such foreign professional service limited
22 liability company must be licensed pursuant to article 133 of the educa-
23 tion law to practice dentistry in this state. With respect to a foreign
24 professional service limited liability company which provides profes-
25 sional engineering, land surveying, geologic, architectural and/or land-
26 scape architectural services as such services are defined in article
27 145, article 147 and article 148 of the education law, each member of
28 such foreign professional service limited liability company must be

1 licensed pursuant to article 145, article 147 and/or article 148 of the
2 education law to practice one or more of such professions in this state.
3 With respect to a foreign professional service limited liability company
4 which provides public accountancy services as such services are defined
5 in article 149 of the education law, each member of such foreign profes-
6 sional service limited liability company whose principal place of busi-
7 ness is in this state and who provides public accountancy services,
8 shall be licensed pursuant to article 149 of the education law to prac-
9 tice public accountancy in this state. With respect to a foreign profes-
10 sional service limited liability company which provides licensed clin-
11 ical social work services as such services are defined in article 154 of
12 the education law, each member of such foreign professional service
13 limited liability company shall be licensed pursuant to article 154 of
14 the education law to practice clinical social work in this state. With
15 respect to a foreign professional service limited liability company
16 which provides creative arts therapy services as such services are
17 defined in article 163 of the education law, each member of such foreign
18 professional service limited liability company must be licensed pursuant
19 to article 163 of the education law to practice creative arts therapy in
20 this state. With respect to a foreign professional service limited
21 liability company which provides marriage and family therapy services as
22 such services are defined in article 163 of the education law, each
23 member of such foreign professional service limited liability company
24 must be licensed pursuant to article 163 of the education law to prac-
25 tice marriage and family therapy in this state. With respect to a
26 foreign professional service limited liability company which provides
27 mental health counseling services as such services are defined in arti-
28 cle 163 of the education law, each member of such foreign professional

1 service limited liability company must be licensed pursuant to article
2 163 of the education law to practice mental health counseling in this
3 state. With respect to a foreign professional service limited liability
4 company which provides psychoanalysis services as such services are
5 defined in article 163 of the education law, each member of such foreign
6 professional service limited liability company must be licensed pursuant
7 to article 163 of the education law to practice psychoanalysis in this
8 state. With respect to a foreign professional service limited liability
9 company which provides applied behavior analysis services as such
10 services are defined in article 167 of the education law, each member of
11 such foreign professional service limited liability company must be
12 licensed or certified pursuant to article 167 of the education law to
13 practice applied behavior analysis in this state. Notwithstanding any
14 other provisions of law a foreign professional service limited liability
15 company formed to lawfully engage in the practice of public accountancy,
16 as such practice is respectively defined under article 149 of the educa-
17 tion law shall be required to show (1) that a simple majority of the
18 ownership of the firm, in terms of financial interests, including owner-
19 ship-based compensation, and voting rights held by the firm's owners,
20 belongs to individuals licensed to practice public accountancy in some
21 state, and (2) that all members of a foreign limited professional
22 service limited liability company, whose principal place of business is
23 in this state, and who are engaged in the practice of public accountancy
24 in this state, hold a valid license issued under section 7404 of the
25 education law or are public accountants licensed under section 7405 of
26 the education law. Although firms may include non-licensee owners, the
27 firm and its owners must comply with rules promulgated by the state
28 board for public accountancy. Notwithstanding the foregoing, a firm

1 registered under this section may not have non-licensee owners if the
2 firm's name includes the words "certified public accountant," or "certi-
3 fied public accountants," or the abbreviations "CPA" or "CPAs." Each
4 non-licensee owner of a firm that is registered under this section shall
5 be (1) a natural person who actively participates in the business of the
6 firm or its affiliated entities, or (2) an entity, including, but not
7 limited to, a partnership or professional corporation, provided each
8 beneficial owner of an equity interest in such entity is a natural
9 person who actively participates in the business conducted by the firm
10 or its affiliated entities. For purposes of this subdivision, "actively
11 participate" means to provide services to clients or to otherwise indi-
12 vidually take part in the day-to-day business or management of the firm.

13 (f) "Professional partnership" means (1) a partnership without limited
14 partners each of whose partners is a professional authorized by law to
15 render a professional service within this state, (2) a partnership with-
16 out limited partners each of whose partners is a professional, at least
17 one of whom is authorized by law to render a professional service within
18 this state or (3) a partnership without limited partners authorized by,
19 or holding a license, certificate, registration or permit issued by the
20 licensing authority pursuant to the education law to render a profes-
21 sional service within this state; except that all partners of a profes-
22 sional partnership that provides medical services in this state must be
23 licensed pursuant to article 131 of the education law to practice medi-
24 cine in this state and all partners of a professional partnership that
25 provides dental services in this state must be licensed pursuant to
26 article 133 of the education law to practice dentistry in this state;
27 except that all partners of a professional partnership that provides
28 veterinary services in this state must be licensed pursuant to article

1 135 of the education law to practice veterinary medicine in this state;
2 and further except that all partners of a professional partnership that
3 provides professional engineering, land surveying, geologic, architec-
4 tural, and/or landscape architectural services in this state must be
5 licensed pursuant to article 145, article 147 and/or article 148 of the
6 education law to practice one or more of such professions. With respect
7 to a professional partnership which provides public accountancy services
8 as such services are defined in article 149 of the education law, each
9 member of such professional partnership whose principal place of busi-
10 ness is in this state and who provides public accountancy services,
11 shall be licensed pursuant to article 149 of the education law to prac-
12 tice public accountancy. Notwithstanding any other provisions of law a
13 professional partnership formed to lawfully engage in the practice of
14 public accountancy, as such practice is respectively defined under arti-
15 cle 149 of the education law shall be required to show (1) that a simple
16 majority of the ownership of the firm, in terms of financial interests,
17 including ownership-based compensation, and voting rights held by the
18 firm's owners, belongs to individuals licensed to practice public
19 accountancy in some state, and (2) that all members of a limited profes-
20 sional partnership, whose principal place of business is in this state,
21 and who are engaged in the practice of public accountancy in this state,
22 hold a valid license issued under section 7404 of the education law or
23 are public accountants licensed under section 7405 of the education law.
24 Although firms may include non-licensee owners, the firm and its owners
25 must comply with rules promulgated by the state board for public accoun-
26 tancy. Notwithstanding the foregoing, a firm registered under this
27 section may not have non-licensee owners if the firm's name includes the
28 words "certified public accountant," or "certified public accountants,"

1 or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm
2 that is registered under this section shall be (1) a natural person who
3 actively participates in the business of the firm or its affiliated
4 entities, or (2) an entity, including, but not limited to, a partnership
5 or professional corporation, provided each beneficial owner of an equity
6 interest in such entity is a natural person who actively participates in
7 the business conducted by the firm or its affiliated entities. For
8 purposes of this subdivision, "actively participate" means to provide
9 services to clients or to otherwise individually take part in the day-
10 to-day business or management of the firm.

11 § 16. This act shall take effect immediately; provided, however, that
12 sections ten-a, eleven-a, twelve-a, fourteen-a and fifteen-a of this act
13 shall take effect on the same date as sections 25, 26, 27, 22, and 23,
14 respectively, of chapter 475 of the laws of 2014 take effect.

15 PART I

16 Section 1. Section 34 of chapter 91 of the laws of 2002, amending the
17 education law and other laws relating to reorganization of the New York
18 city school construction authority, board of education and community
19 boards, as amended by section 1 of subpart D of part B of chapter 20 of
20 the laws of 2015, is amended to read as follows:

21 § 34. This act shall take effect July 1, 2002; provided, that sections
22 one through twenty, twenty-four, and twenty-six through thirty of this
23 act shall expire and be deemed repealed June 30, [2016] 2019 provided,
24 further, that notwithstanding any provision of article 5 of the general
25 construction law, on June 30, [2016] 2019 the provisions of subdivisions
26 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs

1 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
2 2554 of the education law as repealed by section three of this act,
3 subdivision 1 of section 2590-b of the education law as repealed by
4 section six of this act, paragraph (a) of subdivision 2 of section
5 2590-b of the education law as repealed by section seven of this act,
6 section 2590-c of the education law as repealed by section eight of this
7 act, paragraph c of subdivision 2 of section 2590-d of the education law
8 as repealed by section twenty-six of this act, subdivision 1 of section
9 2590-e of the education law as repealed by section twenty-seven of this
10 act, subdivision 28 of section 2590-h of the education law as repealed
11 by section twenty-eight of this act, subdivision 30 of section 2590-h of
12 the education law as repealed by section twenty-nine of this act, subdivi-
13 sion 30-a of section 2590-h of the education law as repealed by
14 section thirty of this act shall be revived and be read as such
15 provisions existed in law on the date immediately preceding the effec-
16 tive date of this act; provided, however, that sections seven and eight
17 of this act shall take effect on November 30, 2003; provided further
18 that the amendments to subdivision 25 of section 2554 of the education
19 law made by section two of this act shall be subject to the expiration
20 and reversion of such subdivision pursuant to section 12 of chapter 147
21 of the laws of 2001, as amended, when upon such date the provisions of
22 section four of this act shall take effect.

23 § 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009,
24 amending the education law and other laws relating to the New York city
25 board of education, chancellor, community councils, and community super-
26 intendants, as amended by section 2 of subpart D of part B of chapter 20
27 of the laws of 2015, is amended to read as follows:

1 12. any provision in sections one, two, three, four, five, six, seven,
2 eight, nine, ten and eleven of this act not otherwise set to expire
3 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
4 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
5 and be deemed repealed June 30, [2016] 2019.

6 § 3. This act shall take effect immediately.

7 PART J

8 Section 1. Subdivision 1 of section 813 of the labor law, as amended
9 by chapter 55 of the laws of 1992, is amended to read as follows:

10 1. The governor shall appoint a state apprenticeship and training
11 council, composed of not more than three representatives from employer
12 organizations [and three from], an equal number of representatives from
13 employee organizations and [one representative] an equal number of the
14 general public[, who shall be the chairman]. The representatives of the
15 general public shall include representatives of public colleges, commu-
16 nity colleges or boards of cooperative educational services that have
17 experience providing related instruction for apprenticeship programs.
18 The governor shall designate one of the public members as the chair. The
19 council by majority vote may designate one of its members, other than
20 the [chairman] chair, as [vice-chairman] vice-chair to act in the
21 absence or inability of the [chairman] chair. Each member shall be
22 appointed for a term of three years. Each member shall hold office until
23 his or her successor is appointed and has qualified, and any vacancy
24 shall be filled by appointment for the unexpired portion of the term.
25 The present members of the council shall continue to hold office until
26 the expiration of their present terms or their earlier terminations by

1 resignation or inability to act. The commissioner of education, the
2 commissioner of labor and the commissioner of economic development shall
3 [ex officio be] be ex officio members of such council without vote. The
4 members of the council shall not receive a salary or other compensation,
5 but shall be reimbursed for transportation and other expenses actually
6 and necessarily incurred in the performance of their duties under this
7 article.

8 § 2. This act shall take effect immediately.

9 PART K

10 Section 1. Subdivision 1 of section 652 of the labor law, as amended
11 by section 1 of part P of chapter 57 of the laws of 2013, is amended to
12 read as follows:

13 1. Statutory. Every employer shall pay to each of its employees for
14 each hour worked a wage of not less than:

15 [\$4.25 on and after April 1, 1991,
16 \$5.15 on and after March 31, 2000,
17 \$6.00 on and after January 1, 2005,
18 \$6.75 on and after January 1, 2006,]
19 \$7.15 on and after January 1, 2007,
20 \$8.00 on and after December 31, 2013,
21 \$8.75 on and after December 31, 2014,
22 \$9.00 on and after December 31, 2015,
23 \$9.75 on and after July 1, 2016,
24 \$10.75 on and after December 31, 2016,
25 \$11.75 on and after December 31, 2017,
26 \$12.75 on and after December 31, 2018,

1 \$13.75 on and after December 31, 2019,

2 \$14.50 on and after December 31, 2020,

3 \$15.00 on and after July 1, 2021,

4 or, if greater, such other wage as may be established by federal law
5 pursuant to 29 U.S.C. section 206 or its successors or such other wage
6 as may be established in accordance with the provisions of this article.

7 § 2. Subdivision 6 of section 652 of the labor law is REPEALED and a
8 new subdivision 6 is added to read as follows:

9 6. Notwithstanding subdivision one of this section, the minimum wage
10 for an employee who works in a city with a population in excess of one
11 million shall be phased-in on the following accelerated schedule:

12 \$10.50 per hour on and after July 1, 2016,

13 \$12.00 per hour on and after December 31, 2016,

14 \$13.50 per hour on and after December 31, 2017,

15 \$15.00 per hour on and after December 31, 2018,

16 or, if greater, such other wage as may be established under, or provided
17 for by, subdivision one of this section. The rates and schedule estab-
18 lished above shall not be deemed to be the minimum wage under subdivi-
19 sion one of this section for purposes of the calculations specified in
20 subdivision two of this section and in subdivisions one and two of
21 section five hundred twenty-seven of this chapter.

22 § 3. This act shall take effect immediately provided, however, that
23 the provisions of section two of this act shall expire July 1, 2021 when
24 upon such date the provisions of such section shall be deemed repealed.

1 Section 1. Subdivision (a) of section 25-a of the labor law, as
2 amended by section 1 of part AA of chapter 56 of the laws of 2015, is
3 amended to read as follows:

4 (a) The commissioner is authorized to establish and administer the
5 program established under this section to provide tax incentives to
6 employers for employing at risk youth in part-time and full-time posi-
7 tions. There will be five distinct pools of tax incentives. Program one
8 will cover tax incentives allocated for two thousand twelve and two
9 thousand thirteen. Program two will cover tax incentives allocated in
10 two thousand fourteen. Program three will cover tax incentives allocated
11 in two thousand fifteen. Program four will cover tax incentives allo-
12 cated in two thousand sixteen. Program five will cover tax incentives
13 allocated in two thousand seventeen. The commissioner is authorized to
14 allocate up to twenty-five million dollars of tax credits under program
15 one, ten million dollars of tax credits under program two, [and] twenty
16 million dollars of tax credits under [each of programs] program three,
17 and fifty million dollars of tax credits under each of programs four[,]
18 and five.

19 § 2. Subdivision (b) of section 25-a of the labor law is amended by
20 adding a new paragraph 3 to read as follows:

21 (3) For programs four and five, the tax credit under each program
22 shall be allocated as follows: (i) forty million dollars of tax credit
23 for qualified employees; and (ii) ten million dollars of tax credit for
24 individuals who meet all of the requirements for a qualified employee
25 except for the residency requirement of subparagraph (ii) of paragraph
26 two of this subdivision, which individuals shall be deemed to meet the
27 residency requirements of subparagraph (ii) of paragraph two of this
28 subdivision if they reside in New York state.

1 § 3. This act shall take effect immediately.

2 PART M

3 Section 1. Clause (G) of subparagraph (vii) of paragraph 2 of subdivi-
4 sion (d) of section 1089 of the family court act, as added by section 27
5 of part A of chapter 3 of the laws of 2005, is amended to read as
6 follows:

7 (G) where a child has or will before the next permanency hearing reach
8 the age of fourteen, (I) the services and assistance necessary to assist
9 the child in learning independent living skills to assist the child to
10 make the transition from foster care to successful adulthood; and (II)
11 A. that the permanency plan developed for the child in foster care who
12 has attained the age of fourteen, and any revision or addition to the
13 plan, shall be developed in consultation with the child and, at the
14 option of the child, with up to two members of the child's permanency
15 planning team who are selected by the child and who are not a foster
16 parent of, or the case worker, case planner or case manager for, the
17 child except that the local commissioner of social services with custody
18 of the child may reject an individual so selected by the child if such
19 local commissioner has good cause to believe that the individual would
20 not act in the best interests of the child, and B. that one individual
21 so selected by the child may be designated to be the child's advisor
22 and, as necessary, advocate, with respect to the application of the
23 reasonable and prudent parent standard to the child; and

24 § 2. Paragraph (b) of subdivision 7 of section 355.5 of the family
25 court act, as amended by section 17 of part L of chapter 56 of the laws
26 of 2015, is amended to read as follows:

1 (b) in the case of a respondent who has attained the age of fourteen,
2 (i) the services needed, if any, to assist the respondent to make the
3 transition from foster care to [independent living] successful adult-
4 hood; and (ii)(A) that the permanency plan developed for the respondent,
5 and any revision or addition to the plan, shall be developed in consul-
6 tation with the respondent and, at the option of the respondent, with up
7 to two members of the respondent's permanency planning team who are
8 selected by the respondent and who are not a foster parent of, or case
9 worker, case planner or case manager for, the child, except that the
10 local commissioner of social services with custody of the respondent or
11 the commissioner of the office of children and family services if such
12 office has custody of the respondent may reject an individual selected
13 by the respondent if such commissioner has good cause to believe that
14 the individual would not act in the best interests of the respondent,
15 and (B) that one individual so selected by the respondent may be desig-
16 nated to be the respondent's advisor and, as necessary, advocate, with
17 respect to the application of the reasonable and prudent parent
18 standard;

19 § 3. Paragraph (ii) of subdivision (d) of section 756-a of the family
20 court act, as amended by section 22 of part L of chapter 56 of the laws
21 of 2015, is amended to read as follows:

22 (ii) in the case of a child who has attained the age of fourteen, (A)
23 the services needed, if any, to assist the child to make the transition
24 from foster care to [independent living] successful adulthood; and
25 (B)(1) that the permanency plan developed for the child, and any
26 revision or addition to the plan shall be developed in consultation with
27 the child and, at the option of the child, with up to two additional
28 members of the child's permanency planning team who are selected by the

1 child and who are not a foster parent of, or case worker, case planner
2 or case manager for, the child, except that the local commissioner of
3 social services with custody of the child may reject an individual so
4 selected by the child if such commissioner has good cause to believe
5 that the individual would not act in the best interests of the child,
6 and (2) that one individual so selected by the child may be designated
7 to be the child's advisor and, as necessary, advocate with respect to
8 the application of the reasonable and prudent parent standard;

9 § 4. Subdivisions 1 and 2 of section 458-c of the social services law,
10 as added by section 4 of part F of chapter 58 of the laws of 2010, are
11 amended to read as follows:

12 1. A social services official shall make payments for non-recurring
13 guardianship expenses incurred by or on behalf of the relatives or
14 successor guardians who have been approved by the social services offi-
15 cial to receive kinship guardianship assistance payments, when such
16 expenses are incurred in connection with assuming the guardianship of a
17 foster child or a former foster child in regard to successor guardians.
18 The agreement for the payment of non-recurring guardianship expenses
19 must be reflected in the written agreement set forth in subdivision four
20 of section four hundred fifty-eight-b of this title. In accordance with
21 subdivision two of this section, the payments shall be made by the
22 social services official either to the relative or successor guardian or
23 guardians directly or to an attorney on behalf of the relative or
24 successor guardian or guardians, as applicable, for the allowable amount
25 of non-recurring guardianship expenses incurred in connection with
26 obtaining such guardianship.

27 2. The amount of the payment made pursuant to this section shall not
28 exceed two thousand dollars for each foster child for whom the

1 relatives, or each former foster child for whom the successor guardians,
2 seek guardianship or permanent guardianship and shall be available only
3 for those expenses that are determined to be eligible for reimbursement
4 by the social services official in accordance with the regulations of
5 the office of children and family services.

6 § 5. The social services law is amended by adding a new section 383-a
7 to read as follows:

8 § 383-a. Qualified immunity from liability for application of the
9 reasonable and prudent parent standard. 1. Definitions. As used in this
10 section, the following terms shall have the following meanings:

11 (a) "Caregiver" shall mean a foster parent, the employee of a child
12 care facility operated by a voluntary authorized agency that is desig-
13 nated to apply the reasonable and prudent parent standard, or a local
14 department of social services or a voluntary authorized agency that is
15 responsible for the care of a foster child at the relevant time.

16 (b) "Child" shall mean a child who is in foster care or who was in
17 foster care at the relevant time.

18 (c) "Child care facility" shall mean an institution, group residence,
19 group home, agency operated boarding home, or supervised independent
20 living program.

21 (d) "Reasonable and prudent parent standard" shall mean, in accordance
22 with 42 U.S.C. 675 as amended by P.L. 113-183, the standard character-
23 ized by careful and sensible parental decisions that maintain the
24 health, safety, and best interests of a child while at the same time
25 encouraging the emotional and developmental growth of the child that a
26 caregiver shall use when determining whether to allow a child in foster
27 care to participate in extracurricular, enrichment, cultural or social
28 activities.

1 2. A caregiver shall not be liable for injuries to the child that
2 occur as a result of acting in accordance with the reasonable and
3 prudent parent standard as defined in paragraph (d) of subdivision one
4 of this section, unless such injuries were caused by gross negligence or
5 willful and wanton misconduct on the part of such caregiver.

6 3. In determining whether the reasonable and prudent parent standard
7 was applied by a caregiver in relation to a particular child, any guid-
8 ance issued by the office of children and family services or the United
9 States department of health and human services in accordance with 42
10 U.S.C. 675 as amended by P.L. 113-183, may be considered.

11 § 6. The opening paragraph of paragraph (e) of subdivision 2 of
12 section 378-a of the social services law, as amended by section 10 of
13 part L of chapter 56 of the laws of 2015, is amended to read as follows:

14 [After] Except as set forth in paragraph (m) of this section, after
15 reviewing any criminal history record information provided by the divi-
16 sion of criminal justice services, the office of children and family
17 services shall promptly notify the authorized agency or other state
18 agency that:

19 § 7. Subdivision 2 of section 378-a of the social services law is
20 amended by adding a new paragraph (m) to read as follows:

21 (m)(1) The office of children and family services shall not release
22 the content of the results of the nationwide criminal history record
23 check conducted by the federal bureau of investigation in accordance
24 with this subdivision to an authorized agency, as defined in paragraphs
25 (a) or (c) of subdivision ten of section three hundred seventy-one of
26 this title.

27 (2) For any application made to such an authorized agency under this
28 subdivision, the office of children and family services shall:

1 (A) review and evaluate the results of the nationwide criminal history
2 record check of the prospective foster parent, prospective adoptive
3 parent and any other person over the age of eighteen who resides in the
4 home of such applicant in accordance with the standards set forth in
5 paragraph (e) of this subdivision relating to mandatory disqualifying
6 convictions, hold in abeyance charges or convictions, and discretionary
7 charges and convictions; and

8 (B) based on the results of the nationwide criminal history record
9 check, inform such authorized agency that the application for certif-
10 ication or approval of the prospective foster parent or the prospective
11 adoptive parent either: (i) must be denied; (ii) must be held in abey-
12 ance pending subsequent notification from the office of children and
13 family services; or (iii) that the office of children and family
14 services has no objection, solely based on the nationwide criminal
15 history record check, for the authorized agency to proceed with a deter-
16 mination on such application based on the standards for certification or
17 approval of a prospective foster parent or prospective adoptive parent,
18 as set forth in the regulations of the office of children and family
19 services.

20 (3) Where the office of children and family services directs the
21 authorized agency to deny the application of a prospective foster parent
22 or a prospective adoptive parent in accordance with this paragraph, the
23 office of children and family services shall also notify the prospective
24 foster parent, prospective adoptive parent or other person over the age
25 of eighteen who resided in the home of the applicant whose criminal
26 history was the basis for the denial.

27 (4) This paragraph does not apply to nationwide criminal history
28 record checks conducted by the federal bureau of investigation on behalf

1 of state agencies or authorized agencies, as defined in paragraph (b) of
2 subdivision ten of section three hundred seventy-one of this title, or
3 to the results of statewide criminal history record checks conducted by
4 the division of criminal justice services.

5 § 8. Severability. If any clause, sentence, paragraph, subdivision,
6 section or part contained in any part of this act shall be adjudged by
7 any court of competent jurisdiction to be invalid, such judgement shall
8 not affect, impair, or invalidate the remainder thereof, but shall be
9 confined in its operation to the clause, sentence, paragraph, subdivi-
10 sion, section or part contained in any part thereof directly involved in
11 the controversy in which such judgment shall have been rendered. It is
12 hereby declared to be the intent of the legislature that this act would
13 have been enacted even if such invalid provisions had not been included
14 herein.

15 § 9. This act shall take effect immediately, provided however that
16 sections six and seven of this act shall take effect on the ninetieth
17 day after it shall have become a law.

18 PART N

19 Section 1. The criminal procedure law is amended by adding a new arti-
20 cle 722 to read as follows:

21 ARTICLE 722

22 PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH

23 PART AND RELATED PROCEDURES

24 Section 722.00 Probation case planning and services.

25 722.10 Youth part of the superior court established.

26 722.20 Proceedings in a youth part of the superior court.

1 § 722.00 Probation case planning and services.

2 1. Every probation department shall conduct a risk and needs assess-
3 ment with respect to any juvenile released on recognizance, released
4 under supervision, or posting bail following arraignment by a youth part
5 within its jurisdiction. The court shall order any such juvenile to
6 report within seven calendar days to the probation department for
7 purposes of assessment. Based upon the assessment findings, the
8 probation department shall refer the juvenile to available specialized
9 and evidence-based services to mitigate any risks identified and to
10 address individual needs.

11 2. Any juvenile undergoing services shall execute appropriate and
12 necessary consent forms, where applicable, to ensure that the probation
13 department may communicate with any service provider and receive
14 progress reports with respect to services offered and/or delivered
15 including, but not limited to, diagnosis, treatment, prognosis, test
16 results, juvenile attendance and information regarding juvenile compli-
17 ance or noncompliance with program service requirements, if any.

18 3. Nothing shall preclude the probation department and juvenile from
19 entering into a voluntary written/formal case plan as to terms and
20 conditions to be met, including, but not limited to, reporting to the
21 probation department and other probation department contacts, undergoing
22 alcohol, substance abuse, or mental health testing, participating in
23 specific services, adhering to service program requirements, and school
24 attendance, where applicable. Following the juvenile's successful
25 completion of the conditions of his or her case plan, the court, with
26 the consent of the district attorney may dismiss the indictment or any
27 count thereof in accordance with section 210.40 of this chapter.

1 4. When preparing a pre-sentence investigation report of any such
2 youth, the probation department shall incorporate a summary of the
3 assessment findings, any referrals and progress with respect to mitigat-
4 ing risk and addressing any identified juvenile needs.

5 § 722.10 Youth part of the superior court established.

6 The chief administrator of the courts is hereby directed to establish,
7 in a superior court in each county of the state that exercises criminal
8 jurisdiction, a part of court to be known as the youth part of the supe-
9 rior court for the county in which such court presides. Judges presid-
10 ing in the youth part shall receive training in specialized areas,
11 including, but not limited to, juvenile justice, adolescent development
12 and effective treatment methods for reducing crime commission by adoles-
13 cents. The youth part shall have exclusive jurisdiction of all
14 proceedings in relation to juvenile offenders, except as provided in
15 section 180.75 of this chapter.

16 § 722.20 Proceedings in a youth part of the superior court.

17 1. When a juvenile offender is arraigned before a youth part, the
18 provisions of this section shall apply. If the youth part is not in
19 session, the defendant shall be brought before the most accessible
20 magistrate designated by the appellate division of the supreme court to
21 act as a youth part for the purpose of making a determination whether
22 such juvenile shall be detained. If the defendant is ordered to be
23 detained, he or she shall be brought before the next session of the
24 youth part. If the defendant is not detained, he or she shall be ordered
25 to appear at the next session of the youth part.

26 2. If the defendant waives a hearing upon the felony complaint, the
27 court must order that the defendant be held for the action of the grand

1 jury with respect to the charge or charges contained in the felony
2 complaint.

3 3. If there be a hearing, then at the conclusion of the hearing, the
4 court must dispose of the felony complaint as follows:

5 (a) If there is a reasonable cause to believe that the defendant
6 committed a crime for which a person under the age of seventeen, or
7 commencing January first, two thousand nineteen, a person under the age
8 of eighteen is criminally responsible, the court must order that the
9 defendant be held for the action of a grand jury; or

10 (b) If there is not reasonable cause to believe that the defendant
11 committed a crime for which a person under the age of seventeen, or
12 commencing January first, two thousand nineteen, a person under the age
13 of eighteen is criminally responsible but there is reasonable cause to
14 believe that the defendant is a "juvenile delinquent" as defined in
15 subdivision one of section 301.2 of the family court act, the court must
16 specify the act or acts it found reasonable cause to believe the defend-
17 ant did and direct that the action be removed to the family court in
18 accordance with the provisions of article seven hundred twenty-five of
19 this title; or

20 (c) If there is not reasonable cause to believe that the defendant
21 committed any criminal act, the court must dismiss the felony complaint
22 and discharge the defendant from custody if he or she is in custody, or
23 if he or she is at liberty on bail, it must exonerate the bail.

24 4. Notwithstanding the provisions of subdivision three of this
25 section, a youth part shall, with the consent of the district attorney,

26 (a) order removal of an action against a juvenile offender accused of
27 robbery in the second degree as defined in subdivision two of section
28 160.10 of the penal law and a juvenile offender accused of committing a

1 violent felony offense as defined in section 70.02 of the penal law at
2 age sixteen, or after January first, two thousand nineteen, at age
3 sixteen or seventeen, for which a youth age fifteen or younger is not
4 criminally responsible, to the family court pursuant to the provisions
5 of article seven hundred twenty-five of this title if, after consider-
6 ation of the factors set forth in paragraph (c) of this subdivision, the
7 court determines that to do so would be in the interests of justice.
8 Provided, however, that the court shall find that such removal is not in
9 the interests of justice if the youth played a primary role in commis-
10 sion of the crime or aggravating circumstances, including but not limit-
11 ed to the youth's use of a weapon, are present.

12 (b) at the request of the district attorney, order removal of an
13 action against a juvenile offender, other than an action subject to
14 paragraph (a) of this subdivision, to the family court pursuant to the
15 provisions of article seven hundred twenty-five of this title if, upon
16 consideration of the criteria set forth in paragraph (c) of this subdivi-
17 vision, it is determined that to do so would be in the interests of
18 justice. Where, however, the felony complaint charges the juvenile
19 offender charged with murder in the second degree as defined in section
20 125.25 of the penal law; rape in the first degree, as defined in subdivi-
21 vision one of section 130.35 of the penal law; criminal sexual act in
22 the first degree, as defined in subdivision one of section 130.50 of the
23 penal law; course of sexual conduct against a child in the first degree
24 as defined in paragraph (a) of subdivision one of section 130.75 of the
25 penal law; predatory sexual assault as defined in section 130.95 of the
26 penal law where the underlying crime is rape in the first degree, as
27 defined in subdivision one of section 130.35 of the penal law or crimi-
28 nal sexual act in the first degree, as defined in subdivision one of

1 section 130.50 of the penal law; or an armed felony as defined in para-
2 graph (a) of subdivision forty-one of section 1.20 of this chapter, a
3 determination that such action be removed to the family court shall, in
4 addition, be based upon a finding of one or more of the following
5 factors: (i) mitigating circumstances that bear directly upon the manner
6 in which the crime was committed; (ii) where the defendant was not the
7 sole participant in the crime, the defendant's participation was rela-
8 tively minor although not so minor as to constitute a defense to the
9 prosecution; or (iii) possible deficiencies in the proof of the crime.

10 (c) In making its determination pursuant to paragraph (a) of this
11 subdivision the court shall, to the extent applicable, examine individ-
12 ually and collectively, the following:

13 (i) the seriousness and circumstances of the offense;

14 (ii) the extent of harm caused by the offense;

15 (iii) the evidence of guilt, whether admissible or inadmissible at
16 trial;

17 (iv) the history, character and condition of the defendant;

18 (v) the purpose and effect of imposing upon the defendant a sentence
19 authorized for the offense;

20 (vi) the impact of a removal of the case to the family court on the
21 safety or welfare of the community;

22 (vii) the impact of a removal of the case to the family court upon the
23 confidence of the public in the criminal justice system;

24 (viii) where the court deems it appropriate, the attitude of the
25 complainant or victim with respect to the motion; and

26 (ix) any other relevant fact indicating that a judgment of conviction
27 in the criminal court would serve no useful purpose.

1 (d) For the purpose of making a determination whether to remove the
2 case to family court pursuant to this subdivision, any evidence which is
3 not legally privileged may be introduced. If the defendant testifies,
4 his or her testimony may not be introduced against him or her in any
5 future proceeding, except to impeach his or her testimony at such future
6 proceeding as inconsistent prior testimony.

7 (e) This section shall not be construed to limit the powers of the
8 grand jury.

9 § 2. The opening paragraph and subdivisions 2 and 3 of section 725.05
10 of the criminal procedure law, as added by chapter 481 of the laws of
11 1978, are amended to read as follows:

12 When a [court] youth part directs that an action or charge is to be
13 removed to the family court the [court] youth part must issue an order
14 of removal in accordance with this section. Such order must be as
15 follows:

16 2. Where the direction is authorized pursuant to paragraph (b) of
17 subdivision [three] two of section [180.75] 725.20 of this [chapter]
18 title, it must specify the act or acts it found reasonable cause to
19 believe the defendant did.

20 3. Where the direction is authorized pursuant to subdivision [four]
21 three of section [180.75] 725.20 of this [chapter] title, it must speci-
22 fy the act or acts it found reasonable cause to allege.

23 § 3. Section 725.20 of the criminal procedure law, as added by chapter
24 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter 411
25 of the laws of 1979, is amended to read as follows:

26 § 725.20 Record of certain actions removed.

27 1. The provisions of this section shall apply in any case where an
28 order of removal to the family court is entered pursuant to a direction

1 authorized by subdivision [four] three of this section [180.75], [or
2 section 210.43,] or subparagraph (iii) of paragraph [(h)] (g) of subdi-
3 vision five of section 220.10 of this chapter, or section 330.25 of this
4 chapter.

5 2. When such an action is removed the court that directed the removal
6 must cause the following additional records to be filed with the clerk
7 of the county court or in the city of New York with the clerk of the
8 supreme court of the county wherein the action was pending and with the
9 division of criminal justice services:

10 (a) A certified copy of the order of removal;

11 (b) [Where the direction is one authorized by subdivision four of
12 section 180.75 of this chapter, a copy of the statement of the district
13 attorney made pursuant to paragraph (b) of subdivision six of section
14 180.75 of this chapter;

15 (c) Where the direction is authorized by section 180.75, a copy of
16 the portion of the minutes containing the statement by the court pursu-
17 ant to paragraph (a) of subdivision six of such section 180.75;

18 (d)] Where the direction is one authorized by subparagraph (iii) of
19 paragraph [(h)] (g) of subdivision five of section 220.10 or section
20 330.25 of this chapter, a copy of the minutes of the plea of guilty,
21 including the minutes of the memorandum submitted by the district attor-
22 ney and the court;

23 [(e) Where the direction is one authorized by subdivision one of
24 section 210.43 of this chapter, a copy of that portion of the minutes
25 containing the statement by the court pursuant to paragraph (a) of
26 subdivision five of section 210.43;

27 (f) Where the direction is one authorized by paragraph (b) of subdi-
28 vision one of section 210.43 of this chapter, a copy of that portion of

1 the minutes containing the statement of the district attorney made
2 pursuant to paragraph (b) of subdivision five of section 210.43;] and
3 [(g)] (c) In addition to the records specified in this subdivision,
4 such further statement or submission of additional information pertain-
5 ing to the proceeding in criminal court in accordance with standards
6 established by the commissioner of the division of criminal justice
7 services, subject to the provisions of subdivision three of this
8 section.

9 3. It shall be the duty of said clerk to maintain a separate file for
10 copies of orders and minutes filed pursuant to this section. Upon
11 receipt of such orders and minutes the clerk must promptly delete such
12 portions as would identify the defendant, but the clerk shall neverthe-
13 less maintain a separate confidential system to enable correlation of
14 the documents so filed with identification of the defendant. After
15 making such deletions the orders and minutes shall be placed within the
16 file and must be available for public inspection. Information permit-
17 ting correlation of any such record with the identity of any defendant
18 shall not be divulged to any person except upon order of a justice of
19 the supreme court based upon a finding that the public interest or the
20 interests of justice warrant disclosure in a particular cause for a
21 particular case or for a particular purpose or use.

22 § 4. The article heading of article 100 of the criminal procedure law
23 is amended to read as follows:

24 COMMENCEMENT OF ACTION IN LOCAL
25 CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT-- [LOCAL
26 CRIMINAL COURT] ACCUSATORY INSTRUMENTS

27 § 5. The first undesignated paragraph of section 100.05 of the crimi-
28 nal procedure law is amended to read as follows:

1 A criminal action is commenced by the filing of an accusatory instru-
2 ment with a criminal court, or, in the case of a juvenile offender, the
3 youth part of the superior court, and if more than one such instrument
4 is filed in the course of the same criminal action, such action
5 commences when the first of such instruments is filed. The only way in
6 which a criminal action can be commenced in a superior court, other than
7 a criminal action against a juvenile offender, is by the filing there-
8 with by a grand jury of an indictment against a defendant who has never
9 been held by a local criminal court for the action of such grand jury
10 with respect to any charge contained in such indictment. Otherwise, a
11 criminal action can be commenced only in a local criminal court, by the
12 filing therewith of a local criminal court accusatory instrument, name-
13 ly:

14 § 6. The section heading and subdivision 5 of section 100.10 of the
15 criminal procedure law are amended to read as follows:

16 Local criminal court and youth part of the superior court accusatory
17 instruments; definitions thereof.

18 5. A "felony complaint" is a verified written accusation by a person,
19 filed with a local criminal court, or youth part of the superior court,
20 charging one or more other persons with the commission of one or more
21 felonies. It serves as a basis for the commencement of a criminal
22 action, but not as a basis for prosecution thereof.

23 § 7. The section heading of section 100.40 of the criminal procedure
24 law is amended to read as follows:

25 Local criminal court and youth part of the superior court accusatory
26 instruments; sufficiency on face.

27 § 8. The criminal procedure law is amended by adding a new section
28 100.60 to read as follows:

1 § 100.60 Youth part of the superior court accusatory instruments; in
2 what courts filed.

3 Any youth part of the superior court accusatory instrument may be
4 filed with the youth part of the superior court of a particular county
5 when an offense charged therein was allegedly committed in such county
6 or that part thereof over which such court has jurisdiction.

7 § 9. The article heading of article 110 of the criminal procedure law
8 is amended to read as follows:

9 REQUIRING DEFENDANT'S APPEARANCE

10 IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT

11 FOR ARRAIGNMENT

12 § 10. Section 110.10 of the criminal procedure law is amended to read
13 as follows:

14 § 110.10 Methods of requiring defendant's appearance in local criminal
15 court or youth part of the superior court for arraignment;
16 in general.

17 1. After a criminal action has been commenced in a local criminal
18 court or youth part of the superior court by the filing of an accusatory
19 instrument therewith, a defendant who has not been arraigned in the
20 action and has not come under the control of the court may under certain
21 circumstances be compelled or required to appear for arraignment upon
22 such accusatory instrument by:

23 (a) The issuance and execution of a warrant of arrest, as provided in
24 article one hundred twenty; or

25 (b) The issuance and service upon him of a summons, as provided in
26 article one hundred thirty; or

27 (c) Procedures provided in articles five hundred sixty, five hundred
28 seventy, five hundred eighty, five hundred ninety and six hundred for

1 securing attendance of defendants in criminal actions who are not at
2 liberty within the state.

3 2. Although no criminal action against a person has been commenced in
4 any court, he may under certain circumstances be compelled or required
5 to appear in a local criminal court or youth part of a superior court
6 for arraignment upon an accusatory instrument to be filed therewith at
7 or before the time of his appearance by:

8 (a) An arrest made without a warrant, as provided in article one
9 hundred forty; or

10 (b) The issuance and service upon him of an appearance ticket, as
11 provided in article one hundred fifty.

12 § 11. Section 110.20 of the criminal procedure law, as amended by
13 chapter 843 of the laws of 1980, is amended to read as follows:

14 § 110.20 Local criminal court or youth part of the superior court accu-
15 satory instruments; notice thereof to district attorney.

16 When a criminal action in which a crime is charged is commenced in a
17 local criminal court, or youth part of the superior court other than the
18 criminal court of the city of New York, a copy of the accusatory instru-
19 ment shall be promptly transmitted to the appropriate district attorney
20 upon or prior to the arraignment of the defendant on the accusatory
21 instrument. If a police officer or a peace officer is the complainant
22 or the filer of a simplified information, or has arrested the defendant
23 or brought him before the local criminal court or youth part of the
24 superior court on behalf of an arresting person pursuant to subdivision
25 one of section 140.20, such officer or his agency shall transmit the
26 copy of the accusatory instrument to the appropriate district attorney.
27 In all other cases, the clerk of the court in which the defendant is
28 arraigned shall so transmit it.

1 § 12. The opening paragraph of subdivision 1 of section 120.20 of the
2 criminal procedure law, as amended by chapter 506 of the laws of 2000,
3 is amended to read as follows:

4 When a criminal action has been commenced in a local criminal court or
5 youth part of the superior court by the filing therewith of an accusato-
6 ry instrument, other than a simplified traffic information, against a
7 defendant who has not been arraigned upon such accusatory instrument and
8 has not come under the control of the court with respect thereto:

9 § 13. Section 120.30 of the criminal procedure law is amended to read
10 as follows:

11 § 120.30 Warrant of arrest; by what courts issuable and in what courts
12 returnable.

13 1. A warrant of arrest may be issued only by the local criminal court
14 or youth part of the superior court with which the underlying accusatory
15 instrument has been filed, and it may be made returnable in such issuing
16 court only.

17 2. The particular local criminal court or courts or youth part of the
18 superior court with which any particular local criminal court or youth
19 part of the superior court accusatory instrument may be filed for the
20 purpose of obtaining a warrant of arrest are determined, generally, by
21 the provisions of section 100.55 or 100.60. If, however, a particular
22 accusatory instrument may pursuant to said section 100.55 be filed with
23 a particular town court and such town court is not available at the time
24 such instrument is sought to be filed and a warrant obtained, such accu-
25 satory instrument may be filed with the town court of any adjoining town
26 of the same county. If such instrument may be filed pursuant to said
27 section 100.55 with a particular village court and such village court is
28 not available at the time, it may be filed with the town court of the

1 town embracing such village, or if such town court is not available
2 either, with the town court of any adjoining town of the same county.

3 § 14. Section 120.55 of the criminal procedure law, as amended by
4 section 71 of subpart B of part C of chapter 62 of the laws of 2011, is
5 amended to read as follows:

6 § 120.55 Warrant of arrest; defendant under parole or probation super-
7 vision.

8 If the defendant named within a warrant of arrest issued by a local
9 criminal court or youth part of the superior court pursuant to the
10 provisions of this article, or by a superior court issued pursuant to
11 subdivision three of section 210.10 of this chapter, is under the super-
12 vision of the state department of corrections and community supervision
13 or a local or state probation department, then a warrant for his or her
14 arrest may be executed by a parole officer or probation officer, when
15 authorized by his or her probation director, within his or her geograph-
16 ical area of employment. The execution of the warrant by a parole offi-
17 cer or probation officer shall be upon the same conditions and conducted
18 in the same manner as provided for execution of a warrant by a police
19 officer.

20 § 15. Subdivision 1 of section 120.70 of the criminal procedure law is
21 amended to read as follows:

22 1. A warrant of arrest issued by a district court, by the New York
23 City criminal court, the youth part of a superior court or by a superior
24 court judge sitting as a local criminal court may be executed anywhere
25 in the state.

26 § 16. Subdivisions 1 and 6 of section 120.90 of the criminal procedure
27 law, as amended by chapter 424 of the laws of 1998, are amended and a
28 new subdivision 5-a is added to read as follows:

1 1. Upon arresting a defendant for any offense pursuant to a warrant
2 of arrest in the county in which the warrant is returnable or in any
3 adjoining county, or upon so arresting him for a felony in any other
4 county, a police officer, if he be one to whom the warrant is addressed,
5 must without unnecessary delay bring the defendant before the local
6 criminal court or youth part of the superior court in which such warrant
7 is returnable.

8 5-a. Whenever a police officer is required, pursuant to this section,
9 to bring an arrested defendant before a youth part of a superior court
10 in which a warrant of arrest is returnable, and if such court is not
11 available at the time, such officer must bring such defendant before the
12 most accessible magistrate designated by the appellate division of the
13 supreme court in the applicable department to act as a youth part.

14 6. Before bringing a defendant arrested pursuant to a warrant before
15 the local criminal court or youth part of a superior court in which such
16 warrant is returnable, a police officer must without unnecessary delay
17 perform all fingerprinting and other preliminary police duties required
18 in the particular case. In any case in which the defendant is not
19 brought by a police officer before such court but, following his arrest
20 in another county for an offense specified in subdivision one of section
21 160.10, is released by a local criminal court of such other county on
22 his own recognizance or on bail for his appearance on a specified date
23 before the local criminal court before which the warrant is returnable,
24 the latter court must, upon arraignment of the defendant before it,
25 direct that he be fingerprinted by the appropriate officer or agency,
26 and that he appear at an appropriate designated time and place for such
27 purpose.

1 § 17. Subdivision 1 of section 130.10 of the criminal procedure law,
2 as amended by chapter 446 of the laws of 1993, is amended to read as
3 follows:

4 1. A summons is a process issued by a local criminal court directing a
5 defendant designated in an information, a prosecutor's information, a
6 felony complaint or a misdemeanor complaint filed with such court, or a
7 youth part of a superior court directing a defendant designated in a
8 felony complaint, or by a superior court directing a defendant desig-
9 nated in an indictment filed with such court, to appear before it at a
10 designated future time in connection with such accusatory instrument.
11 The sole function of a summons is to achieve a defendant's court appear-
12 ance in a criminal action for the purpose of arraignment upon the accu-
13 satory instrument by which such action was commenced.

14 § 18. Section 130.30 of the criminal procedure law, as amended by
15 chapter 506 of the laws of 2000, is amended to read as follows:

16 § 130.30 Summons; when issuable.

17 A local criminal court or youth part of the superior court may issue a
18 summons in any case in which, pursuant to section 120.20, it is author-
19 ized to issue a warrant of arrest based upon an information, a
20 prosecutor's information, a felony complaint or a misdemeanor complaint.
21 If such information, prosecutor's information, felony complaint or
22 misdemeanor complaint is not sufficient on its face as prescribed in
23 section 100.40, and if the court is satisfied that on the basis of the
24 available facts or evidence it would be impossible to draw and file an
25 authorized accusatory instrument that is sufficient on its face, the
26 court must dismiss the accusatory instrument. A superior court may issue
27 a summons in any case in which, pursuant to section 210.10, it is
28 authorized to issue a warrant of arrest based upon an indictment.

1 § 19. Subdivision 1 of section 140.20 of the criminal procedure law is
2 amended by adding a new paragraph (e) to read as follows:

3 (e) if the arrest is for a person under the age of seventeen or,
4 commencing January first, two thousand nineteen, a person under the age
5 of eighteen, such person shall be brought before the youth part of the
6 superior court. If the youth part is not in session, such person shall
7 be brought before the most accessible magistrate designated by the
8 appellate division of the supreme court in the applicable department to
9 act as a youth part.

10 § 20. Subdivision 6 of section 140.20 of the criminal procedure law,
11 as added by chapter 411 of the laws of 1979, is amended to read as
12 follows:

13 6. Upon arresting a juvenile offender without a warrant, the police
14 officer shall immediately notify the parent or other person legally
15 responsible for his or her care or the person with whom he or she is
16 domiciled, that the juvenile offender has been arrested, and the
17 location of the facility where he or she is being detained. If the offi-
18 cer determines that it is necessary to question a juvenile offender or a
19 child under eighteen years of age who fits within the definition of a
20 juvenile offender as defined in section 30.00 of the penal law, the
21 officer must take the juvenile to a facility designated by the chief
22 administrator of the courts as a suitable place for the questioning of
23 children or, upon the consent of a parent or other person legally
24 responsible for the care of the juvenile, to the juvenile's residence
25 and there question him or her for a reasonable period of time. A juve-
26 nile shall not be questioned pursuant to this section unless the juve-
27 nile and a person required to be notified pursuant to this subdivision,
28 if present, have been advised:

- 1 (a) of the juvenile's right to remain silent;
2 (b) that the statements made by the juvenile may be used in a court of
3 law;
4 (c) of the juvenile's right to have an attorney present at such ques-
5 tioning; and
6 (d) of the juvenile's right to have an attorney provided for him or
7 her without charge if he or she is indigent.

8 In determining the suitability of questioning and determining the
9 reasonable period of time for questioning such a juvenile offender, the
10 juvenile's age, the presence or absence of his or her parents or other
11 persons legally responsible for his or her care and notification pursu-
12 ant to this subdivision shall be included among relevant considerations.

13 § 21. Subdivision 2 of section 140.27 of the criminal procedure law,
14 as amended by chapter 843 of the laws of 1980, is amended to read as
15 follows:

16 2. Upon arresting a person without a warrant, a peace officer, except
17 as otherwise provided in subdivision three or three-a, must without
18 unnecessary delay bring him or cause him to be brought before a local
19 criminal court, as provided in section 100.55 and subdivision one of
20 section 140.20, and must without unnecessary delay file or cause to be
21 filed therewith an appropriate accusatory instrument. If the offense
22 which is the subject of the arrest is one of those specified in subdivi-
23 sion one of section 160.10, the arrested person must be fingerprinted
24 and photographed as therein provided. In order to execute the required
25 post-arrest functions, such arresting peace officer may perform such
26 functions himself or he may enlist the aid of a police officer for the
27 performance thereof in the manner provided in subdivision one of section
28 140.20.

1 § 22. Section 140.27 of the criminal procedure law is amended by
2 adding a new subdivision 3-a to read as follows:

3 3-a. If the arrest is for a person under the age of seventeen or,
4 commencing January first, two thousand nineteen, a person under the age
5 of eighteen, such person shall be brought before the youth part of the
6 superior court. If the youth part is not in session, such person shall
7 be brought before the most accessible magistrate designated by the
8 appellate division of the supreme court in the applicable department to
9 act as a youth part.

10 § 23. Subdivision 5 of section 140.27 of the criminal procedure law,
11 as added by chapter 411 of the laws of 1979, is amended to read as
12 follows:

13 5. Upon arresting a juvenile offender without a warrant, the peace
14 officer shall immediately notify the parent or other person legally
15 responsible for his care or the person with whom he or she is domiciled,
16 that the juvenile offender has been arrested, and the location of the
17 facility where he or she is being detained. If the officer determines
18 that it is necessary to question a juvenile offender or a child under
19 eighteen years of age who fits within the definition of a juvenile
20 offender as defined in section 30.00 of the penal law the officer must
21 take the juvenile to a facility designated by the chief administrator of
22 the courts as a suitable place for the questioning of children or, upon
23 the consent of a parent or other person legally responsible for the care
24 of the juvenile, to the juvenile's residence and there question him or
25 her for a reasonable period of time. A juvenile shall not be questioned
26 pursuant to this section unless the juvenile and a person required to be
27 notified pursuant to this subdivision, if present, have been advised:

28 (a) of the juvenile's right to remain silent;

1 (b) that the statements made by the juvenile may be used in a court of
2 law;

3 (c) of the juvenile's right to have an attorney present at such ques-
4 tioning; and

5 (d) of the juvenile's right to have an attorney provided for him or
6 her without charge if he or she is indigent.

7 In determining the suitability of questioning and determining the
8 reasonable period of time for questioning such a juvenile offender, the
9 juvenile's age, the presence or absence of his or her parents or other
10 persons legally responsible for his or her care and notification pursu-
11 ant to this subdivision shall be included among relevant considerations.

12 § 24. Subdivision 5 of section 140.40 of the criminal procedure law,
13 as added by chapter 411 of the laws of 1979, is amended to read as
14 follows:

15 5. If a police officer takes an arrested juvenile offender into
16 custody, the police officer shall immediately notify the parent or other
17 person legally responsible for his or her care or the person with whom
18 he or she is domiciled, that the juvenile offender has been arrested,
19 and the location of the facility where he or she is being detained. If
20 the officer determines that it is necessary to question a juvenile
21 offender or a child under eighteen years of age who fits within the
22 definition of a juvenile offender as defined in section 30.00 of the
23 penal law the officer must take the juvenile to a facility designated by
24 the chief administrator of the courts as a suitable place for the ques-
25 tioning of children or, upon the consent of a parent or other person
26 legally responsible for the care of the juvenile, to the juvenile's
27 residence and there question him or her for a reasonable period of time.
28 A juvenile shall not be questioned pursuant to this section unless the

1 juvenile and a person required to be notified pursuant to this subdivi-
2 sion, if present, have been advised:

3 (a) of the juvenile's right to remain silent;

4 (b) that the statements made by the juvenile may be used in a court of
5 law;

6 (c) of the juvenile's right to have an attorney present at such ques-
7 tioning; and

8 (d) of the juvenile's right to have an attorney provided for him or
9 her without charge if he or she is indigent.

10 In determining the suitability of questioning and determining the
11 reasonable period of time for questioning such a juvenile offender, the
12 juvenile's age, the presence or absence of his or her parents or other
13 persons legally responsible for his or her care and notification pursu-
14 ant to this subdivision shall be included among relevant considerations.

15 § 25. Subdivisions 2, 3, 4, 5 and 6 of section 180.75 of the criminal
16 procedure law are REPEALED.

17 § 26. Subdivision 1 of section 180.75 of the criminal procedure law,
18 as added by chapter 481 of the laws of 1978, is amended to read as
19 follows:

20 1. When a juvenile offender is arraigned before [a local criminal
21 court] the youth part of a superior court, the provisions of [this
22 section] article seven hundred twenty-two of this chapter shall apply in
23 lieu of the provisions of sections 180.30, 180.50 and 180.70 of this
24 article.

25 § 27. The opening paragraph of section 180.80 of the criminal proce-
26 dure law, as amended by chapter 556 of the laws of 1982, is amended to
27 read as follows:

1 Upon application of a defendant against whom a felony complaint has
2 been filed with a local criminal court or the youth part of a superior
3 court, and who, since the time of his arrest or subsequent thereto, has
4 been held in custody pending disposition of such felony complaint, and
5 who has been confined in such custody for a period of more than one
6 hundred twenty hours or, in the event that a Saturday, Sunday or legal
7 holiday occurs during such custody, one hundred forty-four hours, with-
8 out either a disposition of the felony complaint or commencement of a
9 hearing thereon, the [local criminal] court must release him on his own
10 recognizance unless:

11 § 28. Subdivisions (a) and (b) of section 190.71 of the criminal
12 procedure law, subdivision (a) as amended by chapter 7 of the laws of
13 2007 and subdivision (b) as added by chapter 481 of the laws of 1978,
14 are amended to read as follows:

15 (a) Except as provided in subdivision six of section 200.20 of this
16 chapter, a grand jury may not indict (i) a person thirteen years of age
17 for any conduct or crime other than conduct constituting a crime defined
18 in subdivisions one and two of section 125.25 (murder in the second
19 degree) or such conduct as a sexually motivated felony, where authorized
20 pursuant to section 130.91 of the penal law; (ii) a person fourteen
21 [or], fifteen, sixteen or commencing January first, two thousand nine-
22 teen, seventeen years of age for any conduct or crime other than conduct
23 constituting a crime defined in subdivisions one and two of section
24 125.25 (murder in the second degree) and in subdivision three of such
25 section provided that the underlying crime for the murder charge is one
26 for which such person is criminally responsible; 135.25 (kidnapping in
27 the first degree); 150.20 (arson in the first degree); subdivisions one
28 and two of section 120.10 (assault in the first degree); 125.20

1 (manslaughter in the first degree); subdivisions one and two of section
2 130.35 (rape in the first degree); subdivisions one and two of section
3 130.50 (criminal sexual act in the first degree); 130.70 (aggravated
4 sexual abuse in the first degree); 140.30 (burglary in the first
5 degree); subdivision one of section 140.25 (burglary in the second
6 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
7 first degree); subdivision two of section 160.10 (robbery in the second
8 degree) of the penal law; subdivision four of section 265.02 of the
9 penal law, where such firearm is possessed on school grounds, as that
10 phrase is defined in subdivision fourteen of section 220.00 of the penal
11 law; or section 265.03 of the penal law, where such machine gun or such
12 firearm is possessed on school grounds, as that phrase is defined in
13 subdivision fourteen of section 220.00 of the penal law; or defined in
14 the penal law as an attempt to commit murder in the second degree or
15 kidnapping in the first degree, or such conduct as a sexually motivated
16 felony, where authorized pursuant to section 130.91 of the penal law;
17 (iii) a person sixteen or commencing January first, two thousand nine-
18 teen, seventeen years of age for any conduct or crime other than conduct
19 constituting an offense set forth in the vehicle and traffic law; a
20 violent felony defined in section 70.02 of the penal law; a crime that
21 is classified as a class A felony excepting those class A felonies which
22 require, as an element of the offense, that the defendant be eighteen
23 years of age or older; a crime defined in the following sections of the
24 penal law: section 120.03 (vehicular assault in the second degree);
25 120.04 (vehicular assault in the first degree); 120.04-a (aggravated
26 vehicular assault); 125.10 (criminally negligent homicide); 125.11
27 (aggravated criminally negligent homicide); 125.12 (vehicular
28 manslaughter in the second degree); 125.13 (vehicular manslaughter in

1 the first degree); 125.14 (aggravated vehicular homicide); 125.15
2 (manslaughter in the second degree); 125.20 (manslaughter in the first
3 degree); 125.21 (aggravated manslaughter in the second degree); 125.22
4 (aggravated manslaughter in the first degree); 130.70 (aggravated sexual
5 abuse in the first degree); 130.75 (course of sexual conduct against a
6 child in the first degree); 215.11 (tampering with a witness in the
7 third degree) provided that the criminal proceeding in which the person
8 is tampering is one for which such person is criminally responsible;
9 215.12 (tampering with a witness in the second degree) provided that the
10 criminal proceeding in which the person is tampering is one for which
11 such person is criminally responsible; 215.13 (tampering with a witness
12 in the first degree) provided that the criminal proceeding in which the
13 person is tampering is one for which such person is criminally responsi-
14 ble; 215.52 (aggravated criminal contempt); 130.95 (predatory sexual
15 assault); 220.18 (criminal possession of a controlled substance in the
16 second degree); 220.21 (criminal possession of a controlled substance in
17 the first degree); 220.41 (criminal sale of a controlled substance in
18 the second degree); 220.43 (criminal sale of a controlled substance in
19 the first degree); 220.77 (operating as a major trafficker); 460.22
20 (aggravated enterprise corruption); 490.45 (criminal possession of a
21 chemical weapon or a biological weapon in the first degree); 490.50
22 (criminal use of a chemical weapon or a biological weapon in the second
23 degree); 490.55 (criminal use of a chemical weapon or a biological weap-
24 on in the first degree); acts constituting a specified offense defined
25 in subdivision two of section 130.91 of the penal law when committed as
26 a sexually motivated felony; acts constituting a specified offense
27 defined in subdivision three of section 490.05 of the penal law when
28 committed as an act of terrorism; acts constituting a felony defined in

1 article four hundred ninety of the penal law; and acts constituting a
2 crime set forth in subdivision one of section 105.10 and section 105.15
3 of the penal law provided that the underlying crime for the conspiracy
4 charge is one for which such person is criminally responsible.

5 (b) A grand jury may vote to file a request to remove a charge to the
6 family court if it finds that a person [thirteen, fourteen or fifteen]
7 sixteen, or commencing January first, two thousand nineteen, seventeen
8 years of age or younger did an act which, if done by a person over the
9 age of sixteen, or commencing January first, two thousand nineteen,
10 seventeen, would constitute a crime provided (1) such act is one for
11 which it may not indict; (2) it does not indict such person for a crime;
12 and (3) the evidence before it is legally sufficient to establish that
13 such person did such act and competent and admissible evidence before it
14 provides reasonable cause to believe that such person did such act.

15 § 29. Subdivision 6 of section 200.20 of the criminal procedure law,
16 as added by chapter 136 of the laws of 1980, is amended to read as
17 follows:

18 6. Where an indictment charges at least one offense against a defend-
19 ant who was under the age of [sixteen] seventeen, or commencing January
20 first, two thousand nineteen, eighteen at the time of the commission of
21 the crime and who did not lack criminal responsibility for such crime by
22 reason of infancy, the indictment may, in addition, charge in separate
23 counts one or more other offenses for which such person would not have
24 been criminally responsible by reason of infancy, if:

25 (a) the offense for which the defendant is criminally responsible and
26 the one or more other offenses for which he or she would not have been
27 criminally responsible by reason of infancy are based upon the same act

1 or upon the same criminal transaction, as that term is defined in subdivi-
2 vision two of section 40.10 of this chapter; or

3 (b) the offenses are of such nature that either proof of the first
4 offense would be material and admissible as evidence in chief upon a
5 trial of the second, or proof of the second would be material and admis-
6 sible as evidence in chief upon a trial of the first.

7 § 30. The opening paragraph of subdivision 1 and subdivision 5 of
8 section 210.43 of the criminal procedure law, as added by chapter 411 of
9 the laws of 1979, are amended to read as follows:

10 After [a motion by a juvenile offender, pursuant to subdivision five
11 of section 180.75 of this chapter, or after] arraignment of a juvenile
12 offender upon an indictment, the superior court may, on motion of any
13 party or on its own motion:

14 [5. a. If the court orders removal of the action to family court, it
15 shall state on the record the factor or factors upon which its determi-
16 nation is based, and, the court shall give its reasons for removal in
17 detail and not in conclusory terms.

18 b. The district attorney shall state upon the record the reasons for
19 his consent to removal of the action to the family court. The reasons
20 shall be stated in detail and not in conclusory terms.]

21 § 31. Subparagraphs (i) and (iii) of paragraph (g) of subdivision 5 of
22 section 220.10 of the criminal procedure law, subparagraph (i) as
23 amended by chapter 410 of the laws of 1979 and subparagraph (iii) as
24 amended by chapter 264 of the laws of 2003, are amended to read as
25 follows:

26 (i) If the indictment charges a person fourteen [or], fifteen or
27 sixteen, or commencing January first, two thousand nineteen, seventeen
28 years old with the crime of murder in the second degree any plea of

1 guilty entered pursuant to subdivision three or four must be a plea of
2 guilty of a crime for which the defendant is criminally responsible;

3 (iii) Where the indictment does not charge a crime specified in
4 subparagraph (i) of this paragraph, the district attorney may recommend
5 removal of the action to the family court. Upon making such recommenda-
6 tion the district attorney shall submit a subscribed memorandum setting
7 forth: (1) a recommendation that the interests of justice would best be
8 served by removal of the action to the family court; and (2) if the
9 indictment charges a thirteen year old with the crime of murder in the
10 second degree, or a fourteen [or], fifteen or sixteen year old, or
11 commencing January first two thousand nineteen, seventeen year old with
12 the crimes of rape in the first degree as defined in subdivision one of
13 section 130.35 of the penal law, or criminal sexual act in the first
14 degree as defined in subdivision one of section 130.50 of the penal law,
15 or an armed felony as defined in paragraph (a) of subdivision forty-one
16 of section 1.20 of this chapter specific factors, one or more of which
17 reasonably supports the recommendation, showing, (i) mitigating circum-
18 stances that bear directly upon the manner in which the crime was
19 committed, or (ii) where the defendant was not the sole participant in
20 the crime, that the defendant's participation was relatively minor
21 although not so minor as to constitute a defense to the prosecution, or
22 (iii) possible deficiencies in proof of the crime, or (iv) where the
23 juvenile offender has no previous adjudications of having committed a
24 designated felony act, as defined in subdivision eight of section 301.2
25 of the family court act, regardless of the age of the offender at the
26 time of commission of the act, that the criminal act was not part of a
27 pattern of criminal behavior and, in view of the history of the offen-
28 der, is not likely to be repeated.

1 § 32. Subdivision 2 of section 410.40 of the criminal procedure law,
2 as amended by chapter 652 of the laws of 2008, is amended to read as
3 follows:

4 2. Warrant. (a) Where the probation officer has requested that a
5 probation warrant be issued, the court shall, within seventy-two hours
6 of its receipt of the request, issue or deny the warrant or take any
7 other lawful action including issuance of a notice to appear pursuant to
8 subdivision one of this section. If at any time during the period of a
9 sentence of probation or of conditional discharge the court has reason-
10 able grounds to believe that the defendant has violated a condition of
11 the sentence, the court may issue a warrant to a police officer or to an
12 appropriate peace officer directing him or her to take the defendant
13 into custody and bring the defendant before the court without unneces-
14 sary delay; provided, however, if the court in which the warrant is
15 returnable is a superior court, and such court is not available, and the
16 warrant is addressed to a police officer or appropriate probation offi-
17 cer certified as a peace officer, such executing officer may unless
18 otherwise specified under paragraph (b) of this section, bring the
19 defendant to the local correctional facility of the county in which such
20 court sits, to be detained there until not later than the commencement
21 of the next session of such court occurring on the next business day; or
22 if the court in which the warrant is returnable is a local criminal
23 court, and such court is not available, and the warrant is addressed to
24 a police officer or appropriate probation officer certified as a peace
25 officer, such executing officer must without unnecessary delay bring the
26 defendant before an alternate local criminal court, as provided in
27 subdivision five of section 120.90 of this chapter. A court which issues
28 such a warrant may attach thereto a summary of the basis for the

1 warrant. In any case where a defendant arrested upon the warrant is
2 brought before a local criminal court other than the court in which the
3 warrant is returnable, such local criminal court shall consider such
4 summary before issuing a securing order with respect to the defendant.

5 (b) If the court in which the warrant is returnable is a superior
6 court, and such court is not available, and the warrant is addressed to
7 a police officer or appropriate probation officer certified as a peace
8 officer, such executing officer shall, where a defendant is sixteen
9 years of age or younger who allegedly commits an offense or a violation
10 of his or her probation or conditional discharge imposed for an offense
11 on or after January first, two thousand eighteen, or where a defendant
12 is seventeen years of age or younger who allegedly commits an offense or
13 a violation of his or her probation or conditional discharge imposed for
14 an offense on or after January first, two thousand nineteen, bring the
15 defendant to a juvenile detention facility, to be detained there until
16 not later than the commencement of the next session of such court occur-
17 ring on the next business day.

18 § 33. Section 410.60 of the criminal procedure law, as amended by
19 chapter 652 of the laws of 2008, is amended to read as follows:

20 § 410.60 Appearance before court.

21 (a) A person who has been taken into custody pursuant to section
22 410.40 or section 410.50 of this article for violation of a condition of
23 a sentence of probation or a sentence of conditional discharge must
24 forthwith be brought before the court that imposed the sentence. Where a
25 violation of probation petition and report has been filed and the person
26 has not been taken into custody nor has a warrant been issued, an
27 initial court appearance shall occur within ten business days of the
28 court's issuance of a notice to appear. If the court has reasonable

1 cause to believe that such person has violated a condition of the
2 sentence, it may commit him or her to the custody of the sheriff or fix
3 bail or release such person on his or her own recognizance for future
4 appearance at a hearing to be held in accordance with section 410.70 of
5 this article. If the court does not have reasonable cause to believe
6 that such person has violated a condition of the sentence, it must
7 direct that he or she be released.

8 (b) A juvenile offender who has been taken into custody pursuant to
9 section 410.40 or section 410.50 of this article for violation of a
10 condition of a sentence of probation or a sentence of conditional
11 discharge must forthwith be brought before the court that imposed the
12 sentence. Where a violation of probation petition and report has been
13 filed and the person has not been taken into custody nor has a warrant
14 been issued, an initial court appearance shall occur within ten business
15 days of the court's issuance of a notice to appear. If the court has
16 reasonable cause to believe that such person has violated a condition of
17 the sentence, it may commit him or her to the custody of the sheriff or
18 fix bail or release such person on his or her own recognizance for
19 future appearance at a hearing to be held in accordance with section
20 410.70 of this article. Provided, however, nothing herein shall author-
21 ize a juvenile to be detained for a violation of a condition that would
22 not constitute a crime if committed by an adult unless the court deter-
23 mines (i) that the juvenile poses a specific imminent threat to public
24 safety and states the reasons for the finding on the record or (ii) the
25 juvenile is on probation for an act that would constitute a violent
26 felony as defined in section 70.02 of the penal law if committed by an
27 adult and the use of graduated sanctions has been exhausted without
28 success. If the court does not have reasonable cause to believe that

1 such person has violated a condition of the sentence, it must direct
2 that the juvenile be released.

3 § 34. Subdivision 5 of section 410.70 of the criminal procedure law,
4 as amended by chapter 17 of the laws of 2014, is amended to read as
5 follows:

6 5. Revocation; modification; continuation. (a) At the conclusion of
7 the hearing the court may revoke, continue or modify the sentence of
8 probation or conditional discharge. Where the court revokes the
9 sentence, it must impose sentence as specified in subdivisions three and
10 four of section 60.01 of the penal law. Where the court continues or
11 modifies the sentence, it must vacate the declaration of delinquency and
12 direct that the defendant be released. If the alleged violation is
13 sustained and the court continues or modifies the sentence, it may
14 extend the sentence up to the period of interruption specified in subdi-
15 vision two of section 65.15 of the penal law, but any time spent in
16 custody in any correctional institution or juvenile detention facility
17 pursuant to section 410.40 or 410.60 of this article shall be credited
18 against the term of the sentence. Provided further, where the alleged
19 violation is sustained and the court continues or modifies the sentence,
20 the court may also extend the remaining period of probation up to the
21 maximum term authorized by section 65.00 of the penal law. Provided,
22 however, a defendant shall receive credit for the time during which he
23 or she was supervised under the original probation sentence prior to any
24 declaration of delinquency and for any time spent in custody pursuant to
25 this article for an alleged violation of probation.

26 (b) Notwithstanding paragraph (a) of this subdivision, nothing herein
27 shall authorize the placement of a juvenile for a violation of a condi-
28 tion that would not constitute a crime if committed by an adult unless

1 the court determines (i) that the juvenile poses a specific imminent
2 threat to public safety and states the reasons for the finding on the
3 record or (ii) the juvenile is on probation for an act that would
4 constitute a violent felony as defined in section 70.02 of the penal law
5 if committed by an adult and the use of graduated sanctions has been
6 exhausted without success.

7 § 35. The criminal procedure law is amended by adding a new section
8 410.90-a to read as follows:

9 § 410.90-a Superior court; youth part.

10 Notwithstanding any other provisions of this article, all proceedings
11 relating to a juvenile offender shall be heard in the youth part of the
12 superior court having jurisdiction and any intrastate transfers under
13 this article shall be between courts designated as a youth part pursuant
14 to article seven hundred twenty-two of this chapter.

15 § 36. Section 510.15 of the criminal procedure law, as amended by
16 chapter 411 of the laws of 1979, subdivision 1 as designated and subdivi-
17 sion 2 as added by chapter 359 of the laws of 1980, is amended to read
18 as follows:

19 § 510.15 Commitment of principal under [sixteen] seventeen or eighteen.

20 1. When a principal who is (a) under the age of sixteen; or (b)
21 commencing January first, two thousand eighteen a principal who is under
22 the age of seventeen who committed an offense on or after January first,
23 two thousand eighteen; or (c) commencing January first, two thousand
24 nineteen, a principal who is under the age of eighteen who committed an
25 offense on or after January first, two thousand nineteen, is committed
26 to the custody of the sheriff the court must direct that the principal
27 be taken to and lodged in a place certified by the [state division for
28 youth] office of children and family services as a juvenile detention

1 facility for the reception of children. Where such a direction is made
2 the sheriff shall deliver the principal in accordance therewith and such
3 person shall although lodged and cared for in a juvenile detention
4 facility continue to be deemed to be in the custody of the sheriff. No
5 principal under the age [of sixteen] specified to whom the provisions of
6 this section may apply shall be detained in any prison, jail, lockup, or
7 other place used for adults convicted of a crime or under arrest and
8 charged with the commission of a crime without the approval of the
9 [state division for youth] office of children and family services in the
10 case of each principal and the statement of its reasons therefor. The
11 sheriff shall not be liable for any acts done to or by such principal
12 resulting from negligence in the detention of and care for such princi-
13 pal, when the principal is not in the actual custody of the sheriff.

14 2. Except upon consent of the defendant or for good cause shown, in
15 any case in which a new securing order is issued for a principal previ-
16 ously committed to the custody of the sheriff pursuant to this section,
17 such order shall further direct the sheriff to deliver the principal
18 from a juvenile detention facility to the person or place specified in
19 the order.

20 § 37. Subdivision 1 of section 720.10 of the criminal procedure law,
21 as amended by chapter 411 of the laws of 1979, is amended to read as
22 follows:

23 1. "Youth" means a person charged with a crime alleged to have been
24 committed when he or she was at least sixteen years old and less than
25 [nineteen] twenty-one years old or a person charged with being a juve-
26 nile offender as defined in subdivision forty-two of section 1.20 of
27 this chapter.

1 § 38. Section 30.00 of the penal law, as amended by chapter 481 of the
2 laws of 1978, subdivision 2 as amended by chapter 7 of the laws of 2007,
3 is amended to read as follows:

4 § 30.00 Infancy.

5 1. Except as provided in [subdivision] subdivisions two and three of
6 this section, a person less than [sixteen] seventeen years old, or,
7 commencing January first, two thousand nineteen, a person less than
8 eighteen years old is not criminally responsible for conduct.

9 2. A person thirteen, fourteen [or], fifteen, or sixteen years of age
10 or, commencing January first, two thousand nineteen, a person seventeen
11 years of age is criminally responsible for acts constituting murder in
12 the second degree as defined in subdivisions one and two of section
13 125.25 and in subdivision three of such section provided that the under-
14 lying crime for the murder charge is one for which such person is crimi-
15 nally responsible or for such conduct as a sexually motivated felony,
16 where authorized pursuant to section 130.91 of [the penal law] this
17 chapter; and a person fourteen [or], fifteen, or sixteen years of age
18 or, commencing January first, two thousand nineteen, seventeen years of
19 age is criminally responsible for acts constituting the crimes defined
20 in section 135.25 (kidnapping in the first degree); 150.20 (arson in the
21 first degree); subdivisions one and two of section 120.10 (assault in
22 the first degree); 125.20 (manslaughter in the first degree); subdivi-
23 sions one and two of section 130.35 (rape in the first degree); subdivi-
24 sions one and two of section 130.50 (criminal sexual act in the first
25 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
26 (burglary in the first degree); subdivision one of section 140.25
27 (burglary in the second degree); 150.15 (arson in the second degree);
28 160.15 (robbery in the first degree); subdivision two of section 160.10

1 (robbery in the second degree) of this chapter; or section 265.03 of
2 this chapter, where such machine gun or such firearm is possessed on
3 school grounds, as that phrase is defined in subdivision fourteen of
4 section 220.00 of this chapter; or defined in this chapter as an attempt
5 to commit murder in the second degree or kidnapping in the first degree,
6 or for such conduct as a sexually motivated felony, where authorized
7 pursuant to section 130.91 of [the penal law] this chapter.

8 3. A person sixteen or, commencing January first, two thousand nine-
9 teen, seventeen years old is criminally responsible for acts constitut-
10 ing an offense set forth in the vehicle and traffic law; acts constitut-
11 ing a violent felony defined in section 70.02 of this chapter; acts
12 constituting any crime in this chapter that is classified as a class A
13 felony excepting those class A felonies which require, as an element of
14 the offense, that the defendant be eighteen years of age or older; acts
15 constituting the crimes defined in section 120.03 (vehicular assault in
16 the second degree); 120.04 (vehicular assault in the first degree);
17 120.04-a (aggravated vehicular assault); 125.10 (criminally negligent
18 homicide); 125.11 (aggravated criminally negligent homicide); 125.12
19 (vehicular manslaughter in the second degree); 125.13 (vehicular
20 manslaughter in the first degree); 125.14 (aggravated vehicular
21 manslaughter); 125.15 (manslaughter in the second degree); 125.20
22 (manslaughter in the first degree); 125.21 (aggravated manslaughter in
23 the second degree); 125.22 (aggravated manslaughter in the first
24 degree); 130.70 (aggravated sexual abuse in the first degree); 130.75
25 (course of sexual conduct against a child in the first degree); 215.11
26 (tampering with a witness in the third degree) provided that the crimi-
27 nal proceeding in which the person is tampering is one for which such
28 person is criminally responsible; 215.12 (tampering with a witness in

1 the second degree) provided that the criminal proceeding in which the
2 person is tampering is one for which such person is criminally responsi-
3 ble; 215.13 (tampering with a witness in the first degree) provided that
4 the criminal proceeding in which the person is tampering is one for
5 which such person is criminally responsible; 215.52 (aggravated criminal
6 contempt); acts constituting a specified offense defined in subdivision
7 two of section 130.91 of this chapter when committed as a sexually moti-
8 vated felony; 130.95 (predatory sexual assault); 220.18 (criminal
9 possession of a controlled substance in the second degree); 220.21
10 (criminal possession of a controlled substance in the first degree);
11 220.41 (criminal sale of a controlled substance in the second degree);
12 220.43 (criminal sale of a controlled substance in the first degree);
13 220.77 (operating as a major trafficker); 460.22 (aggravated enterprise
14 corruption); 490.45 (criminal possession of a chemical weapon or a
15 biological weapon in the first degree); 490.50 (criminal use of a chemi-
16 cal weapon or a biological weapon in the second degree); 490.55 (crimi-
17 nal use of a chemical weapon or a biological weapon in the first
18 degree); acts constituting a specified offense defined in subdivision
19 three of section 490.05 of this chapter when committed as an act of
20 terrorism; acts constituting a felony defined in article 490 of this
21 chapter; and acts constituting a crime set forth in subdivision one of
22 section 105.10 and section 105.15 provided that the underlying crime for
23 the conspiracy charge is one for which such person is criminally respon-
24 sible.

25 4. In any prosecution for an offense, lack of criminal responsibility
26 by reason of infancy, as defined in this section, is a defense.

27 § 39. Subdivision 2 of section 60.02 of the penal law, as amended by
28 chapter 471 of the laws of 1980, is amended to read as follows:

1 (2) If the sentence is to be imposed upon a youthful offender finding
2 which has been substituted for a conviction for any felony, and the
3 person is eighteen years of age or younger, the court must impose a
4 sentence authorized to be imposed upon a person convicted of a class E
5 felony provided, however, that (a) the court must not impose a sentence
6 of [conditional discharge or] unconditional discharge if the youthful
7 offender finding was substituted for a conviction of a felony defined in
8 article two hundred twenty of this chapter; and (b) notwithstanding
9 paragraph (e) of subdivision two of section 70.00 of this title, if a
10 term of imprisonment is imposed, such term shall be a definite sentence
11 of one year or less, or a determinate sentence, the term of which must
12 be at least one year and must not exceed three years, and must include,
13 as a part thereof, a period of post release supervision in accordance
14 with subdivision two-b of section 70.45 of this title. In any case,
15 where a court imposes a sentence of imprisonment in conjunction with a
16 sentence of probation or conditional discharge, such imprisonment term
17 shall not be in excess of six months, or in the case of an intermittent
18 term, not in excess of four months in accordance with paragraph (d) of
19 subdivision two of section 60.01 of this article. If the sentence is to
20 be imposed upon a youthful offender finding which has been substituted
21 for a conviction of any felony, and the person is nineteen or twenty
22 years of age, the court must sentence such person pursuant to the
23 provisions of this article applicable to a person twenty-one years of
24 age or older convicted of the same offense.

25 § 40. Section 60.10 of the penal law, as amended by chapter 411 of the
26 laws of 1979, is amended to read as follows:

27 § 60.10 Authorized disposition; juvenile offender.

1 1. When a juvenile offender is convicted of a class A felony, other
2 than murder in the second degree as defined by section 125.25, arson in
3 the first degree as defined by section 150.20 or kidnapping in the first
4 degree as defined by section 135.25 of this chapter, the court shall
5 sentence the defendant to imprisonment pursuant to the provisions of
6 section 70.00, 70.06, 70.07, 70.08, or 70.71 of this chapter, as appli-
7 cable. When a juvenile offender is convicted of [a] any other crime, the
8 court shall sentence the defendant to imprisonment in accordance with
9 section 70.05 or sentence [him] the defendant upon a youthful offender
10 finding in accordance with section 60.02 of this [chapter] article.

11 2. Subdivision one of this section shall apply when sentencing a juve-
12 nile offender notwithstanding the provisions of any other law that deals
13 with the authorized sentence for persons who are not juvenile offenders.
14 Provided, however, that the limitation prescribed by this section shall
15 not be deemed or construed to bar use of a conviction of a juvenile
16 offender, other than a juvenile offender who has been adjudicated a
17 youthful offender pursuant to section 720.20 of the criminal procedure
18 law, as a previous or predicate felony offender under section 70.04,
19 70.06, 70.07, 70.08 [or], 70.10, 70.70, 70.71, 70.80, or 485.10 of this
20 chapter, when sentencing a person who commits a felony after [he] such
21 person has reached the age of [sixteen] seventeen as of January first,
22 two thousand eighteen, and eighteen as of January first, two thousand
23 nineteen.

24 § 41. Section 70.05 of the penal law, as added by chapter 481 of the
25 laws of 1978, subdivision 1 as amended by chapter 615 of the laws of
26 1984, paragraph (e) of subdivision 2 as added and paragraph (c) of
27 subdivision 3 as amended by chapter 435 of the laws of 1998, paragraph

1 (a) of subdivision 3 as amended by chapter 174 of the laws of 2003, is
2 amended to read as follows:

3 § 70.05 Sentence of imprisonment for juvenile offender.

4 1. [Indeterminate sentence] Sentence. A sentence of imprisonment for a
5 juvenile offender convicted of a class A felony other than murder in the
6 second degree as defined by section 125.25, arson in the first degree as
7 defined by section 150.20 or kidnapping in the first degree as defined
8 by section 135.25 of this chapter, shall be imposed by the court pursu-
9 ant to the provisions of section 70.00, 70.06, 70.07, 70.08, or 70.71 of
10 this chapter, as applicable. A sentence of imprisonment for the class
11 A-1 felony of murder in the second degree committed by a juvenile offen-
12 der shall be an indeterminate sentence. When such a sentence is imposed,
13 the court shall impose [a] the minimum period of imprisonment and maxi-
14 imum term in accordance with the provisions of subdivision two of this
15 section [and the minimum period of imprisonment shall be as provided in
16 subdivision three of this section]. Except as provided herein, a
17 sentence of imprisonment for any other felony committed by a juvenile
18 offender shall be a determinate sentence. When such a sentence is
19 imposed, the court shall impose a term of imprisonment in whole or half
20 years in accordance with the provisions of subdivision three of this
21 section and a period of post-release supervision in accordance with the
22 provisions of subdivision two-b of section 70.45 of this article. The
23 court shall further provide that where a juvenile offender is under
24 placement pursuant to article three of the family court act, any
25 sentence imposed pursuant to this section which is to be served consec-
26 utively with such placement shall be served in a facility designated
27 pursuant to subdivision four of section 70.20 of this article prior to
28 service of the placement in any previously designated facility.

1 2. [Maximum term of] Indeterminate sentence. [The maximum term of an
2 indeterminate sentence for a juvenile offender shall be at least three
3 years and the term shall be fixed as follows:

4 (a)] For the class A felony of murder in the second degree, the maxi-
5 mum term shall be life imprisonment[;], and the minimum period of impri-
6 sonment shall be specified in the sentence as follows:

7 (a) where the defendant was thirteen years old at the time of such
8 offense, the minimum period of imprisonment shall be at least five years
9 but shall not exceed nine years;

10 (b) where the defendant was at least fourteen years old but less than
11 seventeen years old, and, commencing January first, two thousand nine-
12 teen, where the defendant was at least fourteen years old but less than
13 eighteen years old at the time of such offense, the minimum period of
14 imprisonment shall be at least seven and one half years but shall not
15 exceed fifteen years.

16 [(b)] 3. Determinate sentence. (a) For the class A felony of arson in
17 the first degree, or for the class A felony of kidnapping in the first
18 degree the determinate term shall be fixed by the court, and shall be at
19 least [twelve] four years but shall not exceed fifteen years;

20 [(c)] (b)(i) For a class B felony, other than a class B violent felony
21 as defined by section 70.02 of this article, the determinate term shall
22 be fixed by the court, and shall be at least one year but shall not
23 exceed [ten] seven years;

24 (ii) For a class B violent felony as defined by section 70.02 of this
25 article, the determinate term shall be fixed by the court, and shall be
26 at least five years but shall not exceed twenty-five years; provided,
27 however, that where the court, having regard to the nature and circum-
28 stances of the crime and to the history and character of the defendant,

1 is of the opinion that it would be unduly harsh to impose a determinate
2 sentence of no less than five years and no more than twenty-five years,
3 the court may impose a determinate sentence of no less than one year and
4 no more than seven years;

5 [(d)] (c) For a class C felony, the determinate term shall be fixed by
6 the court, and shall be at least one year but shall not exceed [seven]
7 five years; and

8 [(e)] (d) For a class D felony, the determinate term shall be fixed by
9 the court, and shall be at least one year but shall not exceed [four]
10 three years; and

11 (e) For a class E felony, where the defendant was sixteen years old,
12 and commencing January first, two thousand nineteen, where the defendant
13 was sixteen or seventeen years old at the time of such offense, the
14 determinate term shall be fixed by the court, and shall be at least one
15 year but shall not exceed two years.

16 [3. Minimum period of imprisonment. The minimum period of imprisonment
17 under an indeterminate sentence for a juvenile offender shall be speci-
18 fied in the sentence as follows:

19 (a) For the class A felony of murder in the second degree, the minimum
20 period of imprisonment shall be fixed by the court and shall be not less
21 than five years but shall not exceed nine years provided, however, that
22 where the sentence is for an offense specified in subdivision one or two
23 of section 125.25 of this chapter and the defendant was fourteen or
24 fifteen years old at the time of such offense, the minimum period of
25 imprisonment shall be not less than seven and one-half years but shall
26 not exceed fifteen years;

27 (b) For the class A felony of arson in the first degree, or for the
28 class A felony of kidnapping in the first degree, the minimum period of

1 imprisonment shall be fixed by the court and shall be not less than four
2 years but shall not exceed six years; and

3 (c) For a class B, C or D felony, the minimum period of imprisonment
4 shall be fixed by the court at one-third of the maximum term imposed.]

5 § 42. Subdivision 1 of section 70.20 of the penal law, as amended by
6 section 124 of subpart B of part C of chapter 62 of the laws of 2011, is
7 amended to read as follows:

8 1. [(a)] Indeterminate or determinate sentence. Except as provided in
9 subdivision four of this section, when an indeterminate or determinate
10 sentence of imprisonment is imposed, the court shall commit the defend-
11 ant to the custody of the state department of corrections and community
12 supervision for the term of his or her sentence and until released in
13 accordance with the law; provided, however, that a defendant sentenced
14 pursuant to subdivision seven of section 70.06 shall be committed to the
15 custody of the state department of corrections and community supervision
16 for immediate delivery to a reception center operated by the department.

17 [(b) The court in committing a defendant who is not yet eighteen years
18 of age to the department of corrections and community supervision shall
19 inquire as to whether the parents or legal guardian of the defendant, if
20 present, will grant to the minor the capacity to consent to routine
21 medical, dental and mental health services and treatment.

22 (c) Notwithstanding paragraph (b) of this subdivision, where the court
23 commits a defendant who is not yet eighteen years of age to the custody
24 of the department of corrections and community supervision in accordance
25 with this section and no medical consent has been obtained prior to said
26 commitment, the commitment order shall be deemed to grant the capacity
27 to consent to routine medical, dental and mental health services and
28 treatment to the person so committed.

1 (d) Nothing in this subdivision shall preclude a parent or legal guar-
2 dian of an inmate who is not yet eighteen years of age from making a
3 motion on notice to the department of corrections and community super-
4 vision pursuant to article twenty-two of the civil practice law and
5 rules and section one hundred forty of the correction law, objecting to
6 routine medical, dental or mental health services and treatment being
7 provided to such inmate under the provisions of paragraph (b) of this
8 subdivision.

9 (e) Nothing in this section shall require that consent be obtained
10 from the parent or legal guardian, where no consent is necessary or
11 where the defendant is authorized by law to consent on his or her own
12 behalf to any medical, dental, and mental health service or treatment.]

13 § 43. Subdivision 2 of section 70.20 of the penal law, as amended by
14 chapter 437 of the laws of 2013, is amended to read as follows:

15 2. [(a)] Definite sentence. Except as provided in subdivision four of
16 this section, when a definite sentence of imprisonment is imposed, the
17 court shall commit the defendant to the county or regional correctional
18 institution for the term of his sentence and until released in accord-
19 ance with the law.

20 [(b) The court in committing a defendant who is not yet eighteen years
21 of age to the local correctional facility shall inquire as to whether
22 the parents or legal guardian of the defendant, if present, will grant
23 to the minor the capacity to consent to routine medical, dental and
24 mental health services and treatment.

25 (c) Nothing in this subdivision shall preclude a parent or legal guar-
26 dian of an inmate who is not yet eighteen years of age from making a
27 motion on notice to the local correction facility pursuant to article
28 twenty-two of the civil practice law and rules and section one hundred

1 forty of the correction law, objecting to routine medical, dental or
2 mental health services and treatment being provided to such inmate under
3 the provisions of paragraph (b) of this subdivision.]

4 § 44. Paragraph (a) of subdivision 4 of section 70.20 of the penal
5 law, as amended by section 124 of subpart B of part C of chapter 62 of
6 the laws of 2011, is amended and two new paragraphs (a-1) and (a-2) are
7 added to read as follows:

8 (a) Notwithstanding any other provision of law to the contrary, a
9 juvenile offender[,] or a juvenile offender who is adjudicated a youth-
10 ful offender [and], who is given an indeterminate or a definite
11 sentence, and who is under the age of twenty-one at the time of sentenc-
12 ing, shall be committed to the custody of the commissioner of the office
13 of children and family services who shall arrange for the confinement of
14 such offender in [secure] facilities of the office. The release or
15 transfer of such offenders from the office of children and family
16 services shall be governed by section five hundred eight of the execu-
17 tive law. If the juvenile offender is convicted or, if the juvenile
18 offender who is adjudicated a youthful offender is convicted and is
19 twenty-one years of age or older at the time of sentencing, he or she
20 shall be delivered to the department of corrections and community super-
21 vision.

22 (a-1) Notwithstanding any other provision of law to the contrary, a
23 person sixteen years of age who commits a vehicle and traffic law
24 offense that does not constitute a juvenile offender offense on or after
25 January first, two thousand eighteen and a person seventeen years of age
26 who commits such an offense on or after January first, two thousand
27 nineteen who is sentenced to a term of imprisonment who is under the age
28 of twenty-one at the time he or she is sentenced shall be committed to

1 the custody of the commissioner of the office of children and family
2 services who shall arrange confinement of such offender in facilities of
3 the office.

4 (a-2) Notwithstanding any other provision of law to the contrary,
5 commencing January first, two thousand nineteen, a person who is in the
6 custody of, or is committed to, the department of corrections and commu-
7 nity supervision who is under the age of eighteen shall, within the
8 discretion of the department of corrections and community supervision
9 and the office of children and family services, subject to available
10 capacity, and when consistent with the person's circumstances, be trans-
11 ferred to the custody of the commissioner of the office of children and
12 family services who shall arrange for the confinement of such offender
13 in facilities of the office. The placement facility and release or
14 transfer of such offenders from the office of children and family
15 services shall be governed by section five hundred eight of the execu-
16 tive law.

17 § 44-a. Paragraph (f) of subdivision 1 of section 70.30 of the penal
18 law, as added by chapter 481 of the laws of 1978 and relettered by chap-
19 ter 3 of the laws of 1995, is amended to read as follows:

20 (f) [The aggregate maximum term of consecutive sentences imposed upon
21 a juvenile offender for two or more crimes, not including a class A
22 felony, committed before he has reached the age of sixteen, shall, if it
23 exceeds ten years, be deemed to be ten years. If consecutive indetermi-
24 nate sentences imposed upon a juvenile offender include a sentence for
25 the class A felony of arson in the first degree or for the class A felo-
26 ny of kidnapping in the first degree, then the aggregate maximum term of
27 such sentences shall, if it exceeds fifteen years, be deemed to be
28 fifteen years. Where the aggregate maximum term of two or more consec-

1 utive sentences is reduced by a calculation made pursuant to this para-
2 graph, the aggregate minimum period of imprisonment, if it exceeds one-
3 half of the aggregate maximum term as so reduced, shall be deemed to be
4 one-half of the aggregate maximum term as so reduced.] (i) The aggregate
5 term or maximum term of consecutive sentences imposed upon a juvenile
6 offender for two or more crimes committed prior to the time the person
7 was imprisoned under any of such sentences, other than two or more
8 sentences that include a sentence for a class A felony, or a sentence
9 for a class B violent felony, shall, if it exceeds ten years, be deemed
10 to be ten years, provided:

11 (A) Where all of such consecutive sentences are determinate and the
12 aggregate term exceeds ten years, the juvenile offender shall be deemed
13 to be serving a determinate term of ten years; and

14 (B) Where all of such consecutive sentences are indeterminate and the
15 aggregate maximum term exceeds ten years, the juvenile offender shall be
16 deemed to be serving an indeterminate sentence, the maximum term of
17 which shall be deemed to be ten years and the aggregate minimum period
18 of which, if it exceeds five years, shall be deemed to be five years;
19 and

20 (C) Where one or more of such consecutive sentences is a determinate
21 sentence and one or more of which is an indeterminate sentence:

22 (1) if the aggregate term of the determinate sentences is equal to or
23 exceeds ten years, the juvenile offender shall be deemed to be serving a
24 determinate term of ten years; and

25 (2) if the term or aggregate term of the determinate sentence or
26 sentences is less than ten years, the juvenile offender shall be deemed
27 to be serving an indeterminate sentence, the maximum term of which shall
28 be deemed to be ten years, and the minimum period of which shall be

1 deemed to be five years or six-sevenths of the term or aggregate term of
2 the determinate sentence or sentences, whichever is greater.

3 (ii) The aggregate maximum term of consecutive sentences imposed upon
4 a juvenile offender for two or more crimes committed prior to the time
5 the person was imprisoned under any of such sentences, at least one of
6 which is the class A felony of arson in the first degree as defined by
7 section 150.20 or kidnapping in the first degree as defined by section
8 135.25 of this chapter but no other class A felony, and does not include
9 a sentence imposed for a class B violent felony, shall, if it exceeds
10 fifteen years, be deemed to be fifteen years, provided:

11 (A) Where all of such consecutive sentences are determinate and the
12 aggregate term exceeds fifteen years, the juvenile offender shall be
13 deemed to be serving a determinate term of fifteen years; and

14 (B) Where all of such consecutive sentences are indeterminate and the
15 aggregate maximum term exceeds fifteen years, the juvenile offender
16 shall be deemed to be serving an indeterminate sentence, the maximum
17 term of which shall be deemed to be fifteen years and the aggregate
18 minimum period of which, if it exceeds seven and one-half years, shall
19 be deemed to be seven and one-half years; and

20 (C) Where one or more of such consecutive sentences is a determinate
21 sentence and one or more of which is an indeterminate sentence:

22 (1) if the aggregate term of the determinate sentences is equal to or
23 exceeds fifteen years, the juvenile offender shall be deemed to be serv-
24 ing a determinate term of fifteen years; and

25 (2) if the term or aggregate term of the determinate sentence or
26 sentences is less than fifteen years, the juvenile offender shall be
27 deemed to be serving an indeterminate sentence, the maximum term of
28 which shall be deemed to be fifteen years, and the minimum period of

1 which shall be deemed to be seven and one-half years or six-sevenths of
2 the term or aggregate term of the determinate sentence or sentences,
3 whichever is greater.

4 § 44-b. Section 70.45 of the penal law is amended by adding a new
5 subdivision 2-b to read as follows:

6 2-b. Periods of post-release supervision for juvenile offenders and
7 youthful offenders. (a) The period of post-release supervision for a
8 determinate sentence imposed upon a youthful offender or a juvenile
9 offender adjudicated a youthful offender must be fixed by the court at
10 one year.

11 (b) The period of post-release supervision for a determinate sentence
12 imposed upon a juvenile offender not adjudicated a youthful offender
13 must be fixed by the court in whole or half years as follows:

14 (i) such period shall be one year whenever a determinate sentence of
15 imprisonment is imposed upon a conviction of a class D or class E felony
16 offense;

17 (ii) such period shall be not less than one year nor more than two
18 years whenever a determinate sentence of imprisonment is imposed upon a
19 conviction of a class C felony offense;

20 (iii) such period shall be not less than one year nor more than three
21 years whenever a determinate sentence of imprisonment is imposed upon a
22 conviction of a class B felony offense; provided, however, that such
23 period shall be not less than one year nor more than four years; and

24 (iv) such period shall be not less than one year nor more than five
25 years whenever a determinate sentence of imprisonment is imposed upon a
26 conviction of the class A felony offense of arson in the first degree as
27 defined by section 150.20 or kidnapping in the first degree as defined
28 by section 135.25 of this chapter, and a five-year period shall be

1 imposed pursuant to subdivision two of this section whenever a determi-
2 nate sentence imposed upon a juvenile offender for any other class A
3 felony.

4 § 45. Subdivision 18 of section 10.00 of the penal law, as amended by
5 chapter 7 of the laws of 2007, is amended to read as follows:

6 18. "Juvenile offender" means (1) a person thirteen years old who is
7 criminally responsible for acts constituting murder in the second degree
8 as defined in subdivisions one and two of section 125.25 of this chapter
9 or such conduct as a sexually motivated felony, where authorized pursu-
10 ant to section 130.91 of [the penal law; and] this chapter;

11 (2) a person fourteen [or], fifteen or sixteen years old or commencing
12 January first, two thousand nineteen, seventeen years old who is crimi-
13 nally responsible for acts constituting the crimes defined in subdivi-
14 sions one and two of section 125.25 (murder in the second degree) and in
15 subdivision three of such section provided that the underlying crime for
16 the murder charge is one for which such person is criminally responsi-
17 ble; section 135.25 (kidnapping in the first degree); 150.20 (arson in
18 the first degree); subdivisions one and two of section 120.10 (assault
19 in the first degree); 125.20 (manslaughter in the first degree); subdivi-
20 sions one and two of section 130.35 (rape in the first degree); subdivi-
21 sions one and two of section 130.50 (criminal sexual act in the first
22 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
23 (burglary in the first degree); subdivision one of section 140.25
24 (burglary in the second degree); 150.15 (arson in the second degree);
25 160.15 (robbery in the first degree); subdivision two of section 160.10
26 (robbery in the second degree) of this chapter; or section 265.03 of
27 this chapter, where such machine gun or such firearm is possessed on
28 school grounds, as that phrase is defined in subdivision fourteen of

1 section 220.00 of this chapter; or defined in this chapter as an attempt
2 to commit murder in the second degree or kidnapping in the first degree,
3 or such conduct as a sexually motivated felony, where authorized pursu-
4 ant to section 130.91 of [the penal law] this chapter; and

5 (3) a person sixteen or, commencing January first, two thousand nine-
6 teen, seventeen years old who is criminally responsible for acts consti-
7 tuting an offense set forth in the vehicle and traffic law; acts consti-
8 tuting a violent felony defined in section 70.02 of this chapter; acts
9 constituting any crime in this chapter that is classified as a class A
10 felony excepting those class A felonies which require, as an element of
11 the offense, that the defendant be eighteen years of age or older; acts
12 constituting the crimes defined in section 120.03 (vehicular assault in
13 the second degree); 120.04 (vehicular assault in the first degree);
14 120.04-a (aggravated vehicular assault); 125.10 (criminally negligent
15 homicide); 125.11 (aggravated criminally negligent homicide); 125.12
16 (vehicular manslaughter in the second degree); 125.13 (vehicular
17 manslaughter in the first degree); 125.14 (aggravated vehicular
18 manslaughter); 125.15 (manslaughter in the second degree); 125.20
19 (manslaughter in the first degree); 125.21 (aggravated manslaughter in
20 the second degree); 125.22 (aggravated manslaughter in the first
21 degree); 130.70 (aggravated sexual abuse in the first degree); 130.75
22 (course of sexual conduct against a child in the first degree); 215.11
23 (tampering with a witness in the third degree) provided that the crimi-
24 nal proceeding in which the person is tampering is one for which such
25 person is criminally responsible; 215.12 (tampering with a witness in
26 the second degree) provided that the criminal proceeding in which the
27 person is tampering is one for which such person is criminally responsi-
28 ble; 215.13 (tampering with a witness in the first degree) provided that

1 the criminal proceeding in which the person is tampering is one for
2 which such person is criminally responsible; 215.52 (aggravated criminal
3 contempt); 130.95 (predatory sexual assault); 220.41 (criminal sale of a
4 controlled substance in the second degree); 220.43 (criminal sale of a
5 controlled substance in the first degree); 220.77 (operating as a major
6 trafficker); 460.22 (aggravated enterprise corruption); 490.45 (criminal
7 possession of a chemical weapon or a biological weapon in the first
8 degree); 490.50 (criminal use of a chemical weapon or a biological weap-
9 on in the second degree); 490.55 (criminal use of a chemical weapon or a
10 biological weapon in the first degree); acts constituting a specified
11 offense defined in subdivision two of section 130.91 of this chapter
12 when committed as a sexually motivated felony; acts constituting a spec-
13 ified offense defined in subdivision three of section 490.05 of this
14 chapter when committed as an act of terrorism; acts constituting a felo-
15 ny defined in article four hundred ninety of this chapter; and acts
16 constituting a crime set forth in subdivision one of section 105.10 and
17 section 105.15 provided that the underlying crime for the conspiracy
18 charge is one for which such person is criminally responsible.

19 § 46. Subdivision 42 of section 1.20 of the criminal procedure law, as
20 amended by chapter 7 of the laws of 2007, is amended to read as follows:

21 42. "Juvenile offender" means (1) a person, thirteen years old who is
22 criminally responsible for acts constituting murder in the second degree
23 as defined in subdivisions one and two of section 125.25 of the penal
24 law, or such conduct as a sexually motivated felony, where authorized
25 pursuant to section 130.91 of the penal law; [and] (2) a person fourteen
26 [or], fifteen or sixteen years old, or commencing January first, two
27 thousand nineteen, seventeen years old who is criminally responsible for
28 acts constituting the crimes defined in subdivisions one and two of

1 section 125.25 (murder in the second degree) and in subdivision three of
2 such section provided that the underlying crime for the murder charge is
3 one for which such person is criminally responsible; section 135.25
4 (kidnapping in the first degree); 150.20 (arson in the first degree);
5 subdivisions one and two of section 120.10 (assault in the first
6 degree); 125.20 (manslaughter in the first degree); subdivisions one and
7 two of section 130.35 (rape in the first degree); subdivisions one and
8 two of section 130.50 (criminal sexual act in the first degree); 130.70
9 (aggravated sexual abuse in the first degree); 140.30 (burglary in the
10 first degree); subdivision one of section 140.25 (burglary in the second
11 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
12 first degree); subdivision two of section 160.10 (robbery in the second
13 degree) of the penal law; or section 265.03 of the penal law, where such
14 machine gun or such firearm is possessed on school grounds, as that
15 phrase is defined in subdivision fourteen of section 220.00 of the penal
16 law; or defined in the penal law as an attempt to commit murder in the
17 second degree or kidnapping in the first degree, or such conduct as a
18 sexually motivated felony, where authorized pursuant to section 130.91
19 of the penal law; and (3) a person sixteen or, commencing January first,
20 two thousand nineteen, a person sixteen or seventeen years old who is
21 criminally responsible for acts constituting an offense set forth in the
22 vehicle and traffic law; a violent felony defined in section 70.02 of
23 the penal law; acts constituting any crime in the penal law that is
24 classified as a class A felony excepting those class A felonies which
25 require, as an element of the offense, that the defendant be eighteen
26 years of age or older; acts constituting the crimes defined in section
27 120.03 (vehicular assault in the second degree); 120.04 (vehicular
28 assault in the first degree); 120.04-a (aggravated vehicular assault);

1 125.10 (criminally negligent homicide); 125.11 (aggravated criminally
2 negligent homicide); 125.12 (vehicular manslaughter in the second
3 degree); 125.13 (vehicular manslaughter in the first degree); 125.14
4 (aggravated vehicular homicide); 125.15 (manslaughter in the second
5 degree); 125.20 (manslaughter in the first degree); 125.21 (aggravated
6 manslaughter in the second degree); 125.22 (aggravated manslaughter in
7 the first degree); 130.70 (aggravated sexual abuse in the first degree);
8 130.75 (course of sexual conduct against a child in the first degree);
9 215.11 (tampering with a witness in the third degree) provided that the
10 criminal proceeding in which the person is tampering is one for which
11 such person is criminally responsible; 215.12 (tampering with a witness
12 in the second degree) provided that the criminal proceeding in which the
13 person is tampering is one for which such person is criminally responsi-
14 ble; 215.13 (tampering with a witness in the first degree) provided that
15 the criminal proceeding in which the person is tampering is one for
16 which such person is criminally responsible; 215.52 (aggravated criminal
17 contempt); 130.95 (predatory sexual assault); 220.18 (criminal
18 possession of a controlled substance in the second degree); 220.21
19 (criminal possession of a controlled substance in the first degree);
20 220.41 (criminal sale of a controlled substance in the second degree);
21 220.43 (criminal sale of a controlled substance in the first degree);
22 220.77 (operating as a major trafficker); 460.22 (aggravated enterprise
23 corruption); 490.45 (criminal possession of a chemical weapon or a
24 biological weapon in the first degree); 490.50 (criminal use of a chemi-
25 cal weapon or a biological weapon in the second degree); 490.55 (crimi-
26 nal use of a chemical weapon or a biological weapon in the first
27 degree); acts constituting a specified offense defined in subdivision
28 two of section 130.91 of the penal law when committed as a sexually

1 motivated felony; acts constituting a specified offense defined in
2 subdivision three of section 490.05 of the penal law when committed as
3 an act of terrorism; acts constituting a felony defined in article four
4 hundred ninety of the penal law; and acts constituting a crime set forth
5 in subdivision one of section 105.10 and section 105.15 of the penal law
6 provided that the underlying crime for the conspiracy charge is one for
7 which such person is criminally responsible.

8 § 47. Subdivision 1 of section 500-a of the correction law is amended
9 by adding a new paragraph (h) to read as follows:

10 (h) Notwithstanding any other provision of law commencing January
11 first, two thousand eighteen, no county jail shall be used for the
12 confinement of any person under the age of seventeen who is sentenced
13 for an offense committed on or after January first, two thousand eigh-
14 teen, and, commencing January first, two thousand nineteen, no county
15 jail shall be used for the confinement of any person under the age of
16 eighteen who is sentenced for an offense committed on or after January
17 first, two thousand nineteen. Placement of any person who may not be
18 confined to a county jail pursuant to this subdivision shall be deter-
19 mined by the office of children and family services.

20 § 48. The criminal procedure law is amended by adding a new section
21 160.59 to read as follows:

22 § 160.59 Sealing of certain convictions.

23 1. Definitions: As used in this section, the following terms shall
24 have the following meanings;

25 (a) "Eligible conviction" shall mean any offense defined in the laws
26 of this state other than a sex offense defined in article one hundred
27 thirty of the penal law, an offense defined in article two hundred
28 sixty-three of the penal law, a felony offense defined in article one

1 hundred twenty-five of the penal law, a violent felony offense defined
2 in section 70.02 of the penal law, a class A felony offense defined in
3 the penal law other than a class A felony offense defined in article two
4 hundred twenty of the penal law, or an offense for which registration as
5 a sex offender is required pursuant to article six-C of the correction
6 law.

7 (b) "Sentencing judge" shall mean the judge who pronounced sentence
8 upon the conviction under consideration, or if that judge is no longer
9 sitting in a court in the jurisdiction in which the conviction was
10 obtained, any other judge who is sitting in the criminal court where the
11 judgment of conviction was entered.

12 2. (a) A defendant who has been convicted of up to two eligible
13 offenses but not more than one felony offense may apply to the court in
14 which he or she was convicted of the most serious offense to have such
15 conviction sealed. If all offenses are offenses with the same classi-
16 fication, the application shall be made to the court in which the
17 defendant was last convicted.

18 (b) An application shall contain (i) a copy of a certificate of dispo-
19 sition or other similar documentation for any offense for which the
20 defendant has been convicted, or an explanation of why such certificate
21 or other documentation is not available; (ii) a sworn statement of the
22 defendant as to whether he or she has filed, or then intends to file,
23 any application for sealing of any other eligible offense; (iii) a copy
24 of any other such application that has been filed; and (iv) a statement
25 as to the conviction or convictions for which relief is being sought.

26 (c) A copy of any application for such sealing shall be served upon
27 the district attorney of the county in which the conviction was
28 obtained.

1 (d) When such application is filed with the court, it shall be
2 assigned to the sentencing judge unless more than one application is
3 filed in which case the application shall be assigned to the county
4 court or the supreme court of the county in which the criminal court is
5 located, who shall request and receive from the division of criminal
6 justice services a fingerprint based criminal history record of the
7 defendant, including any sealed or suppressed records. The division of
8 criminal justice services also shall include a criminal history report,
9 if any, from the federal bureau of investigation regarding any criminal
10 history information that occurred in other jurisdictions. The division
11 is hereby authorized to receive such information from the federal bureau
12 of investigation for this purpose, and to make such information avail-
13 able to the court, which may make this information available to the
14 district attorney and the defendant.

15 3. The sentencing judge, or county or supreme court shall summarily
16 deny the defendant's application when:

17 (a) the defendant is required to register as a sex offender pursuant
18 to article six-C of the correction law; or

19 (b) the defendant has previously obtained sealing of the maximum
20 number of convictions allowable under section 160.58 of the criminal
21 procedure law; or

22 (c) the defendant has previously obtained sealing of the maximum
23 number of convictions allowable under subdivision four of this section;
24 or

25 (d) the time period specified in subdivision five of this section has
26 not yet been satisfied; or

27 (e) the defendant has an undisposed arrest or charge pending; or

1 (f) the defendant was convicted of any offense after the date of the
2 entry of judgement of the last conviction for which sealing is sought.

3 4. Provided that the application is not summarily denied for the
4 reasons set forth in subdivision three of this section, a defendant who
5 stands convicted of up to two eligible offenses, may obtain sealing of
6 no more than two eligible offenses but not more than one felony offense.

7 5. Any eligible offense may be sealed only after at least ten years
8 have passed since the entry of the judgment of the defendant's latest
9 conviction or, if the defendant was sentenced to incarceration, includ-
10 ing a period of incarceration imposed in conjunction with a sentence of
11 probation, the defendant's release from incarceration imposed on his or
12 her latest conviction.

13 6. Upon determining that the application is not subject to mandatory
14 denial pursuant to subdivision three of this section and that the appli-
15 cation is opposed by the district attorney, the sentencing judge or
16 county or supreme court shall conduct a hearing on the application in
17 order to consider any evidence offered by either party that would aid
18 the sentencing judge in his or her decision whether to seal the records
19 of the defendant's convictions. No hearing is required if the district
20 attorney does not oppose the application.

21 7. In considering any such application, the sentencing judge or county
22 or supreme court shall consider any relevant factors, including but not
23 limited to:

24 (a) the amount of time that has elapsed since the defendant's last
25 conviction;

26 (b) the circumstances and seriousness of the offense for which the
27 defendant is seeking relief;

1 (c) the circumstances and seriousness of any other offenses for which
2 the defendant stands convicted;

3 (d) the character of the defendant, including any measures that the
4 defendant has taken toward rehabilitation, such as participating in
5 treatment programs, work, or schooling, and participating in community
6 service or other volunteer programs;

7 (e) any statements made by the victim of the offense for which the
8 defendant is seeking relief;

9 (f) the impact of sealing the defendant's record upon his or her reha-
10 bilitation and upon his or her successful and productive reentry and
11 reintegration into society; and

12 (g) the impact of sealing the defendant's record on public safety and
13 upon the public's confidence in and respect for the law.

14 8. When a sentencing judge or county or supreme court orders sealing
15 pursuant to this section, all official records and papers relating to
16 the arrests, prosecutions, and convictions, including all duplicates and
17 copies thereof, on file with the division of criminal justice services
18 or any court shall be sealed and not made available to any person or
19 public or private agency except as provided for in subdivision nine of
20 this section; provided, however, the division shall retain any finger-
21 prints, palmprints and photographs, or digital images of the same. The
22 clerk of such court shall immediately notify the commissioner of the
23 division of criminal justice services regarding the records that shall
24 be sealed pursuant to this section. The clerk also shall notify any
25 court in which the defendant has stated, pursuant to paragraph (b) of
26 subdivision two of this section, that he or she has filed or intends to
27 file an application for sealing of any other eligible offense.

28 9. Records sealed pursuant to this section shall be made available to:

1 (a) the defendant or the defendant's designated agent;

2 (b) qualified agencies, as defined in subdivision nine of section
3 eight hundred thirty-five of the executive law, and federal and state
4 law enforcement agencies, when acting within the scope of their law
5 enforcement duties; or

6 (c) any state or local officer or agency with responsibility for the
7 issuance of licenses to possess guns, when the person has made applica-
8 tion for such a license; or

9 (d) any prospective employer of a police officer or peace officer as
10 those terms are defined in subdivisions thirty-three and thirty-four of
11 section 1.20 of this chapter, in relation to an application for employ-
12 ment as a police officer or peace officer; provided, however, that every
13 person who is an applicant for the position of police officer or peace
14 officer shall be furnished with a copy of all records obtained under
15 this paragraph and afforded an opportunity to make an explanation there-
16 to; or

17 (e) the criminal justice information services division of the federal
18 bureau of investigation, for the purposes of responding to queries to
19 the national instant criminal background check system regarding attempts
20 to purchase or otherwise take possession of firearms, as defined in 18
21 USC 921 (a) (3).

22 § 48-a. Subdivision 16 of section 296 of the executive law, as sepa-
23 rately amended by section 3 of part N and section 14 of part AAA of
24 chapter 56 of the laws of 2009, is amended to read as follows:

25 16. It shall be an unlawful discriminatory practice, unless specif-
26 ically required or permitted by statute, for any person, agency, bureau,
27 corporation or association, including the state and any political subdi-
28 vision thereof, to make any inquiry about, whether in any form of appli-

1 cation or otherwise, or to act upon adversely to the individual
2 involved, any arrest or criminal accusation of such individual not then
3 pending against that individual which was followed by a termination of
4 that criminal action or proceeding in favor of such individual, as
5 defined in subdivision two of section 160.50 of the criminal procedure
6 law, or by a youthful offender adjudication, as defined in subdivision
7 one of section 720.35 of the criminal procedure law, or by a conviction
8 for a violation sealed pursuant to section 160.55 of the criminal proce-
9 dure law or by a conviction which is sealed pursuant to section 160.59
10 or 160.58 of the criminal procedure law, in connection with the licens-
11 ing, employment or providing of credit or insurance to such individual;
12 provided, further, that no person shall be required to divulge informa-
13 tion pertaining to any arrest or criminal accusation of such individual
14 not then pending against that individual which was followed by a termi-
15 nation of that criminal action or proceeding in favor of such individ-
16 ual, as defined in subdivision two of section 160.50 of the criminal
17 procedure law, or by a youthful offender adjudication, as defined in
18 subdivision one of section 720.35 of the criminal procedure law, or by a
19 conviction for a violation sealed pursuant to section 160.55 of the
20 criminal procedure law, or by a conviction which is sealed pursuant to
21 section 160.58 or 160.59 of the criminal procedure law. The provisions
22 of this subdivision shall not apply to the licensing activities of
23 governmental bodies in relation to the regulation of guns, firearms and
24 other deadly weapons or in relation to an application for employment as
25 a police officer or peace officer as those terms are defined in subdivi-
26 sions thirty-three and thirty-four of section 1.20 of the criminal
27 procedure law; provided further that the provisions of this subdivision
28 shall not apply to an application for employment or membership in any

1 law enforcement agency with respect to any arrest or criminal accusation
2 which was followed by a youthful offender adjudication, as defined in
3 subdivision one of section 720.35 of the criminal procedure law, or by a
4 conviction for a violation sealed pursuant to section 160.55 of the
5 criminal procedure law, or by a conviction which is sealed pursuant to
6 section 160.58 or 160.59 of the criminal procedure law.

7 § 49. Subdivision 3 of section 720.15 of the criminal procedure law,
8 as amended by chapter 774 of the laws of 1985, is amended to read as
9 follows:

10 3. The provisions of subdivisions one and two of this section requir-
11 ing or authorizing the accusatory instrument filed against a youth to be
12 sealed, and the arraignment and all proceedings in the action to be
13 conducted in private shall not apply in connection with a pending charge
14 of committing any [felony] offense [as] defined in article one hundred
15 thirty or article two hundred sixty-three of the penal law. [The
16 provisions of subdivision one requiring the accusatory instrument filed
17 against a youth to be sealed shall not apply where such youth has previ-
18 ously been adjudicated a youthful offender or convicted of a crime.]

19 § 50. Subdivision 1 of section 720.20 of the criminal procedure law,
20 as amended by chapter 652 of the laws of 1974, is amended to read as
21 follows:

22 1. Upon conviction of an eligible youth, the court must order a pre-
23 sentence investigation of the defendant. After receipt of a written
24 report of the investigation and at the time of pronouncing sentence the
25 court must determine whether or not the eligible youth is a youthful
26 offender. Such determination shall be in accordance with the following
27 criteria:

1 (a) If in the opinion of the court the interest of justice would be
2 served by relieving the eligible youth from the onus of a criminal
3 record and by not imposing an indeterminate term of imprisonment of more
4 than four years, the court may, in its discretion, find the eligible
5 youth is a youthful offender; [and]

6 (b) Where the conviction is had in a local criminal court and the
7 eligible youth had not prior to commencement of trial or entry of a plea
8 of guilty been convicted of a crime or found a youthful offender, the
9 court must find he is a youthful offender[.]; and

10 (c) There shall be a presumption to grant youthful offender status to
11 an eligible youth who has not previously been convicted and sentenced
12 for a felony, unless the district attorney upon motion with not less
13 than seven days' notice to such person or his or her attorney demon-
14 strates to the satisfaction of the court that the interests of justice
15 requires otherwise.

16 § 51. Intentionally omitted.

17 § 52. Intentionally omitted.

18 § 53. Intentionally omitted.

19 § 54. Paragraph (vi) of subdivision (a) and subdivision (e) of section
20 115 of the family court act, paragraph (vi) of subdivision (a) as
21 amended and subdivision (e) as added by chapter 222 of the laws of 1994,
22 are amended to read as follows:

23 (vi) proceedings concerning juvenile delinquency as set forth in arti-
24 cle three that are commenced in family court.

25 (e) The family court has concurrent jurisdiction with the criminal
26 court over all family offenses as defined in article eight of this act
27 and has concurrent jurisdiction with the youth part of a superior court
28 over any juvenile delinquency proceeding resulting from the removal of

1 the case to the family court pursuant to article seven hundred twenty-
2 five of the criminal procedure law.

3 § 55. Subdivision (b) of section 117 of the family court act is
4 REPEALED and a new subdivision (b) is added to read as follows:

5 (b) There is hereby established in the family court in the city of New
6 York at least one "designated felony act part" which shall be held sepa-
7 rate from all other proceedings of the court, and shall have jurisdic-
8 tion over all juvenile delinquency proceedings involving an allegation
9 that a person committed an act that would constitute a designated felony
10 act as defined in subdivision eight of section 301.2 of this chapter
11 that are not referred to the youth part of a superior court. All such
12 proceedings shall be originated in or be transferred to such part from
13 other parts as they are made known to the court. Outside the city of
14 New York, all proceedings involving such an allegation shall have a
15 hearing preference over every other proceeding in the court, except
16 proceedings under article ten of this chapter.

17 § 56. Subdivision 1 of section 301.2 of the family court act, as added
18 by chapter 920 of the laws of 1982, is amended to read as follows:

19 1. "Juvenile delinquent" means a person [over seven and less than
20 sixteen years of age, who, having committed an act that would constitute
21 a crime if committed by an adult, (a) is not criminally responsible for
22 such conduct by reason of infancy, or (b) is the defendant in an action
23 ordered removed from a criminal court to the family court pursuant to
24 article seven hundred twenty-five of the criminal procedure law]:

25 (a) who is:

26 (i) ten or eleven years of age who committed an act that would consti-
27 tute a crime as defined in section 125.27 (murder in the first degree)

1 or 125.25 (murder in the second degree) of the penal law if committed by
2 an adult; or

3 (ii) at least twelve years of age and less than sixteen years of age
4 who committed an act that would constitute a crime if committed by an
5 adult; or

6 (iii) sixteen years of age or commencing January first, two thousand
7 nineteen, sixteen or seventeen years of age who committed an act that
8 would constitute a crime, or disorderly conduct as defined in section
9 240.20 of the penal law, or harassment in the second degree as defined
10 in section 240.26 of the penal law if committed by an adult; and

11 (b) who is either:

12 (i) not criminally responsible for such conduct by reason of infancy;
13 or

14 (ii) the defendant in an action based on such act that has been
15 ordered removed to the family court pursuant to article seven hundred
16 twenty-five of the criminal procedure law.

17 § 57. Subdivisions 8 and 9 of section 301.2 of the family court act,
18 subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivi-
19 sion 9 as added by chapter 920 of the laws of 1982, are amended to read
20 as follows:

21 8. "Designated felony act" means an act which, if done by an adult,
22 would be a crime: (i) defined in sections 125.27 (murder in the first
23 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the
24 first degree); or 150.20 (arson in the first degree) of the penal law
25 committed by a person thirteen, fourteen [or], fifteen, or sixteen, or
26 commencing January first, two thousand nineteen, seventeen years of age;
27 or such conduct committed as a sexually motivated felony, where author-
28 ized pursuant to section 130.91 of the penal law; (ii) defined in

1 sections 120.10 (assault in the first degree); 125.20 (manslaughter in
2 the first degree); 130.35 (rape in the first degree); 130.50 (criminal
3 sexual act in the first degree); 130.70 (aggravated sexual abuse in the
4 first degree); 135.20 (kidnapping in the second degree) but only where
5 the abduction involved the use or threat of use of deadly physical
6 force; 150.15 (arson in the second degree) or 160.15 (robbery in the
7 first degree) of the penal law committed by a person thirteen, fourteen
8 [or], fifteen, or sixteen, or, commencing January first, two thousand
9 nineteen, seventeen years of age; or such conduct committed as a sexual-
10 ly motivated felony, where authorized pursuant to section 130.91 of the
11 penal law; (iii) defined in the penal law as an attempt to commit murder
12 in the first or second degree or kidnapping in the first degree commit-
13 ted by a person thirteen, fourteen [or], fifteen, or sixteen, or
14 commencing January first, two thousand nineteen, seventeen years of age;
15 or such conduct committed as a sexually motivated felony, where author-
16 ized pursuant to section 130.91 of the penal law; (iv) defined in
17 section 140.30 (burglary in the first degree); subdivision one of
18 section 140.25 (burglary in the second degree); subdivision two of
19 section 160.10 (robbery in the second degree) of the penal law; or
20 section 265.03 of the penal law, where such machine gun or such firearm
21 is possessed on school grounds, as that phrase is defined in subdivision
22 fourteen of section 220.00 of the penal law committed by a person four-
23 teen or fifteen years of age; or such conduct committed as a sexually
24 motivated felony, where authorized pursuant to section 130.91 of the
25 penal law; (v) defined in section 120.05 (assault in the second degree)
26 or 160.10 (robbery in the second degree) of the penal law committed by a
27 person fourteen [or], fifteen, or sixteen or, commencing January first,
28 two thousand nineteen, seventeen years of age but only where there has

1 been a prior finding by a court that such person has previously commit-
2 ted an act which, if committed by an adult, would be the crime of
3 assault in the second degree, robbery in the second degree or any desig-
4 nated felony act specified in paragraph (i), (ii), or (iii) of this
5 subdivision regardless of the age of such person at the time of the
6 commission of the prior act; [or] (vi) other than a misdemeanor commit-
7 ted by a person at least [seven] twelve but less than [sixteen] seven-
8 teen years of age, or commencing January first, two thousand nineteen a
9 person at least twelve but less than eighteen years of age, but only
10 where there has been two prior findings by the court that such person
11 has committed a prior felony; or (vii) defined in section 125.10 (crimi-
12 nal negligent homicide) of the penal law; 125.11 (aggravated criminally
13 negligent homicide) of the penal law; 125.15 (manslaughter in the second
14 degree) of the penal law; 125.21 (aggravated manslaughter in the second
15 degree) of the penal law; 125.22 (aggravated manslaughter in the first
16 degree) of the penal law; 130.75 (course of sexual conduct against a
17 child) of the penal law; 130.95 (predatory sexual assault) of the penal
18 law; 220.77 (operating as a major trafficker) of the penal law; 490.45
19 (criminal possession of a chemical weapon or a biological weapon in the
20 first degree) of the penal law; 490.55 (criminal use of a chemical weap-
21 on or a biological weapon in the first degree) of the penal law; acts
22 constituting a specified offense defined in 130.91 of the penal law when
23 committed as a sexually motivated felony; acts constituting a specified
24 offense defined in subdivision three of section 490.05 of the penal law
25 when committed as an act of terrorism; or acts constituting a felony
26 defined in article four hundred ninety of the penal law, committed by a
27 person at least twelve but less than seventeen years of age, or commenc-

1 ing January first, two thousand nineteen, less than eighteen years of
2 age.

3 9. "Designated class A felony act" means a designated felony act
4 [defined in paragraph (i) of subdivision eight] that would constitute a
5 class A felony if committed by an adult.

6 § 58. Subdivision 1 of section 302.1 of the family court act, as added
7 by chapter 920 of the laws of 1982, is amended to read as follows:

8 1. The family court has exclusive original jurisdiction over any
9 proceeding to determine whether a person is a juvenile delinquent
10 commenced in family court and concurrent jurisdiction with the youth
11 part of a superior court over any such proceeding removed to the family
12 court pursuant to article seven hundred twenty-five of the criminal
13 procedure law.

14 § 59. Section 304.1 of the family court act, as added by chapter 920
15 of the laws of 1982, subdivision 2 as amended by chapter 419 of the laws
16 of 1987, is amended to read as follows:

17 § 304.1. Detention. 1. A facility certified by the [state division for
18 youth] office of children and family services as a juvenile detention
19 facility must be operated in conformity with the regulations of the
20 [state division for youth and shall be subject to the visitation and
21 inspection of the state board of social welfare] office of children and
22 family services.

23 2. No child to whom the provisions of this article may apply shall be
24 detained in any prison, jail, lockup, or other place used for adults
25 convicted of crime or under arrest and charged with crime without the
26 approval of the [state division for youth] office of children and family
27 services in the case of each child and the statement of its reasons
28 therefor. The [state division for youth] office of children and family

1 services shall promulgate and publish the rules which it shall apply in
2 determining whether approval should be granted pursuant to this subdivi-
3 sion.

4 3. [The detention of a child under ten years of age in a secure
5 detention facility shall not be directed under any of the provisions of
6 this article.

7 4.] A detention facility which receives a child under subdivision four
8 of section 305.2 of this part shall immediately notify the child's
9 parent or other person legally responsible for his or her care or, if
10 such legally responsible person is unavailable the person with whom the
11 child resides, that he or she has been placed in detention.

12 § 60. Subdivision 1 of section 304.2 of the family court act, as added
13 by chapter 683 of the laws of 1984, is amended to read as follows:

14 (1) Upon application by the presentment agency, or upon application by
15 the probation service as part of the adjustment of a case, the court may
16 issue a temporary order of protection against a respondent for good
17 cause shown, ex parte or upon notice, at any time after a juvenile is
18 taken into custody, pursuant to section 305.1 or 305.2 or upon the issu-
19 ance of an appearance ticket pursuant to section 307.1 or upon the
20 filing of a petition pursuant to section 310.1 of this part.

21 § 61. Subdivision 1 of section 305.1 of the family court act, as added
22 by chapter 920 of the laws of 1982, is amended to read as follows:

23 1. A private person may take a child [under the age of sixteen] who
24 may be subject to the provisions of this article for committing an act
25 that would be a crime if committed by an adult into custody in cases in
26 which [he] such private person may arrest an adult for a crime under
27 section 140.30 of the criminal procedure law.

1 § 62. Subdivision 2 of section 305.2 of the family court act, as added
2 by chapter 920 of the laws of 1982, is amended to read as follows:

3 2. An officer may take a child [under the age of sixteen] who may be
4 subject to the provisions of this article for committing an act that
5 would be a crime if committed by an adult into custody without a warrant
6 in cases in which [he] the officer may arrest a person for a crime under
7 article one hundred forty of the criminal procedure law.

8 § 63. Paragraph (b) of subdivision 4 of section 305.2 of the family
9 court act, as amended by chapter 492 of the laws of 1987, is amended to
10 read as follows:

11 (b) forthwith and with all reasonable speed take the child directly,
12 and without his first being taken to the police station house, to the
13 family court located in the county in which the act occasioning the
14 taking into custody allegedly was committed, or, when the family court
15 is not in session, to the most accessible magistrate, if any, designated
16 by the appellate division of the supreme court in the applicable depart-
17 ment to conduct a hearing under section 307.4 of this part, unless the
18 officer determines that it is necessary to question the child, in which
19 case he or she may take the child to a facility designated by the chief
20 administrator of the courts as a suitable place for the questioning of
21 children or, upon the consent of a parent or other person legally
22 responsible for the care of the child, to the child's residence and
23 there question him or her for a reasonable period of time; or

24 § 64. Subdivision 1 of section 306.1 of the family court act, as
25 amended by chapter 645 of the laws of 1996, is amended to read as
26 follows:

27 1. Following the arrest of a child alleged to be a juvenile delin-
28 quent, or the filing of a delinquency petition involving a child who has

1 not been arrested, the arresting officer or other appropriate police
2 officer or agency shall take or cause to be taken fingerprints of such
3 child if:

4 (a) the child is eleven years of age or older and the crime which is
5 the subject of the arrest or which is charged in the petition consti-
6 tutes a class [A or B] A-I felony; [or] (b) the child is twelve years of
7 age or older and the crime which is the subject of the arrest or which
8 is charged in the petition constitutes a class A or B felony; or

9 (c) the child is thirteen years of age or older and the crime which is
10 the subject of the arrest or which is charged in the petition consti-
11 tutes a class C, D or E felony.

12 § 65. Subdivisions 2 and 4 of section 307.3 of the family court act,
13 subdivision 2 as amended by chapter 419 of the laws of 1987 and subdivi-
14 sion 4 as added by chapter 920 of the laws of 1982, are amended to read
15 as follows:

16 2. When practicable such agency may release a child before the filing
17 of a petition to the custody of his or her parents or other person
18 legally responsible for his or her care, or if such legally responsible
19 person is unavailable, to a person with whom he or she resides, when the
20 events occasioning the taking into custody appear to involve allegations
21 that the child committed a delinquent act; provided, however, that such
22 agency must release the child if:

23 (a) such events appear to involve only allegations that the child
24 committed acts that would constitute no more than a violation if commit-
25 ted by an adult; or

26 (b) such events appear to involve only allegations that the child
27 committed acts that would constitute more than a violation but no more
28 than a misdemeanor if committed by an adult if:

1 (i) the alleged acts did not result in any physical injury to another
2 person;

3 (ii) the child does not have any prior adjudications for an act that
4 would constitute a felony if committed by an adult;

5 (iii) the child has no more than one prior adjudication for an act
6 that would constitute a misdemeanor if committed by an adult and that
7 act also did not result in any physical injury as defined in subdivision
8 nine of section 10.00 of the penal law to another person; and

9 (iv) the child was assessed at a low risk on the applicable detention
10 risk assessment instrument approved by the office of children and family
11 services unless the agency determines that detention is necessary
12 because the respondent otherwise poses an imminent risk to public safety
13 and states the reasons for such determination in the child's record.

14 4. If the agency for any reason does not release a child under this
15 section, such child shall be brought before the appropriate family
16 court, or when such family court is not in session, to the most accessi-
17 ble magistrate, if any, designated by the appellate division of the
18 supreme court in the applicable department; provided, however, that if
19 such family court is not in session and if a magistrate is not avail-
20 able, such youth shall be brought before such family court within seven-
21 ty-two hours or the next day the court is in session, whichever is soon-
22 er. Such agency shall thereupon file an application for an order
23 pursuant to section 307.4 and shall forthwith serve a copy of the appli-
24 cation upon the appropriate presentment agency. Nothing in this subdivi-
25 sion shall preclude the adjustment of suitable cases pursuant to section
26 308.1.

27 § 66. The section heading and subdivisions 1, 2, 3, 9, 12 and 13 of
28 section 308.1 of the family court act, the section heading and subdivi-

1 sions 1, 3, 9, 12 and 13 as added by chapter 920 of the laws of 1982 and
2 subdivision 2 as amended by section 3 of part V of chapter 55 of the
3 laws of 2012, are amended to read as follows:

4 [Rules of court for preliminary] Preliminary procedure; adjustment of
5 cases. 1. [Rules of court shall authorize and determine the circum-
6 stances under which the] The probation service may confer with any
7 person seeking to have a juvenile delinquency petition filed, the poten-
8 tial respondent and other interested persons concerning the advisability
9 of requesting that a petition be filed in accordance with this section.

10 2. (a) Except as provided in subdivisions three [and], four, and thir-
11 teen of this section, the probation service may[, in accordance with
12 rules of court,] attempt to adjust [suitable cases] a case before a
13 petition is filed if the probation service determines that the case is
14 suitable for adjustment based on the assessed level of risk that the
15 child will commit another act that would constitute a crime as deter-
16 mined by a validated risk assessment instrument and the extent of any
17 physical injury to the victim.

18 (b) If a child is assessed at a low level of risk and the events in
19 the case appear to involve only allegations that the child committed
20 acts that would constitute a violation or a misdemeanor if committed by
21 an adult, the probation service must diligently attempt to adjust the
22 case. Such attempts may include the use of a juvenile review board
23 comprised of appropriate community members to work with the child and
24 his or her family on developing recommended adjustment activities. The
25 probation service may stop attempting to adjust such a case if it deter-
26 mines that there is no substantial likelihood that the child will bene-
27 fit from attempts at adjustment in the time remaining for adjustment or
28 the time for adjustment has expired.

1 (c) The inability of the respondent or his or her family to make
2 restitution shall not be a factor in a decision to adjust a case or in a
3 recommendation to the presentment agency pursuant to subdivision six of
4 this section.

5 (d) The probation service may make an application to the court for a
6 temporary order of protection as part of the adjustment of a case in
7 accordance with section 304.2 of this part.

8 (e) Nothing in this section shall prohibit the probation service or
9 the court from directing a respondent to obtain employment and to make
10 restitution from the earnings from such employment. Nothing in this
11 section shall prohibit the probation service or the court from directing
12 an eligible person to complete an education reform program in accordance
13 with section four hundred fifty-eight-1 of the social services law.

14 3. The probation service shall not attempt to adjust a case that
15 commenced in family court in which the child has allegedly committed a
16 designated felony act that involves allegations that the child caused
17 physical injury to a person unless [it] the probation service has
18 received the written approval of the court.

19 9. Efforts at adjustment [pursuant to rules of court] under this
20 section may not extend for a period of more than two months [without],
21 or, for a period of more than four months if the probation service
22 determines that adjustment beyond the first two months is warranted
23 because documented barriers to adjustment exist or changes need to be
24 made to the child's services plan, except upon leave of the court, which
25 may extend the adjustment period for an additional two months.

26 12. The probation service shall certify to the division of criminal
27 justice services and to the appropriate police department or law
28 enforcement agency whenever it adjusts a case in which the potential

1 respondent's fingerprints were taken pursuant to section 306.1 in any
2 manner other than the filing of a petition for juvenile delinquency for
3 an act which, if committed by an adult, would constitute a felony,
4 provided, however, in the case of a child [eleven or] twelve years of
5 age, such certification shall be made only if the act would constitute a
6 class A or B felony, or, in the case of a child eleven years of age,
7 such certification shall be made only if the act would constitute a
8 class A-1 felony.

9 13. The [provisions of this section] probation service shall not
10 [apply] attempt to adjust a case where the petition is an order of
11 removal to the family court pursuant to article seven hundred twenty-
12 five of the criminal procedure law unless it has received the written
13 approval of the court.

14 § 67. Paragraph (c) of subdivision 3 of section 311.1 of the family
15 court act, as added by chapter 920 of the laws of 1982, is amended to
16 read as follows:

17 (c) the fact that the respondent is a person [under sixteen years of]
18 of the necessary age to be a juvenile delinquent at the time of the
19 alleged act or acts;

20 § 68. Subdivision 3 of section 320.5 of the family court act is
21 amended by adding a new paragraph (a-1) to read as follows:

22 (a-1) Notwithstanding paragraph (a) of this subdivision, the court
23 shall not direct detention if:

24 (i) the events underlying the initial appearance appear to involve
25 only allegations that the child committed acts that would constitute no
26 more than a violation if committed by an adult; or

1 (ii) such events appear to involve only allegations that the child
2 committed acts that would constitute more than a violation but no more
3 than a misdemeanor if committed by an adult if:

4 (1) the alleged acts did not result in any physical injury as defined
5 in subdivision nine of section 10.00 of the penal law to another person;

6 (2) the respondent does not have any prior adjudications for an act
7 that would constitute a felony if committed by an adult;

8 (3) the respondent has no more than one prior adjudication for an act
9 that would constitute a misdemeanor if committed by an adult and that
10 act did not result in any physical harm to another person; and

11 (4) the respondent was assessed at a low risk on the applicable
12 detention risk assessment instrument approved by the office of children
13 and family services unless the court determines that detention is neces-
14 sary because the respondent otherwise poses an imminent risk to public
15 safety and states the reasons for such determination in the court order.

16 § 69. Paragraphs (a) and (b) of subdivision 5 of section 322.2 of the
17 family court act, paragraph (a) as amended by chapter 41 of the laws of
18 2010 and paragraph (b) as added by chapter 920 of the laws of 1982, are
19 amended to read as follows:

20 5. (a) If the court finds that there is probable cause to believe that
21 the respondent committed a felony, it shall order the respondent commit-
22 ted to the custody of the commissioner of mental health or the commis-
23 sioner of [mental retardation and] persons with developmental disabili-
24 ties for an initial period not to exceed one year from the date of such
25 order. Such period may be extended annually upon further application to
26 the court by the commissioner having custody or his or her designee.
27 Such application must be made not more than sixty days prior to the
28 expiration of such period on forms that have been prescribed by the

1 chief administrator of the courts. At that time, the commissioner must
2 give written notice of the application to the respondent, the counsel
3 representing the respondent and the mental hygiene legal service if the
4 respondent is at a residential facility. Upon receipt of such applica-
5 tion, the court must conduct a hearing to determine the issue of capaci-
6 ty. If, at the conclusion of a hearing conducted pursuant to this subdi-
7 vision, the court finds that the respondent is no longer incapacitated,
8 he or she shall be returned to the family court for further proceedings
9 pursuant to this article. If the court is satisfied that the respondent
10 continues to be incapacitated, the court shall authorize continued
11 custody of the respondent by the commissioner for a period not to exceed
12 one year. Such extensions shall not continue beyond a reasonable period
13 of time necessary to determine whether the respondent will attain the
14 capacity to proceed to a fact finding hearing in the foreseeable future
15 but in no event shall continue beyond the respondent's eighteenth birth-
16 day or, if the respondent was at least sixteen years of age when the act
17 was committed, beyond the respondent's twenty-first birthday.

18 (b) If a respondent is in the custody of the commissioner upon the
19 respondent's eighteenth birthday, or if the respondent was at least
20 sixteen years of age when the act resulting in the respondent's place-
21 ment was committed, beyond the respondent's twenty-first birthday, the
22 commissioner shall notify the clerk of the court that the respondent was
23 in his custody on such date and the court shall dismiss the petition.

24 § 70. Subdivisions 1 and 5 of section 325.1 of the family court act,
25 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision
26 5 as added by chapter 920 of the laws of 1982, are amended to read as
27 follows:

1 1. At the initial appearance, if the respondent denies a charge
2 contained in the petition and the court determines in accordance with
3 the requirements of section 320.5 of this part that [he] the respondent
4 shall be detained for more than three days pending a fact-finding hear-
5 ing, the court shall schedule a probable-cause hearing to determine the
6 issues specified in section 325.3 of this part.

7 5. Where the petition consists of an order of removal pursuant to
8 article seven hundred twenty-five of the criminal procedure law, unless
9 the removal was pursuant to subdivision three of section 725.05 of such
10 law and the respondent was not afforded a probable cause hearing pursu-
11 ant to subdivision [three] two of section [180.75] 725.20 of such law
12 [for a reason other than his waiver thereof pursuant to subdivision two
13 of section 180.75 of such law], the petition shall be deemed to be based
14 upon a determination that probable cause exists to believe the respond-
15 ent is a juvenile delinquent and the respondent shall not be entitled to
16 any further inquiry on the subject of whether probable cause exists.
17 After the filing of any such petition the court must, however, exercise
18 independent, de novo discretion with respect to release or detention as
19 set forth in section 320.5 of this part.

20 § 71. Paragraph (a) of subdivision 2 of section 352.2 of the family
21 court act, as amended by chapter 880 of the laws of 1985, is amended to
22 read as follows:

23 (a) In determining an appropriate order the court shall consider the
24 needs and best interests of the respondent as well as the need for
25 protection of the community. If the respondent has committed a desig-
26 nated felony act the court shall determine the appropriate disposition
27 in [accord] accordance with section 353.5 of this part. In all other
28 cases the court shall order the least restrictive available alternative

1 enumerated in subdivision one of this section which is consistent with
2 the needs and best interests of the respondent and the need for
3 protection of the community; provided, however, that the court shall not
4 direct the placement of a respondent with a commissioner of social
5 services or the office of children and family services if:

6 (i) the respondent only committed acts that would constitute no more
7 than a violation if committed by an adult; or

8 (ii) the respondent only committed acts that would constitute more
9 than a violation but no more than a misdemeanor if committed by an adult
10 if:

11 (1) the acts did not result in any physical injury as defined in
12 subdivision nine of section 10.00 of the penal law to another person;

13 (2) the respondent does not have any prior adjudications for an act
14 that would constitute a felony if committed by an adult;

15 (3) the respondent has no more than one prior adjudication for an act
16 that would constitute a misdemeanor if committed by an adult and that
17 act did not result in any physical harm to another person; and

18 (4) the respondent was assessed at a low risk on the applicable pre-
19 dispositional risk assessment instrument approved by the office of chil-
20 dren and family services unless the court determines that such a place-
21 ment is necessary because the respondent otherwise poses an imminent
22 risk to public safety and states the reasons for such determination in
23 the court order.

24 § 72. The opening paragraph of subparagraph (iii) of paragraph (a) and
25 paragraph (d) of subdivision 4 of section 353.5 of the family court act,
26 as amended by section 6 of subpart A of part G of chapter 57 of the laws
27 of 2012, are amended to read as follows:

1 after the period set under subparagraph (ii) of this paragraph, the
2 respondent shall be placed in a residential facility for a period of
3 twelve months; provided, however, that if the respondent has been placed
4 from a family court in a social services district operating an approved
5 juvenile justice services close to home initiative pursuant to section
6 four hundred four of the social services law for an act committed when
7 the respondent was under sixteen years of age, once the time frames in
8 subparagraph (ii) of this paragraph are met:

9 (d) Upon the expiration of the initial period of placement, or any
10 extension thereof, the placement may be extended in accordance with
11 section 355.3 on a petition of any party or the office of children and
12 family services, or, if applicable, a social services district operating
13 an approved juvenile justice services close to home initiative pursuant
14 to section four hundred four of the social services law, after a dispo-
15 sitional hearing, for an additional period not to exceed twelve months,
16 but no initial placement or extension of placement under this section
17 may continue beyond the respondent's twenty-first birthday, or, for an
18 act that was committed when the respondent was sixteen years of age or
19 older, the respondent's twenty-third birthday.

20 § 73. Paragraph (d) of subdivision 4 of section 353.5 of the family
21 court act, as amended by chapter 398 of the laws of 1983, is amended to
22 read as follows:

23 (d) Upon the expiration of the initial period of placement, or any
24 extension thereof, the placement may be extended in accordance with
25 section 355.3 on a petition of any party or the [division for youth]
26 office of children and family services after a dispositional hearing,
27 for an additional period not to exceed twelve months, but no initial
28 placement or extension of placement under this section may continue

1 beyond the respondent's twenty-first birthday, or, for an act that was
2 committed when the respondent was sixteen years of age or older, the
3 respondent's twenty-third birthday.

4 § 74. Subdivision 1, 2, 6 and 7 of section 354.1 of the family court
5 act, subdivision 1 as added by chapter 920 of the laws of 1982, subdivi-
6 sions 2, 6 and 7 as amended by chapter 645 of the laws of 1996, are
7 amended to read as follows:

8 1. If a person whose fingerprints, palmprints or photographs were
9 taken pursuant to section 306.1 or was initially fingerprinted as a
10 juvenile offender and the action is subsequently removed to a family
11 court pursuant to article seven hundred twenty-five of the criminal
12 procedure law is adjudicated to be a juvenile delinquent for a felony,
13 the family court shall forward or cause to be forwarded to the division
14 of criminal justice services notification of such adjudication and such
15 related information as may be required by such division, provided,
16 however, in the case of a person eleven [or twelve] years of age such
17 notification shall be provided only if the act upon which the adjudi-
18 cation is based would constitute a class [A or B] A-1 felony or, in the
19 case of a person twelve years of age, such notification shall be
20 provided only if the act upon which the adjudication is based would
21 constitute a class A or B felony.

22 2. If a person whose fingerprints, palmprints or photographs were
23 taken pursuant to section 306.1 or was initially fingerprinted as a
24 juvenile offender and the action is subsequently removed to family court
25 pursuant to article seven hundred twenty-five of the criminal procedure
26 law has had all petitions disposed of by the family court in any manner
27 other than an adjudication of juvenile delinquency for a felony, but in
28 the case of acts committed when such person was eleven [or twelve] years

1 of age which would constitute a class [A or B] A-1 felony only, or, in
2 the case of acts committed when such person was twelve years of age
3 which would constitute a class A or B felony only, all such finger-
4 prints, palmprints, photographs, and copies thereof, and all information
5 relating to such allegations obtained by the division of criminal
6 justice services pursuant to section 306.1 shall be destroyed forthwith.
7 The clerk of the court shall notify the commissioner of the division of
8 criminal justice services and the heads of all police departments and
9 law enforcement agencies having copies of such records, who shall
10 destroy such records without unnecessary delay.

11 6. If a person fingerprinted pursuant to section 306.1 and subsequent-
12 ly adjudicated a juvenile delinquent for a felony, but in the case of
13 acts committed when such a person was eleven [or twelve] years of age
14 which would constitute a class [A or B] A-1 felony only, or, in the case
15 of acts committed when such a person was twelve years of age which would
16 constitute a class A or B felony only, is subsequently convicted of a
17 crime, all fingerprints and related information obtained by the division
18 of criminal justice services pursuant to such section and not destroyed
19 pursuant to subdivisions two, five and seven or subdivision twelve of
20 section 308.1 shall become part of such division's permanent adult crim-
21 inal record for that person, notwithstanding section 381.2 or 381.3.

22 7. When a person fingerprinted pursuant to section 306.1 and subse-
23 quently adjudicated a juvenile delinquent for a felony, but in the case
24 of acts committed when such person was eleven [or twelve] years of age
25 which would constitute a class [A or B] A-1 felony only, or, in the case
26 of acts committed when such a person was twelve years of age which would
27 constitute a class A or B felony only, reaches the age of twenty-one, or
28 has been discharged from placement under this act for at least three

1 years, whichever occurs later, and has no criminal convictions or pend-
2 ing criminal actions which ultimately terminate in a criminal
3 conviction, all fingerprints, palmprints, photographs, and related
4 information and copies thereof obtained pursuant to section 306.1 in the
5 possession of the division of criminal justice services, any police
6 department, law enforcement agency or any other agency shall be
7 destroyed forthwith. The division of criminal justice services shall
8 notify the agency or agencies which forwarded fingerprints to such divi-
9 sion pursuant to section 306.1 of their obligation to destroy those
10 records in their possession. In the case of a pending criminal action
11 which does not terminate in a criminal conviction, such records shall be
12 destroyed forthwith upon such determination.

13 § 75. Subdivision 6 of section 355.3 of the family court act, as
14 amended by chapter 663 of the laws of 1985, is amended to read as
15 follows:

16 6. Successive extensions of placement under this section may be grant-
17 ed, but no placement may be made or continued beyond the respondent's
18 eighteenth birthday without the child's consent for acts committed
19 before the respondent's sixteenth birthday and in no event past the
20 child's twenty-first birthday except as provided for in subdivision four
21 of section 353.5.

22 § 76. Paragraph (b) of subdivision 3 of section 355.5 of the family
23 court act, as amended by chapter 145 of the laws of 2000, is amended to
24 read as follows:

25 (b) subsequent permanency hearings shall be held no later than every
26 twelve months following the respondent's initial twelve months in place-
27 ment but in no event past the respondent's twenty-first birthday;
28 provided, however, that they shall be held in conjunction with an exten-

1 sion of placement hearing held pursuant to section 355.3 of this [arti-
2 cle] part.

3 § 77. Section 360.3 of the family court act is amended by adding a new
4 subdivision 7 to read as follows:

5 7. Nothing herein shall authorize a respondent to be detained under
6 subdivision two of this section or placed under subdivision six of this
7 section for a violation of a condition that would not constitute a crime
8 if committed by an adult unless the court determines (a) that the
9 respondent poses a specific imminent threat to public safety and states
10 the reasons for the finding on the record or (b) the respondent is on
11 probation for an act that would constitute a violent felony as defined
12 in section 70.02 of the penal law if committed by an adult and the use
13 of graduated sanctions has been exhausted without success.

14 § 78. Subdivisions 5 and 6 of section 371 of the social services law,
15 subdivision 5 as added by chapter 690 of the laws of 1962, and subdivi-
16 sion 6 as amended by chapter 596 of the laws of 2000, are amended to
17 read as follows:

18 5. "Juvenile delinquent" means a person [over seven and less than
19 sixteen years of age who does any act which, if done by an adult, would
20 constitute a crime] as defined in section 301.2 of the family court act.

21 6. "Person in need of supervision" means a person [less than eighteen
22 years of age who is habitually truant or who is incorrigible, ungoverna-
23 ble or habitually disobedient and beyond the lawful control of a parent
24 or other person legally responsible for such child's care, or other
25 lawful authority] as defined in section seven hundred twelve of the
26 family court act.

27 § 79. Subdivisions 3 and 4 of section 502 of the executive law, subdivi-
28 sion 3 as amended by section 1 of subpart B of part Q of chapter 58 of

1 the laws of 2011 and subdivision 4 as added by chapter 465 of the laws
2 of 1992, are amended to read as follows:

3 3. "Detention" means the temporary care and maintenance of youth held
4 away from their homes pursuant to article three [or seven] of the family
5 court act, or held pending a hearing for alleged violation of the condi-
6 tions of release from an office of children and family services facility
7 or authorized agency, or held pending a hearing for alleged violation of
8 the condition of parole as a juvenile offender, or held pending return
9 to a jurisdiction other than the one in which the youth is held, or held
10 pursuant to a securing order of a criminal court if the youth named
11 therein as principal is charged as a juvenile offender or held pending a
12 hearing on an extension of placement or held pending transfer to a
13 facility upon commitment or placement by a court or pursuant to article
14 seven of the family court act if the petition pursuant to such article
15 was filed prior to January first, two thousand nineteen. Only alleged or
16 convicted juvenile offenders who have not attained their eighteenth or,
17 commencing January first, two thousand eighteen, their twenty-first
18 birthday shall be subject to detention in a detention facility.

19 4. For purposes of this article, the term "youth" shall [be synonymous
20 with the term "child" and means] mean a person not less than seven years
21 of age and not more than twenty or commencing January first, two thou-
22 sand eighteen, not more than twenty-two years of age.

23 § 80. Paragraph (a) of subdivision 2 and subdivision 5 of section
24 507-a of the executive law, as amended by chapter 465 of the laws of
25 1992, are amended to read as follows:

26 (a) Consistent with other provisions of law, only those youth who have
27 reached the age of [seven] ten but who have not reached the age of twen-
28 ty-one may be placed in[, committed to or remain in] the [division's]

1 custody of the office of children and family services. Except as
2 provided for in paragraph (a-1) of this subdivision, no youth who has
3 reached the age of twenty-one may remain in custody of the office of
4 children and family services.

5 (a-1) (i) A youth who is committed to the office of children and fami-
6 ly services as a juvenile offender or youthful offender may remain in
7 the custody of the office during the period of his or her sentence
8 beyond the age of twenty-one in accordance with the provisions of subdi-
9 vision five of section five hundred eight of this title but in no event
10 may such a youth remain in the custody of the office beyond his or her
11 twenty-third birthday; and (ii) a youth found to have committed a desig-
12 nated class A felony act who is restrictively placed with the office
13 under subdivision four of section 353.5 of the family court act for
14 committing an act on or after the youth's sixteenth birthday may remain
15 in the custody of the office of children and family services up to the
16 age of twenty-three in accordance with his or her placement order.

17 (a-2) Whenever it shall appear to the satisfaction of the [division]
18 office of children and family services that any youth placed therewith
19 is not of proper age to be so placed or is not properly placed, or is
20 mentally or physically incapable of being materially benefited by the
21 program of the [division] office, the [division] office shall cause the
22 return of such youth to the county from which placement was made.

23 5. Consistent with other provisions of law, in the discretion of the
24 [director, youth] commissioner of the office of children and family
25 services, youth placed within the office under the family court act who
26 attain the age of eighteen while in [division] custody of the office and
27 who are not required to remain in the placement with the office as a
28 result of a dispositional order of the family court may reside in a

1 non-secure facility until the age of twenty-one, provided that such
2 youth attend a full-time vocational or educational program and are like-
3 ly to benefit from such program.

4 § 81. Paragraphs (a), (b), (c), (d) and (e) of subdivision 2 and
5 subdivision 4 of section 508 of the executive law are REPEALED.

6 § 82. Subdivisions 1, 2, 3, 5, 6, 7, 8 and 9 of section 508 of the
7 executive law, subdivision 1 as amended by chapter 738 of the laws of
8 2004, subdivision 2 as amended by chapter 572 of the laws of 1985,
9 subdivision 3 as added by chapter 481 of the laws of 1978 and renumbered
10 by chapter 465 of the laws of 1992, subdivisions 5, 6 and 7 as amended
11 by section 97 of subpart B of part C of chapter 62 of the laws of 2011,
12 subdivision 8 as added by chapter 560 of the laws of 1984 and subdivi-
13 sion 9 as added by chapter 7 of the laws of 2007, are amended and a new
14 subdivision 1-a is added to read as follows:

15 1. The office of children and family services shall maintain [secure]
16 facilities for the care and confinement of juvenile offenders committed
17 [for an indeterminate, determinate or definite sentence] to the office
18 pursuant to the sentencing provisions of the penal law. Such facilities
19 shall provide appropriate services to juvenile offenders including but
20 not limited to residential care, educational and vocational training,
21 physical and mental health services, and employment counseling.

22 1-a. (a) (i) The state shall establish one or more facilities with
23 enhanced security features and specially trained staff to serve those
24 youth sentenced for committing offenses on or after their sixteenth
25 birthday who are determined, based on the placement classification
26 protocol established pursuant to paragraph (c) of this subdivision, to
27 need an enhanced level of secure care which shall be administered by the
28 office of children and family services.

1 (ii) A council comprised of the commissioner of the office of children
2 and family services, the commissioner of the department of corrections
3 and community supervision, the commissioner of the state commission of
4 correction, and the commissioner of the division of criminal justice
5 services shall be established to oversee the operation of the facility.
6 The governor shall designate the chair of the council. The council shall
7 have the power to perform all acts necessary to carry out its duties
8 including making unannounced visits and inspections of the facility at
9 any time. Notwithstanding any other provision of state law to the
10 contrary, the council may request and the office shall submit to the
11 council, to the extent permitted by federal law, all information in the
12 form and manner and at such times as the council may require that is
13 appropriate to the purposes and operation of the council. The council
14 shall be subject to the same laws as apply to the office regarding the
15 protection and confidentiality of the information made available to the
16 council and shall prevent access thereto by, or the distribution thereof
17 to, persons not authorized by law.

18 (iii) Youth division aides and other appropriate staff working in the
19 facility shall receive specialized training to address working with the
20 types of youth placed in the facility, which shall include but not be
21 limited to, training on tactical responses and de-escalation techniques.
22 Any applicant for employment in the facility as a youth division aide
23 shall be subject to the same requirements and processes for psycholog-
24 ical screening as applicants for employment as correctional officers
25 with the department of corrections and community supervision pursuant to
26 section eight of the correction law including the right to review by the
27 independent advisory board established pursuant to such section,
28 provided, however, that when referred to in such section "department"

1 shall mean the office of children and family services and "commissioner"
2 shall mean the commissioner of the office of children and family
3 services. All staff of the facility shall be subject to random drug
4 tests.

5 (b) The department of corrections and community supervision or the
6 state commission of correction shall assign an assistant commissioner to
7 assist the office of children and family services, on a permanent basis,
8 with the security issues relating to operating facilities serving the
9 additional youth sentenced to the office.

10 (c) The department of corrections and community supervision or the
11 state commission of correction and the office of children and family
12 services shall jointly establish a placement classification protocol to
13 be used by the assistant commissioner assigned to the office pursuant to
14 paragraph (b) of this subdivision and an office of children and family
15 services official designated by the commissioner of the office to deter-
16 mine the appropriate level of care for each youth sentenced to the
17 office. The protocol shall include, but not necessarily be limited to,
18 consideration of the nature of the youth's offense and the youth's
19 history and service needs.

20 (d) Any new facilities developed by the office of children and family
21 services to serve the additional youth placed with the office as a
22 result of raising the age of juvenile jurisdiction shall, to the extent
23 practicable, consist of smaller, more home-like facilities located near
24 the youths' homes and families that provide gender-responsive program-
25 ming, services and treatment in small, closely supervised groups that
26 offer extensive and on-going individual attention and encourage support-
27 ive peer relationships.

1 2. Juvenile offenders committed to the office for committing crimes
2 prior to the age of sixteen shall be confined in such facilities until
3 the age of twenty-one in accordance with their sentences, and shall not
4 be released, discharged or permitted home visits except pursuant to the
5 provisions of this section.

6 3. The [division] office of children and family services shall report
7 in writing to the sentencing court and district attorney, not less than
8 once every six months during the period of confinement, on the status,
9 adjustment, programs and progress of the offender.

10 [5.] 4. The office of children and family services may transfer an
11 offender not less than eighteen [nor more than twenty-one] years of age
12 to the department of corrections and community supervision if the
13 commissioner of the office certifies to the commissioner of corrections
14 and community supervision that there is no substantial likelihood that
15 the youth will benefit from the programs offered by office facilities.

16 [6. At age twenty-one, all] 5. (a) All juvenile offenders committed to
17 the office for committing a crime prior to the youth's sixteenth birth-
18 day who still have time left on their sentences of imprisonment shall be
19 transferred at age twenty-one to the custody of the department of
20 corrections and community supervision for confinement pursuant to the
21 correction law.

22 [7.] (b) All offenders committed or transferred to the office for
23 committing a crime on or after their sixteenth birthday who still have
24 time left on their sentences of imprisonment shall be transferred to the
25 custody of the department of corrections and community supervision for
26 confinement pursuant to the correction law after completing two years of
27 care in office of children and family services facilities unless they
28 are within four months of completing the imprisonment portion of their

1 sentence and the office determines, in its discretion, on a case-by-case
2 basis that the youth should be permitted to remain with the office for
3 the additional short period of time necessary to enable them to complete
4 their sentence. In making such a determination, the factors the office
5 may consider include, but are not limited to, the age of the youth, the
6 amount of time remaining on the youth's sentence of imprisonment, the
7 level of the youth's participation in the program, the youth's educa-
8 tional and vocational progress, the opportunities available to the youth
9 through the office and through the department, and the length of the
10 youth's post-release supervision sentence. Nothing in this paragraph
11 shall authorize a youth to remain in an office facility beyond his or
12 her twenty-third birthday.

13 (c) Commencing January first, two thousand eighteen, all juvenile
14 offenders who are eligible to be released from an office of children and
15 family services facility before they are required to be transferred to
16 the department of corrections and community supervision and who are able
17 to complete the full-term of their post-release supervision sentences
18 before they turn twenty-three years of age shall remain with the office
19 of children and family services for post-release supervision.

20 (d) Commencing January first, two thousand eighteen, all juvenile
21 offenders released from an office of children and family services facil-
22 ity before they are transferred to the department of corrections and
23 community supervision who are unable to complete the full-term of their
24 post-release supervision sentences before they turn twenty-three years
25 of age shall be under the supervision of the department of corrections
26 and community supervision until expiration of the maximum term or period
27 of sentence, or expiration of supervision, including any post-release
28 supervision as the case may be provided, however, that the office shall

1 assist such department in planning for the youth's post-release super-
2 vision.

3 6. While in the custody of the office of children and family services,
4 an offender shall be subject to the rules and regulations of the office,
5 except that his or her parole, post-release supervision, temporary
6 release and discharge shall be governed by the laws applicable to
7 inmates of state correctional facilities and his or her transfer to
8 state hospitals in the office of mental health shall be governed by
9 section five hundred nine of this chapter; provided, however, that an
10 otherwise eligible juvenile offender may receive the six-month limited
11 credit time allowance for successful participation in one or more
12 programs developed by the office of children and family services that
13 are comparable to the programs set forth in section eight hundred
14 three-b of the correction law, taking into consideration the age of
15 juvenile offenders. The commissioner of the office of children and
16 family services shall, however, establish and operate temporary release
17 programs at office of children and family services facilities and
18 provide post-release supervision for eligible juvenile offenders and
19 [contract with the department of corrections and community supervision
20 for the provision of parole] provide supervision [services] for tempo-
21 rary releasees and juveniles on post-release supervision. The rules and
22 regulations for these programs shall not be inconsistent with the laws
23 for temporary release and post-release supervision applicable to inmates
24 of state correctional facilities. For the purposes of temporary release
25 programs for juvenile offenders only, when referred to or defined in
26 article twenty-six of the correction law, "institution" shall mean any
27 facility designated by the commissioner of the office of children and
28 family services, "department" shall mean the office of children and

1 family services, "inmate" shall mean a juvenile offender residing in an
2 office of children and family services facility, and "commissioner"
3 shall mean the [director] commissioner of the office of children and
4 family services. For the purposes of such post-release supervision for
5 juvenile offenders under paragraph (c) of subdivision five of this
6 section only, when referred to in section 70.45 of the penal law or
7 article twelve-B of the executive law, the term "department of
8 corrections and community supervision", "department", "division of
9 parole", "division", "board of parole" and "board" shall mean the office
10 of children and family services, and the term "commissioner" shall mean
11 the office of children and family services. Time spent in office of
12 children and family services facilities and in juvenile detention facil-
13 ities shall be credited towards the sentence imposed in the same manner
14 and to the same extent applicable to inmates of state correctional
15 facilities.

16 [8] 7. Whenever a juvenile offender or a juvenile offender adjudi-
17 cated a youthful offender shall be delivered to the director of [a divi-
18 sion for youth] an office of children and family services facility
19 pursuant to a commitment to the [director of the division for youth]
20 office of children and family services, the officer so delivering such
21 person shall deliver to such facility director a certified copy of the
22 sentence received by such officer from the clerk of the court by which
23 such person shall have been sentenced, a copy of the report of the
24 probation officer's investigation and report, any other pre-sentence
25 memoranda filed with the court, a copy of the person's fingerprint
26 records, a detailed summary of available medical records, psychiatric
27 records and reports relating to assaults, or other violent acts,

1 attempts at suicide or escape by the person while in the custody of a
2 local detention facility.

3 [9] 8. Notwithstanding any provision of law, including section five
4 hundred one-c of this article, the office of children and family
5 services shall make records pertaining to a person convicted of a sex
6 offense as defined in subdivision (p) of section 10.03 of the mental
7 hygiene law available upon request to the commissioner of mental health
8 or the commissioner of [mental retardation and] the office for persons
9 with developmental disabilities, as appropriate; a case review panel;
10 and the attorney general; in accordance with the provisions of article
11 ten of the mental hygiene law.

12 § 83. Section 712 of the family court act, as amended by chapter 920
13 of the laws of 1982, subdivision (a) as amended by section 7 of part G
14 of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter
15 465 of the laws of 1992, subdivision (g) as amended by section 2 of part
16 B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter
17 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j),
18 (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended
19 to read as follows:

20 § 712. Definitions. As used in this article, the following terms shall
21 have the following meanings:

22 (a) "Person in need of supervision". A person less than eighteen years
23 of age who does not attend school in accordance with the provisions of
24 part one of article sixty-five of the education law or who is incorrigi-
25 ble, ungovernable or habitually disobedient and beyond the lawful
26 control of a parent or other person legally responsible for such child's
27 care, or other lawful authority, or who violates the provisions of
28 section 221.05 or 230.00 of the penal law, or who appears to be a sexu-

1 ally exploited child as defined in paragraph (a), (c) or (d) of subdivi-
2 sion one of section four hundred forty-seven-a of the social services
3 law, but only if the child consents to the filing of a petition under
4 this article.

5 (b) ["Detention". The temporary care and maintenance of children away
6 from their own homes as defined in section five hundred two of the exec-
7 utive law.

8 (c) "Secure detention facility". A facility characterized by phys-
9 ically restricting construction, hardware and procedures.

10 (d) "Non-secure detention facility". A facility characterized by the
11 absence of physically restricting construction, hardware and procedures.

12 (e)] "Fact-finding hearing". A hearing to determine whether the
13 respondent did the acts alleged to show that he or she violated a law or
14 is incorrigible, ungovernable or habitually disobedient and beyond the
15 control of his or her parents, guardian or legal custodian.

16 [(f)] (c) "Dispositional hearing". A hearing to determine whether the
17 respondent requires supervision or treatment.

18 [(g)] (d) "Aggravated circumstances". Aggravated circumstances shall
19 have the same meaning as the definition of such term in subdivision (j)
20 of section one thousand twelve of this act.

21 [(h)] (e) "Permanency hearing". A hearing held in accordance with
22 paragraph (b) of subdivision two of section seven hundred fifty-four or
23 section seven hundred fifty-six-a of this article for the purpose of
24 reviewing the foster care status of the respondent and the appropriate-
25 ness of the permanency plan developed by the social services official on
26 behalf of such respondent.

27 [(i)] (f) "Diversion services". Services provided to children and
28 families pursuant to section seven hundred thirty-five of this article

1 for the purpose of avoiding the need to file a petition [or direct the
2 detention of the child]. Diversion services shall include: efforts to
3 adjust cases pursuant to this article before a petition is filed, or by
4 order of the court, after the petition is filed but before fact-finding
5 is commenced; and preventive services provided in accordance with
6 section four hundred nine-a of the social services law to avert the
7 placement of the child [into foster care], including crisis intervention
8 and respite services. Diversion services may also include, in cases
9 where any person is seeking to file a petition that alleges that the
10 child has a substance use disorder or is in need of immediate detoxifi-
11 cation or substance use disorder services, an assessment for substance
12 use disorder; provided, however, that notwithstanding any other
13 provision of law to the contrary, the designated lead agency shall not
14 be required to pay for all or any portion of the costs of such assess-
15 ment or substance use disorder or detoxification services, except in
16 cases where medical assistance for needy persons may be used to pay for
17 all or any portion of the costs of such assessment or services.

18 [(j)] (g) "Substance use disorder". The misuse of, dependence on, or
19 addiction to alcohol and/or legal or illegal drugs leading to effects
20 that are detrimental to the person's physical and mental health or the
21 welfare of others.

22 [(k)] (h) "Assessment for substance use disorder". Assessment by a
23 provider that has been certified by the office of alcoholism and
24 substance abuse services of a person less than eighteen years of age
25 where it is alleged that the youth is suffering from a substance use
26 disorder which could make a youth a danger to himself or herself or
27 others.

1 [(1)] (i) "A substance use disorder which could make a youth a danger
2 to himself or herself or others". A substance use disorder that is
3 accompanied by the dependence on, or the repeated use or abuse of, drugs
4 or alcohol to the point of intoxication such that the person is in need
5 of immediate detoxification or other substance use disorder services.

6 [(m)] (j) "Substance use disorder services". Substance use disorder
7 services shall have the same meaning as provided for in section 1.03 of
8 the mental hygiene law.

9 § 84. The part heading of part 2 of article 7 of the family court act
10 is amended to read as follows:

11 CUSTODY [AND DETENTION]

12 § 85. Section 720 of the family court act, as amended by chapter 419
13 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B
14 of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by
15 section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)
16 of subdivision 5 as added by section 8 of part G of chapter 58 of the
17 laws of 2010, is amended to read as follows:

18 § 720. Detention precluded. [1.] The detention of a child shall not be
19 directed under any of the provisions of this article, except as other-
20 wise authorized by the interstate compact on juveniles. No child to whom
21 the provisions of this article may apply, shall be detained in any pris-
22 on, jail, lockup, or other place used for adults convicted of crime or
23 under arrest and charged with a crime.

24 [2. The detention of a child in a secure detention facility shall not
25 be directed under any of the provisions of this article.

26 3. Detention of a person alleged to be or adjudicated as a person in
27 need of supervision shall, except as provided in subdivision four of
28 this section, be authorized only in a foster care program certified by

1 the office of children and family services, or a certified or approved
2 family boarding home, or a non-secure detention facility certified by
3 the office and in accordance with section seven hundred thirty-nine of
4 this article. The setting of the detention shall take into account (a)
5 the proximity to the community in which the person alleged to be or
6 adjudicated as a person in need of supervision lives with such person's
7 parents or to which such person will be discharged, and (b) the existing
8 educational setting of such person and the proximity of such setting to
9 the location of the detention setting.

10 4. Whenever detention is authorized and ordered pursuant to this arti-
11 cle, for a person alleged to be or adjudicated as a person in need of
12 supervision, a family court in a city having a population of one million
13 or more shall, notwithstanding any other provision of law, direct
14 detention in a foster care facility established and maintained pursuant
15 to the social services law. In all other respects, the detention of such
16 a person in a foster care facility shall be subject to the identical
17 terms and conditions for detention as are set forth in this article and
18 in section two hundred thirty-five of this act.

19 5. (a) The court shall not order or direct detention under this arti-
20 cle, unless the court determines that there is no substantial likelihood
21 that the youth and his or her family will continue to benefit from
22 diversion services and that all available alternatives to detention have
23 been exhausted; and

24 (b) Where the youth is sixteen years of age or older, the court shall
25 not order or direct detention under this article, unless the court
26 determines and states in its order that special circumstances exist to
27 warrant such detention.

1 (c) If the respondent may be a sexually exploited child as defined in
2 subdivision one of section four hundred forty-seven-a of the social
3 services law, the court may direct the respondent to an available short-
4 term safe house as defined in subdivision two of section four hundred
5 forty-seven-a of the social services law as an alternative to
6 detention.]

7 § 86. Section 727 of the family court act is REPEALED.

8 § 87. The section heading and subdivisions (c) and (d) of section 728
9 of the family court act, subdivision (d) as added by chapter 145 of the
10 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision
11 (d) as renumbered by section 5 of part E of chapter 57 of the laws of
12 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision
13 (d) as added by section 10 of subpart B of part Q of chapter 58 of the
14 laws of 2011, are amended to read as follows:

15 Discharge[,] or release [or detention] by judge after hearing and
16 before filing of petition in custody cases.

17 (c) An order of release under this section may, but need not, be
18 conditioned upon the giving of a recognizance in accord with [sections]
19 section seven hundred twenty-four (b) (i).

20 [(d) Upon a finding of facts and reasons which support a detention
21 order pursuant to this section, the court shall also determine and state
22 in any order directing detention:

23 (i) that there is no substantial likelihood that the youth and his or
24 her family will continue to benefit from diversion services and that all
25 available alternatives to detention have been exhausted; and

26 (ii) whether continuation of the child in the child's home would be
27 contrary to the best interests of the child based upon, and limited to,

1 the facts and circumstances available to the court at the time of the
2 hearing held in accordance with this section; and

3 (iii) where appropriate, whether reasonable efforts were made prior to
4 the date of the court hearing that resulted in the detention order, to
5 prevent or eliminate the need for removal of the child from his or her
6 home or, if the child had been removed from his or her home prior to the
7 court appearance pursuant to this section, where appropriate, whether
8 reasonable efforts were made to make it possible for the child to safely
9 return home; and

10 (iv) whether the setting of the detention takes into account the prox-
11 imity to the community in which the person alleged to be or adjudicated
12 as a person in need of supervision lives with such person's parents or
13 to which such person will be discharged, and the existing educational
14 setting of such person and the proximity of such setting to the location
15 of the detention setting.]

16 § 88. Section 729 of the family court act is REPEALED.

17 § 89. Subdivisions (b) and (f) and paragraph (i) of subdivision (d) of
18 section 735 of the family court act, subdivision (b) as amended by chap-
19 ter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended
20 by chapter 535 of the laws of 2011 and subdivision (f) as added by
21 section 7 of part E of chapter 57 of the laws of 2005, are amended to
22 read as follows:

23 (b) The designated lead agency shall:

24 (i) confer with any person seeking to file a petition, the youth who
25 may be a potential respondent, his or her family, and other interested
26 persons, concerning the provision of diversion services before any peti-
27 tion may be filed; and

1 (ii) diligently attempt to prevent the filing of a petition under this
2 article or, after the petition is filed, to prevent the placement of the
3 youth into foster care; and

4 (iii) assess whether the youth would benefit from residential respite
5 services; and

6 (iv) assess whether the youth is a sexually exploited child as defined
7 in section four hundred forty-seven-a of the social services law and, if
8 so, whether such youth should be referred to a safe house; and

9 (v) determine whether alternatives to detention are appropriate to
10 avoid remand of the youth to detention including whether the youth and
11 his or her family should be referred to an available family support
12 center; and

13 [(v)] (vi) determine whether an assessment of the youth for substance
14 use disorder by an office of alcoholism and substance abuse services
15 certified provider is necessary when a person seeking to file a petition
16 alleges in such petition that the youth is suffering from a substance
17 use disorder which could make the youth a danger to himself or herself
18 or others. Provided, however, that notwithstanding any other provision
19 of law to the contrary, the designated lead agency shall not be required
20 to pay for all or any portion of the costs of such assessment or for any
21 substance use disorder or detoxification services, except in cases where
22 medical assistance for needy persons may be used to pay for all or any
23 portion of the costs of such assessment or services. The office of alco-
24 holism and substance abuse services shall make a list of its certified
25 providers available to the designated lead agency.

26 (i) providing, at the first contact, information on the availability
27 of or a referral to services in the geographic area where the youth and
28 his or her family are located that may be of benefit in avoiding the

1 need to file a petition under this article; including the availability,
2 for up to twenty-one days, of a residential respite program, if the
3 youth and his or her parent or other person legally responsible for his
4 or her care agree, and the availability of other non-residential crisis
5 intervention programs such as a family support center, family crisis
6 counseling or alternative dispute resolution programs or an educational
7 program as defined in section four hundred fifty-eight-1 of the social
8 services law.

9 (f) Efforts to prevent the filing of a petition pursuant to this
10 section may extend until the designated lead agency determines that
11 there is no substantial likelihood that the youth and his or her family
12 will benefit from further attempts. Efforts at diversion pursuant to
13 this section may continue after the filing of a petition where the
14 designated lead agency determines that the youth and his or her family
15 will benefit from further attempts to prevent placement of the youth
16 [from entering foster care] in accordance with section seven hundred
17 fifty-six of this article.

18 § 90. Section 739 of the family court act, as amended by chapter 920
19 of the laws of 1982, subdivision (a) as amended by section 10 of part G
20 of chapter 58 of the laws of 2010, subdivision (c) as added by chapter
21 145 of the laws of 2000, is amended to read as follows:

22 § 739. Release or [detention] referral after filing of petition and
23 prior to order of disposition. [(a)] After the filing of a petition
24 under section seven hundred thirty-two of this part, the court in its
25 discretion may release the respondent [or direct his or her detention].
26 If the respondent may be a sexually exploited child as defined in subdi-
27 vision one of section four hundred forty-seven-a of the social services
28 law, the court may direct the respondent to an available short-term safe

1 house [as an alternative to detention. However, the court shall not
2 direct detention unless it finds and states the facts and reasons for so
3 finding that unless the respondent is detained there is a substantial
4 probability that the respondent will not appear in court on the return
5 date and all available alternatives to detention have been exhausted.

6 (b) Unless the respondent waives a determination that probable cause
7 exists to believe that he is a person in need of supervision, no
8 detention under this section may last more than three days (i) unless
9 the court finds, pursuant to the evidentiary standards applicable to a
10 hearing on a felony complaint in a criminal court, that such probable
11 cause exists, or (ii) unless special circumstances exist, in which cases
12 such detention may be extended not more than an additional three days
13 exclusive of Saturdays, Sundays and public holidays.

14 (c) Upon a finding of facts and reasons which support a detention
15 order pursuant to subdivision (a) of this section, the court shall also
16 determine and state in any order directing detention:

17 (i) whether continuation of the respondent in the respondent's home
18 would be contrary to the best interests of the respondent based upon,
19 and limited to, the facts and circumstance available to the court at the
20 time of the court's determination in accordance with this section; and

21 (ii) where appropriate, whether reasonable efforts were made prior to
22 the date of the court order directing detention in accordance with this
23 section, to prevent or eliminate the need for removal of the respondent
24 from his or her home or, if the respondent had been removed from his or
25 her home prior to the court appearance pursuant to this section, where
26 appropriate, whether reasonable efforts were made to make it possible
27 for the respondent to safely return home].

1 § 91. Section 741-a of the family court act, as amended by section 3
2 of part B of chapter 327 of the laws of 2007, is amended to read as
3 follows:

4 § 741-a. Notice and right to be heard. The foster parent caring for
5 [the child] a sexually exploited child placed in accordance with section
6 seven hundred fifty-six of this article or any pre-adoptive parent or
7 relative providing care for the respondent shall be provided with notice
8 of any permanency hearing held pursuant to this article by the social
9 services official. Such foster parent, pre-adoptive parent or relative
10 shall have the right to be heard at any such hearing; provided, however,
11 no such foster parent, pre-adoptive parent or relative shall be
12 construed to be a party to the hearing solely on the basis of such
13 notice and right to be heard. The failure of the foster parent, pre-a-
14 doptive parent, or relative caring for the child to appear at a perman-
15 ency hearing shall constitute a waiver of the right to be heard and such
16 failure to appear shall not cause a delay of the permanency hearing nor
17 shall such failure to appear be a ground for the invalidation of any
18 order issued by the court pursuant to this section.

19 § 92. Section 747 of the family court act is REPEALED.

20 § 93. Section 748 of the family court act is REPEALED.

21 § 94. Subdivision (b) of section 749 of the family court act, as
22 amended by chapter 806 of the laws of 1973, is amended to read as
23 follows:

24 (b) On its own motion, the court may adjourn the proceedings on
25 conclusion of a fact-finding hearing or during a dispositional hearing
26 to enable it to make inquiry into the surroundings, conditions and
27 capacities of the respondent. An [adjournment on the court's motion may
28 not be for a period of more than ten days if the respondent is detained,

1 in which case not more than a total of two such adjournments may be
2 granted in the absence of special circumstances. If the respondent is
3 not detained, an] adjournment may be for a reasonable time, but the
4 total number of adjourned days may not exceed two months.

5 § 95. Paragraph (a) of subdivision 2 of section 754 of the family
6 court act, as amended by chapter 7 of the laws of 1999, subparagraph
7 (ii) of paragraph (a) as amended by section 20 of part L of chapter 56
8 of the laws of 2015, is amended to read as follows:

9 (a) The order shall state the court's reasons for the particular
10 disposition. If the court places the child in accordance with section
11 seven hundred fifty-six of this part, the court in its order shall
12 determine: (i) whether continuation in the child's home would be contra-
13 ry to the best interest of the child and where appropriate, that reason-
14 able efforts were made prior to the date of the dispositional hearing
15 held pursuant to this article to prevent or eliminate the need for
16 removal of the child from his or her home and, if the child was removed
17 from his or her home prior to the date of such hearing, that such
18 removal was in the child's best interest and, where appropriate, reason-
19 able efforts were made to make it possible for the child to return safe-
20 ly home. If the court determines that reasonable efforts to prevent or
21 eliminate the need for removal of the child from the home were not made
22 but that the lack of such efforts was appropriate under the circum-
23 stances, the court order shall include such a finding; and (ii) in the
24 case of a child who has attained the age of fourteen, the services need-
25 ed, if any, to assist the child to make the transition from foster care
26 to independent living. [Nothing in this subdivision shall be construed
27 to modify the standards for directing detention set forth in section
28 seven hundred thirty-nine of this article.]

1 § 96. Section 756 of the family court act, as amended by chapter 920
2 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
3 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
4 of subdivision (a) as amended by section 11 of part G of chapter 58 of
5 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
6 1999, and subdivision (c) as amended by section 10 of part E of chapter
7 57 of the laws of 2005, is amended to read as follows:

8 § 756. Placement. (a) (i) For purposes of section seven hundred
9 fifty-four, the court may place the child in its own home or in the
10 custody of a suitable relative or other suitable private person [or a
11 commissioner of social services], subject to the orders of the court.

12 (ii) [Where the child is placed] If the court finds that the respond-
13 ent is a sexually exploited child as defined in subdivision one of
14 section four hundred forty-seven-a of the social services law, the court
15 may place the child with the commissioner of the local social services
16 district[, the court] and may direct the commissioner to place the child
17 with an authorized agency or class of authorized agencies, including[,
18 if the court finds that the respondent is a sexually exploited child as
19 defined in subdivision one of section four hundred forty-seven-a of the
20 social services law,] an available long-term safe house. Unless the
21 dispositional order provides otherwise, the court so directing shall
22 include one of the following alternatives to apply in the event that the
23 commissioner is unable to so place the child:

24 (1) the commissioner shall apply to the court for an order to stay,
25 modify, set aside, or vacate such directive pursuant to the provisions
26 of section seven hundred sixty-two or seven hundred sixty-three; or

27 (2) the commissioner shall return the child to the family court for a
28 new dispositional hearing and order.

1 (b) Placements under this section may be for an initial period of
2 twelve months. The court may extend a placement pursuant to section
3 seven hundred fifty-six-a. In its discretion, the court may recommend
4 restitution or require services for public good pursuant to section
5 seven hundred fifty-eight-a in conjunction with an order of placement.
6 For the purposes of calculating the initial period of placement, such
7 placement shall be deemed to have commenced sixty days after the date
8 the child was removed from his or her home in accordance with the
9 provisions of this article. [If the respondent has been in detention
10 pending disposition, the initial period of placement ordered under this
11 section shall be credited with and diminished by the amount of time
12 spent by the respondent in detention prior to the commencement of the
13 placement unless the court finds that all or part of such credit would
14 not serve the best interests of the respondent.

15 (c) A placement pursuant to this section with the commissioner of
16 social services shall not be directed in any detention facility, but the
17 court may direct detention pending transfer to a placement authorized
18 and ordered under this section for no more than than fifteen days after
19 such order of placement is made. Such direction shall be subject to
20 extension pursuant to subdivision three of section three hundred nine-
21 ty-eight of the social services law, upon written documentation to the
22 office of children and family services that the youth is in need of
23 specialized treatment or placement and the diligent efforts by the
24 commissioner of social services to locate an appropriate placement.]

25 § 97. Section 758-a of the family court act, as amended by chapter 73
26 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws
27 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the
28 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of

1 1996, and subdivision 3 as separately amended by chapter 568 of the laws
2 of 1979, is amended to read as follows:

3 § 758-a. Restitution. 1. In cases involving acts of [infants] children
4 over [ten] twelve and less than [sixteen] eighteen years of age, the
5 court may

6 (a) recommend as a condition of placement, or order as a condition of
7 probation or suspended judgment, restitution in an amount representing a
8 fair and reasonable cost to replace the property or repair the damage
9 caused by the [infant] child, not, however, to exceed one thousand
10 dollars. [In the case of a placement, the court may recommend that the
11 infant pay out of his or her own funds or earnings the amount of
12 replacement or damage, either in a lump sum or in periodic payments in
13 amounts set by the agency with which he is placed, and in the case of
14 probation or suspended judgment, the] The court may require that the
15 [infant] child pay out of his or her own funds or earnings the amount of
16 replacement or damage, either in a lump sum or in periodic payments in
17 amounts set by the court; and/or

18 (b) order as a condition of placement, probation, or suspended judg-
19 ment, services for the public good including in the case of a crime
20 involving willful, malicious, or unlawful damage or destruction to real
21 or personal property maintained as a cemetery plot, grave, burial place,
22 or other place of interment of human remains, services for the mainte-
23 nance and repair thereof, taking into consideration the age and physical
24 condition of the [infant] child.

25 2. [If the court recommends restitution or requires services for the
26 public good in conjunction with an order of placement pursuant to
27 section seven hundred fifty-six, the placement shall be made only to an
28 authorized agency which has adopted rules and regulations for the super-

1 vision of such a program, which rules and regulations shall be subject
2 to the approval of the state department of social services. Such rules
3 and regulations shall include, but not be limited to provisions (i)
4 assuring that the conditions of work, including wages, meet the stand-
5 ards therefor prescribed pursuant to the labor law; (ii) affording
6 coverage to the child under the workers' compensation law as an employee
7 of such agency, department or institution; (iii) assuring that the enti-
8 ty receiving such services shall not utilize the same to replace its
9 regular employees; and (iv) providing for reports to the court not less
10 frequently than every six months, unless the order provides otherwise.

11 3.] If the court requires restitution or services for the public good
12 [as a condition of probation or suspended judgment], it shall provide
13 that an agency or person supervise the restitution or services and that
14 such agency or person report to the court not less frequently than every
15 six months, unless the order provides otherwise. Upon the written notice
16 sent by a school district to the court and the appropriate probation
17 department or agency which submits probation recommendations or reports
18 to the court, the court may provide that such school district shall
19 supervise the performance of services for the public good.

20 [4.] 3. The court, upon receipt of the reports provided for in subdi-
21 vision two [or three] of this section may, on its own motion or the
22 motion of any party or the agency, hold a hearing to determine whether
23 the [placement] condition should be altered or modified.

24 § 98. Section 774 of the family court act is amended to read as
25 follows:

26 § 774. Action on petition for transfer. On receiving a petition under
27 section seven hundred seventy-three, the court may proceed under
28 sections seven hundred thirty-seven, seven hundred thirty-eight or seven

1 hundred thirty-nine with respect to the issuance of a summons or warrant
2 [and sections seven hundred twenty-seven and seven hundred twenty-nine
3 govern questions of detention and failure to comply with a promise to
4 appear]. Due notice of the petition and a copy of the petition shall
5 also be served personally or by mail upon the office of the locality
6 chargeable for the support of the person involved and upon the person
7 involved and his or her parents and other persons.

8 § 98-a. Article 6 of the social services law is amended by adding a
9 new title 12 to read as follows:

10 TITLE 12

11 FAMILY SUPPORT CENTERS

12 Section 458-m. Family support centers.

13 458-n. Funding for family support centers.

14 § 458-m. Family support centers. 1. As used in this title, the term
15 "family support center" shall mean a program established pursuant to this
16 title to provide community-based supportive services to children and
17 families with the goal of preventing a child from being adjudicated a
18 person in need of supervision and help prevent the out of home place-
19 ments of such youth under article seven of the family court act.

20 2. Family support centers shall provide comprehensive services to such
21 children and their families, either directly or through referrals with
22 partner agencies, including, but not limited to:

23 (a) rapid family assessments and screenings;

24 (b) crisis intervention;

25 (c) family mediation and skills building;

26 (d) mental and behavioral health services including cognitive inter-
27 ventions;

28 (e) case management;

1 (f) respite services;

2 (g) education advocacy; and

3 (h) other family support services.

4 3. The services that are provided shall be trauma responsive, family
5 focused, gender-responsive, and evidence based or informed and strengths
6 based and shall be tailored to the individualized needs of the child and
7 family based on the assessments and screenings conducted by such family
8 support center.

9 4. Family support centers shall have the capacity to serve families
10 outside of regular business hours including evenings and weekends.

11 § 458-n. Funding for family support centers. 1. Notwithstanding any
12 other provision of law to the contrary, to the extent that funds are
13 available for such purpose, the office of children and family services
14 shall distribute funding to the highest need social services districts
15 to contract with not-for-profit corporations to operate family support
16 centers in accordance with the provisions of this title and the specific
17 program model requirements issued by the office.

18 2. Notwithstanding any other provision of law to the contrary, when
19 determining the highest need social services districts pursuant to this
20 subdivision, the office may consider factors that may include, but are
21 not necessarily limited to:

22 (a) the total amount of available funding and the amount of funding
23 required for family support centers to meet the objectives outlined in
24 section four hundred fifty-eight-m of this title;

25 (b) relevant, available statistics regarding each district, which may
26 include, but not necessarily be limited to:

1 (i) the availability of services within such district to prevent or
2 reduce detention or residential placement of youth pursuant to article
3 seven of the family court act; and

4 (ii) relative to the youth population of such social services
5 district:

6 (1) the number of petitions filed pursuant to article seven of the
7 family court act; or

8 (2) the number of placements of youth into residential care or
9 detention pursuant to article seven of the family court act;

10 (c) any reported performance outcomes reported to the office pursuant
11 to subdivision three of this section for programs that previously
12 received funding pursuant to this title; or

13 (d) other appropriate factors as determined by the office.

14 3. Social services districts receiving funding under this title shall
15 report to the office of children and family services, in the form and
16 manner and at such times as determined by the office, on the performance
17 outcomes of any family support center located within such district that
18 receives funding under this title.

19 § 98-b. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social
20 services law, subdivision 3 as amended by chapter 419 of the laws of
21 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E
22 of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1
23 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11
24 as added by chapter 514 of the laws of 1976 and subdivision 12 as
25 amended by section 12 of subpart B of part Q of chapter 58 of the laws
26 of 2011, are amended to read as follows:

27 3. As to delinquent children [and persons in need of supervision]:

28 (a) Investigate complaints as to alleged delinquency of a child.

1 (b) Bring such case of alleged delinquency when necessary before the
2 family court.

3 (c) Receive within fifteen days from the order of placement as a
4 public charge any delinquent child committed or placed [or person in
5 need of supervision placed] in his or her care by the family court
6 provided, however, that the commissioner of the social services district
7 with whom the child is placed may apply to the state commissioner or his
8 or her designee for approval of an additional fifteen days, upon written
9 documentation to the office of children and family services that the
10 youth is in need of specialized treatment or placement and the diligent
11 efforts by the commissioner of social services to locate an appropriate
12 placement.

13 [3-a. As to delinquent children:

14 (a) (d) (1) Conditionally release any juvenile delinquent placed with
15 the district to aftercare whenever the district determines conditional
16 release to be consistent with the needs and best interests of such juve-
17 nile delinquent, that suitable care and supervision can be provided, and
18 that there is a reasonable probability that such juvenile delinquent can
19 be conditionally released without endangering public safety; provided,
20 however, that such conditional release shall be made in accordance with
21 the regulations of the office of children and family services, and
22 provided further that no juvenile delinquent while absent from a facili-
23 ty or program without the consent of the director of such facility or
24 program shall be conditionally released by the district solely by reason
25 of the absence.

26 (2) It shall be a condition of such release that a juvenile delinquent
27 so released shall continue to be the responsibility of the social
28 services district for the period provided in the order of placement.

1 (3) The social services district may provide clothing, services and
2 other necessities for any conditionally released juvenile delinquent, as
3 may be required, including medical care and services not provided to
4 such juvenile delinquent as medical assistance for needy persons pursu-
5 ant to title eleven of article five of this chapter.

6 (4) The social services district, pursuant to the regulations of the
7 office of children and family services, may cause a juvenile delinquent
8 to be returned to a facility operated and maintained by the district, or
9 an authorized agency under contract with the district, at any time with-
10 in the period of placement, where there is a violation of the conditions
11 of release or a change of circumstances.

12 (5) Juvenile delinquents conditionally released by a social services
13 district may be provided for as follows:

14 (i) If, in the opinion of the social services district, there is no
15 suitable parent, relative or guardian to whom a juvenile delinquent can
16 be conditionally released, and suitable care cannot otherwise be
17 secured, the district may conditionally release such juvenile delinquent
18 to the care of any other suitable person; provided that where such suit-
19 able person has no legal relationship with the juvenile, the district
20 shall advise such person of the procedures for obtaining custody or
21 guardianship of the juvenile.

22 (ii) If a conditionally released juvenile delinquent is subject to
23 article sixty-five of the education law or elects to participate in an
24 educational program leading to a high school diploma, he or she shall be
25 enrolled in a school or educational program leading to a high school
26 diploma following release, or, if such release occurs during the summer
27 recess, upon the commencement of the next school term. If a condi-
28 tionally released juvenile delinquent is not subject to article sixty-

1 five of the education law, and does not elect to participate in an
2 educational program leading to a high school diploma, steps shall be
3 taken, to the extent possible, to facilitate his or her gainful employ-
4 ment or enrollment in a vocational program following release.

5 [(b)] (e) When a juvenile delinquent placed with the social services
6 district is absent from placement without consent, such absence shall
7 interrupt the calculation of time for his or her placement. Such inter-
8 ruption shall continue until such juvenile delinquent returns to the
9 facility or authorized agency in which he or she was placed. Provided,
10 however, that any time spent by a juvenile delinquent in custody from
11 the date of absence to the date placement resumes shall be credited
12 against the time of such placement provided that such custody:

13 (1) was due to an arrest or surrender based upon the absence; or

14 (2) arose from an arrest or surrender on another charge which did not
15 culminate in a conviction, adjudication or adjustment.

16 [(c)] (f) In addition to the other requirements of this section, no
17 juvenile delinquent placed with a social services district operating an
18 approved juvenile justice services close to home initiative pursuant to
19 section four hundred four of this chapter pursuant to a restrictive
20 placement under the family court act shall be released except pursuant
21 to section 353.5 of the family court act.

22 11. In the case of a child who is adjudicated [a person in need of
23 supervision or] a juvenile delinquent and is placed by the family court
24 with the [division for youth] office of children and family services and
25 who is placed by [the division for youth] such office with an authorized
26 agency pursuant to court order, the social services official shall make
27 expenditures in accordance with the regulations of the department for
28 the care and maintenance of such child during the term of such placement

1 subject to state reimbursement pursuant to section one hundred fifty-
2 three-k of this [title, or article nineteen-G of the executive law in
3 applicable cases] article.

4 12. A social services official shall be permitted to place persons
5 adjudicated [in need of supervision or] delinquent[, and alleged persons
6 to be in need of supervision] in detention pending transfer to a place-
7 ment, in the same foster care facilities as are providing care to desti-
8 tute, neglected, abused or abandoned children. Such foster care facili-
9 ties shall not provide care to a youth in the care of a social services
10 official as a convicted juvenile offender.

11 § 98-c. Paragraph (a) of subdivision 1 of section 409-a of the social
12 services law, as amended by chapter 87 of the laws of 1993, subparagraph
13 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)
14 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
15 amended to read as follows:

16 (a) A social services official shall provide preventive services to a
17 child and his or her family, in accordance with the family's service
18 plan as required by section four hundred nine-e of this [chapter] arti-
19 cle and the social services district's child welfare services plan
20 submitted and approved pursuant to section four hundred nine-d of this
21 [chapter] article, upon a finding by such official that [(i)] the child
22 will be placed, returned to or continued in foster care unless such
23 services are provided and that it is reasonable to believe that by
24 providing such services the child will be able to remain with or be
25 returned to his or her family, and for a former foster care youth under
26 the age of twenty-one who was previously placed in the care and custody
27 or custody and guardianship of the local commissioner of social services
28 or other officer, board or department authorized to receive children as

1 public charges where it is reasonable to believe that by providing such
2 services the former foster care youth will avoid a return to foster care
3 [or (ii) the child is the subject of a petition under article seven of
4 the family court act, or has been determined by the assessment service
5 established pursuant to section two hundred forty-three-a of the execu-
6 tive law, or by the probation service where no such assessment service
7 has been designated, to be at risk of being the subject of such a peti-
8 tion, and the social services official determines that the child is at
9 risk of placement into foster care]. Such finding shall be entered in
10 the child's uniform case record established and maintained pursuant to
11 section four hundred nine-f of this [chapter] article. The commissioner
12 shall promulgate regulations to assist social services officials in
13 making determinations of eligibility for mandated preventive services
14 pursuant to this [subparagraph] paragraph.

15 § 99. Subdivision 1, the opening paragraph of subdivision 2 and
16 subparagraphs (i) and (iii) of paragraph (a) of subdivision 3 of section
17 529-b of the executive law, as added by section 3 of subpart B of part Q
18 of chapter 58 of the laws of 2011, are amended to read as follows:

19 1. (a) Notwithstanding any provision of law to the contrary, eligible
20 expenditures by an eligible municipality for services to divert youth at
21 risk of, alleged to be, or adjudicated as juvenile delinquents [or
22 persons alleged or adjudicated to be in need of supervision], or youth
23 alleged to be or convicted as juvenile offenders from placement in
24 detention or in residential care shall be subject to state reimbursement
25 under the supervision and treatment services for juveniles program for
26 up to sixty-two percent of the municipality's expenditures, subject to
27 available appropriations and exclusive of any federal funds made avail-

1 able for such purposes, not to exceed the municipality's distribution
2 under the supervision and treatment services for juveniles program.

3 (b) The state funds appropriated for the supervision and treatment
4 services for juveniles program shall be distributed to eligible munic-
5 palities by the office of children and family services based on a plan
6 developed by the office which may consider historical information
7 regarding the number of youth seen at probation intake for an alleged
8 act of delinquency, the number of alleged persons in need of supervision
9 receiving diversion services under section seven hundred thirty-five of
10 the family court act, the number of youth remanded to detention, the
11 number of juvenile delinquents placed with the office, the number of
12 juvenile delinquents [and persons in need of supervision] placed in
13 residential care with the municipality, the municipality's reduction in
14 the use of detention and residential placements, and other factors as
15 determined by the office. Such plan developed by the office shall be
16 subject to the approval of the director of the budget. The office is
17 authorized, in its discretion, to make advance distributions to a muni-
18 cipality in anticipation of state reimbursement.

19 As used in this section, the term "municipality" shall mean a county,
20 or a city having a population of one million or more, and "supervision
21 and treatment services for juveniles" shall mean community-based
22 services or programs designed to safely maintain youth in the community
23 pending a family court disposition or conviction in criminal court and
24 services or programs provided to youth adjudicated as juvenile delin-
25 quents [or persons in need of supervision,] or youth alleged to be juve-
26 nile offenders to prevent residential placement of such youth or a
27 return to placement where such youth have been released to the community
28 from residential placement or programs provided to youth adjudicated

1 persons in need of supervision to maintain such youth in their homes.

2 Supervision and treatment services for juveniles may include but are not
3 limited to services or programs that:

4 (i) an analysis that identifies the neighborhoods or communities from
5 which the greatest number of juvenile delinquents [and persons in need
6 of supervision] are remanded to detention or residentially placed and
7 from which the greatest number of alleged persons in need of supervision
8 are offered diversion services;

9 (iii) a description of how the services and programs proposed for
10 funding will reduce the number of youth from the municipality who are
11 detained and residentially or otherwise placed; how such services and
12 programs are family-focused; and whether such services and programs are
13 capable of being replicated across multiple sites;

14 § 100. The opening paragraph and paragraph (a) of subdivision 2 and
15 subdivisions 4, 5, 6 and 7 of section 530 of the executive law, the
16 opening paragraph of subdivision 2 and subdivision 4 as amended by
17 section 4 of subpart B of part Q of chapter 58 of the laws of 2011,
18 paragraph (a) of subdivision 2 as amended by section 1 of part M of
19 chapter 57 of the laws of 2012, subdivision 5 as amended by chapter 920
20 of the laws of 1982, subparagraphs 1, 2 and 4 of paragraph (a) and para-
21 graph (b) of subdivision 5 as amended by section 5 of subpart B of part
22 Q of chapter 58 of the laws of 2011, subdivision 6 as amended by chapter
23 880 of the laws of 1976, and subdivision 7 as amended by section 6 of
24 subpart B of part Q of chapter 58 of the laws of 2011, are amended to
25 read as follows:

26 [Expenditures] Except as provided for in subdivision eight of this
27 section, expenditures made by municipalities in providing care, mainte-
28 nance and supervision to youth in detention facilities designated pursu-

1 ant to [sections seven hundred twenty and] section 305.2 of the family
2 court act and certified by [the division for youth] office of children
3 and family services, shall be subject to reimbursement by the state, as
4 follows:

5 (a) Notwithstanding any provision of law to the contrary, eligible
6 expenditures by a municipality during a particular program year for the
7 care, maintenance and supervision [in foster care programs certified by
8 the office of children and family services, certified or approved family
9 boarding homes, and non-secure detention facilities certified by the
10 office for those youth alleged to be persons in need of supervision or
11 adjudicated persons in need of supervision held pending transfer to a
12 facility upon placement; and] in secure and non-secure detention facili-
13 ties certified by the office in accordance with section five hundred
14 three of this article for those youth alleged to be juvenile delin-
15 quents; adjudicated juvenile delinquents held pending transfer to a
16 facility upon placement, and juvenile delinquents held at the request of
17 the office of children and family services pending extension of place-
18 ment hearings or release revocation hearings or while awaiting disposi-
19 tion of such hearings; and youth alleged to be or convicted as juvenile
20 offenders and, prior to January first, two thousand nineteen, youth
21 alleged to be persons in need of supervision or adjudicated persons in
22 need of supervision held pending transfer to a facility upon placement
23 in foster care programs certified by the office of children and family
24 services, certified or approved family boarding homes, and non-secure
25 detention facilities certified by the office, shall be subject to state
26 reimbursement for up to fifty percent of the municipality's expendi-
27 tures, exclusive of any federal funds made available for such purposes,
28 not to exceed the municipality's distribution from funds that have been

1 appropriated specifically therefor for that program year. Municipalities
2 shall implement the use of detention risk assessment instruments in a
3 manner prescribed by the office so as to inform detention decisions.
4 Notwithstanding any other provision of state law to the contrary, data
5 necessary for completion of a detention risk assessment instrument may
6 be shared among law enforcement, probation, courts, detention adminis-
7 trators, detention providers, and the attorney for the child upon
8 retention or appointment; solely for the purpose of accurate completion
9 of such risk assessment instrument, and a copy of the completed
10 detention risk assessment instrument shall be made available to the
11 applicable detention provider, the attorney for the child and the court.

12 4. (a) The municipality must notify the office of children and family
13 services of state aid received under other state aid formulas by each
14 detention facility for which the municipality is seeking reimbursement
15 pursuant to this section, including but not limited to, aid for educa-
16 tion, probation and mental health services.

17 (b) Except as provided in subdivision eight of this section: (i) In
18 computing reimbursement to the municipality pursuant to this section,
19 the office shall insure that the aggregate of state aid under all state
20 aid formulas shall not exceed fifty percent of the cost of care, mainte-
21 nance and supervision provided to detainees eligible for state
22 reimbursement under subdivision two of this section, exclusive of feder-
23 al aid for such purposes not to exceed the amount of the municipality's
24 distribution under the juvenile detention services program.

25 [(c)] (ii) Reimbursement for administrative related expenditures as
26 defined by the office of children and family services, for secure and
27 nonsecure detention services shall not exceed seventeen percent of the
28 total approved expenditures for facilities of twenty-five beds or more

1 and shall not exceed twenty-one percent of the total approved expendi-
2 tures for facilities with less than twenty-five beds.

3 5. (a) Except as provided in paragraph (b) of this subdivision, care,
4 maintenance and supervision for the purpose of this section shall mean
5 and include only:

6 (1) temporary care, maintenance and supervision provided to alleged
7 juvenile delinquents and persons in need of supervision in detention
8 facilities certified pursuant to sections seven hundred twenty and 305.2
9 of the family court act by the office of children and family services,
10 pending adjudication of alleged delinquency or alleged need of super-
11 vision by the family court, or pending transfer to institutions to which
12 committed or placed by such court or while awaiting disposition by such
13 court after adjudication or held pursuant to a securing order of a crim-
14 inal court if the person named therein as principal is under [sixteen]
15 seventeen years of age; or[,]

16 (1-a) commencing on January first, two thousand nineteen, temporary
17 care, maintenance, and supervision provided to alleged juvenile delin-
18 quents in detention facilities certified by the office of children and
19 family services, pending adjudication of alleged delinquency by the
20 family court, or pending transfer to institutions to which committed or
21 placed by such court or while awaiting disposition by such court after
22 adjudication or held pursuant to a securing order of a criminal court if
23 the person named therein as principal is under twenty-one; or

24 (2) temporary care, maintenance and supervision provided juvenile
25 delinquents in approved detention facilities at the request of the
26 office of children and family services pending release revocation hear-
27 ings or while awaiting disposition after such hearings; or

1 (3) temporary care, maintenance and supervision in approved detention
2 facilities for youth held pursuant to the family court act or the inter-
3 state compact on juveniles, pending return to their place of residence
4 or domicile[.]; or

5 (4) prior to January first, two thousand nineteen, temporary care,
6 maintenance and supervision provided youth detained in foster care
7 facilities or certified or approved family boarding homes pursuant to
8 article seven of the family court act.

9 (b) Payments made for reserved accommodations, whether or not in full
10 time use, approved and certified by the office of children and family
11 services [and certified pursuant to sections seven hundred twenty and
12 305.2 of the family court act], in order to assure that adequate accom-
13 modations will be available for the immediate reception and proper care
14 therein of youth for which detention costs are reimbursable pursuant to
15 paragraph (a) of this subdivision, shall be reimbursed as expenditures
16 for care, maintenance and supervision under the provisions of this
17 section, provided the office shall have given its prior approval for
18 reserving such accommodations.

19 6. The [director of the division for youth] office of children and
20 family services may adopt, amend, or rescind all rules and regulations,
21 subject to the approval of the director of the budget and certification
22 to the chairmen of the senate finance and assembly ways and means
23 committees, necessary to carry out the provisions of this section.

24 7. The agency administering detention for each county and the city of
25 New York shall submit to the office of children and family services, at
26 such times and in such form and manner and containing such information
27 as required by the office of children and family services, an annual
28 report on youth remanded pursuant to article three or seven of the fami-

1 ly court act who are detained during each calendar year including,
2 commencing January first, two thousand twelve, the risk level of each
3 detained youth as assessed by a detention risk assessment instrument
4 approved by the office of children and family services provided, howev-
5 er, that the report due January first, two thousand twenty and thereaft-
6 er shall not be required to contain any information on youth who are
7 subject to article seven of the family court act. The office may
8 require that such data on detention use be submitted to the office elec-
9 tronically. Such report shall include, but not be limited to, the reason
10 for the court's determination in accordance with section 320.5 or seven
11 hundred thirty-nine of the family court act, if applicable, to detain
12 the youth; the offense or offenses with which the youth is charged; and
13 all other reasons why the youth remains detained. The office shall
14 submit a compilation of all the separate reports to the governor and the
15 legislature.

16 § 100-a. Subparagraph 1 of paragraph d of subdivision 3 of section
17 3214 of the education law, as amended by chapter 425 of the laws of
18 2002, is amended to read as follows:

19 (1) Consistent with the federal gun-free schools act, any public
20 school pupil who is determined under this subdivision to have brought a
21 firearm to or possessed a firearm at a public school shall be suspended
22 for a period of not less than one calendar year and any nonpublic school
23 pupil participating in a program operated by a public school district
24 using funds from the elementary and secondary education act of nineteen
25 hundred sixty-five who is determined under this subdivision to have
26 brought a firearm to or possessed a firearm at a public school or other
27 premises used by the school district to provide such programs shall be
28 suspended for a period of not less than one calendar year from partic-

1 ipation in such program. The procedures of this subdivision shall apply
2 to such a suspension of a nonpublic school pupil. A superintendent of
3 schools, district superintendent of schools or community superintendent
4 shall have the authority to modify this suspension requirement for each
5 student on a case-by-case basis. The determination of a superintendent
6 shall be subject to review by the board of education pursuant to para-
7 graph c of this subdivision and the commissioner pursuant to section
8 three hundred ten of this chapter. Nothing in this subdivision shall be
9 deemed to authorize the suspension of a student with a disability in
10 violation of the individuals with disabilities education act or article
11 eighty-nine of this chapter. A superintendent shall refer the pupil
12 under the age of sixteen who has been determined to have brought a weap-
13 on or firearm to school in violation of this subdivision to a present-
14 ment agency for a juvenile delinquency proceeding consistent with arti-
15 cle three of the family court act except a student fourteen or fifteen
16 years of age who qualifies for juvenile offender status under subdivi-
17 sion forty-two of section 1.20 of the criminal procedure law; provided
18 however, that commencing on January first, two thousand eighteen, a
19 superintendent shall refer the pupil under the age of seventeen who has
20 been determined to have brought a weapon or firearm to school in
21 violation of this subdivision to a presentment agency for a juvenile
22 delinquency proceeding consistent with article three of the family court
23 act except a student who qualifies for juvenile offender status under
24 subdivision forty-two of section 1.20 of the criminal procedure law; and
25 provided further that commencing on January first, two thousand nine-
26 teen, a superintendent shall refer the pupil under the age of eighteen
27 who has been determined to have brought a weapon or firearm to school in
28 violation of this subdivision to a presentment agency for a juvenile

1 delinquency proceeding consistent with article three of the family court
2 act except a student who qualifies for juvenile offender status under
3 subdivision forty-two of section 1.20 of the criminal procedure law. A
4 superintendent shall refer any pupil sixteen years of age or older or a
5 student fourteen or fifteen years of age who qualifies for juvenile
6 offender status under subdivision forty-two of section 1.20 of the crim-
7 inal procedure law, who has been determined to have brought a weapon or
8 firearm to school in violation of this subdivision to the appropriate
9 law enforcement officials.

10 § 100-b. Paragraph b of subdivision 4 of section 3214 of the education
11 law, as amended by chapter 181 of the laws of 2000, is amended to read
12 as follows:

13 b. The school authorities may institute proceedings before a court
14 having jurisdiction to determine the liability of a person in parental
15 relation to contribute towards the maintenance of a school delinquent
16 under ~~[sixteen]~~ seventeen years of age or commencing January first, two
17 thousand nineteen, under eighteen years of age ordered to attend upon
18 instruction under confinement. If the court shall find the person in
19 parental relation able to contribute towards the maintenance of such a
20 minor, it may issue an order fixing the amount to be paid weekly.

21 § 101. The executive law is amended by adding a new section 259-p to
22 read as follows:

23 § 259-p. Interstate detention. (1) Notwithstanding any other provision
24 of law, a defendant subject to section two hundred fifty-nine-~~mm~~
25 article, may be detained as authorized by the interstate compact for
26 adult offender supervision.

27 (2) A defendant shall be detained at a local correctional facility,
28 except as otherwise provided in subdivision three of this section.

1 (3) (a) A defendant sixteen years of age or younger, who allegedly
2 commits a criminal act or violation of his or her supervision on or
3 after January first, two thousand eighteen or (b) a defendant seventeen
4 years of age or younger who allegedly commits a criminal act or
5 violation of his or her supervision on or after January first, two thou-
6 sand nineteen, shall be detained in a juvenile detention facility.

7 § 102. Section 153-k of the social services law is amended by adding a
8 new subdivision 2-a to read as follows:

9 2-a. Notwithstanding any other provision of law to the contrary,
10 commencing January first, two thousand eighteen, state reimbursement
11 shall be made available for one hundred percent of expenditures made by
12 social services districts, exclusive of any federal funds made available
13 for such purposes, for preventive services, aftercare services, inde-
14 pendent living services and foster care services provided to youth age
15 sixteen years of age or older when such services would not otherwise
16 have been provided to such youth absent the provisions in a chapter of
17 the laws of two thousand sixteen that increased the age of juvenile
18 jurisdiction above fifteen years of age.

19 § 103. The opening paragraph of paragraph (a) of subdivision 8 of
20 section 404 of the social services law, as added by section 1 of subpart
21 A of part G of chapter 57 of the laws of 2012, is amended and a new
22 paragraph (a-1) is added to read as follows:

23 Notwithstanding any other provision of law to the contrary[,] except
24 as provided for in paragraph (a-1) of this subdivision, eligible expend-
25 itures during the applicable time periods made by a social services
26 district for an approved juvenile justice services close to home initi-
27 ative shall, if approved by the department of family assistance, be
28 subject to reimbursement with state funds only up to the extent of an

1 annual appropriation made specifically therefor, after first deducting
2 therefrom any federal funds properly received or to be received on
3 account thereof; provided, however, that when such funds have been
4 exhausted, a social services district may receive state reimbursement
5 from other available state appropriations for that state fiscal year for
6 eligible expenditures for services that otherwise would be reimbursable
7 under such funding streams. Any claims submitted by a social services
8 district for reimbursement for a particular state fiscal year for which
9 the social services district does not receive state reimbursement from
10 the annual appropriation for the approved close to home initiative may
11 not be claimed against that district's appropriation for the initiative
12 for the next or any subsequent state fiscal year.

13 (a-1) State reimbursement shall be made available for one hundred
14 percent of eligible expenditures made by a social services district,
15 exclusive of any federal funds made available for such purposes, for
16 approved juvenile justice services under an approved close to home
17 initiative provided to youth sixteen years of age or older when such
18 services would not otherwise have been provided to such youth absent the
19 provisions in a chapter of the laws of two thousand sixteen that
20 increased the age of juvenile jurisdiction above fifteen years of age.

21 § 104. Subdivision 4 of section 246 of the executive law, as amended
22 by section 10 of part D of chapter 56 of the laws of 2010, is amended to
23 read as follows:

24 4. An approved plan and compliance with standards relating to the
25 administration of probation services promulgated by the commissioner of
26 the division of criminal justice services shall be a prerequisite to
27 eligibility for state aid.

1 The commissioner of the division of criminal justice services may take
2 into consideration granting additional state aid from an appropriation
3 made for state aid for county probation services for counties or the
4 city of New York when a county or the city of New York demonstrates that
5 additional probation services were dedicated to intensive supervision
6 programs[,] and intensive programs for sex offenders [or programs
7 defined as juvenile risk intervention services]. The commissioner shall
8 grant additional state aid from an appropriation dedicated to juvenile
9 risk intervention services coordination by probation departments which
10 shall include, but not be limited to, probation services performed under
11 article three of the family court act. The administration of such addi-
12 tional grants shall be made according to rules and regulations promul-
13 gated by the commissioner of the division of criminal justice services.
14 Each county and the city of New York shall certify the total amount
15 collected pursuant to section two hundred fifty-seven-c of this chapter.
16 The commissioner of the division of criminal justice services shall
17 thereupon certify to the comptroller for payment by the state out of
18 funds appropriated for that purpose, the amount to which the county or
19 the city of New York shall be entitled under this section. The commis-
20 sioner shall, subject to an appropriation made available for such
21 purpose, establish and provide funding to probation departments for a
22 continuum of evidence-based intervention services for youth alleged or
23 adjudicated juvenile delinquents pursuant to article three of the family
24 court act or for eligible youth before or sentenced under the youth part
25 in accordance with the criminal procedure law. Such additional state
26 aid shall be made in an amount necessary to pay one hundred percent of
27 the expenditures for evidence-based practices and juvenile risk and
28 evidence-based intervention services provided to youth sixteen years of

1 age or older when such services would not otherwise have been provided
2 absent the provisions of a chapter of the laws of two thousand sixteen
3 that increased the age of juvenile jurisdiction.

4 § 105. The second undesignated paragraph of subdivision 4 of section
5 246 of the executive law, as added by chapter 479 of the laws of 1970,
6 is amended to read as follows:

7 [The director shall thereupon certify to the comptroller for payment
8 by the state out of funds appropriated for that purpose, the amount to
9 which the county or the city of New York shall be entitled under this
10 section.]

11 The commissioner of the division of criminal justice services may take
12 into consideration granting additional state aid from an appropriation
13 made for state aid for county probation services for counties or the
14 city of New York when a county or the city of New York demonstrates that
15 additional probation services were dedicated to intensive supervision
16 programs and intensive programs for sex offenders. The commissioner
17 shall grant additional state aid from an appropriation dedicated to
18 juvenile risk intervention services coordination by probation depart-
19 ments which shall include, but not be limited to, probation services
20 performed under article three of the family court act. The adminis-
21 tration of such additional grants shall be made according to rules and
22 regulations promulgated by the commissioner of the division of criminal
23 justice services. Each county and the city of New York shall certify the
24 total amount collected pursuant to section two hundred fifty-seven-c of
25 this chapter. The commissioner of the division of criminal justice
26 services shall thereupon certify to the comptroller for payment by the
27 state out of funds appropriated for that purpose, the amount to which
28 the county or the city of New York shall be entitled under this section.

1 The commissioner shall, subject to an appropriation made available for
2 such purpose, establish and provide funding to probation departments for
3 a continuum of evidence-based intervention services for youth alleged or
4 adjudicated juvenile delinquents pursuant to article three of the family
5 court act or for eligible youth before or sentenced under the youth part
6 in accordance with the criminal procedure law. Such additional state
7 aid shall be made in an amount necessary to pay one hundred percent of
8 the expenditures for evidence-based practices and juvenile risk and
9 evidence-based intervention services provided to youth sixteen years of
10 age or older when such services would not otherwise have been provided
11 absent the provisions of a chapter of the laws of two thousand sixteen
12 that increased the age of juvenile jurisdiction.

13 § 106. Section 529 of the executive law is amended by adding a new
14 subdivision 5-b to read as follows:

15 5-b. Notwithstanding any other provision of law to the contrary, no
16 reimbursement shall be required from a social services district for
17 expenditures made by the office of children and family services for the
18 care, maintenance, supervision or aftercare supervision of youth sixteen
19 years of age or older that would not otherwise have been made absent the
20 provisions of a chapter of the laws of two thousand sixteen that
21 increased the age of juvenile jurisdiction above fifteen years of age or
22 that authorized the placement in office of children and family services
23 facilities of certain other youth who committed a crime on or after
24 their sixteenth birthdays.

25 § 106-a. Section 530 of the executive law is amended by adding a new
26 subdivision 8 to read as follows:

27 8. Notwithstanding any other provision of law to the contrary,
28 commencing April first, two thousand seventeen, state reimbursement

1 shall be made available for one hundred percent of a municipality's
2 eligible expenditures for the care, maintenance and supervision of youth
3 sixteen years of age or older in non-secure and secure detention facili-
4 ties when such detention would not otherwise have occurred absent the
5 provisions of a chapter of the laws of two thousand sixteen that
6 increased the age of juvenile jurisdiction above fifteen years of age.

7 § 107. Severability. If any clause, sentence, paragraph, subdivision,
8 section or part contained in any part of this act shall be adjudged by
9 any court of competent jurisdiction to be invalid, such judgment shall
10 not affect, impair, or invalidate the remainder thereof, but shall be
11 confined in its operation to the clause, sentence, paragraph, subdivi-
12 sion, section or part contained in any part thereof directly involved in
13 the controversy in which such judgment shall have been rendered. It is
14 hereby declared to be the intent of the legislature that this act would
15 have been enacted even if such invalid provisions had not been included
16 herein.

17 § 108. This act shall take effect immediately; provided that:

18 a. sections forty-eight and forty-eight-a of this act shall take
19 effect on the sixtieth day after this act shall have become a law and
20 shall be deemed to apply to offenses committed prior to, on, or after
21 such effective date;

22 b. sections one through forty-one, forty-four through forty-seven,
23 forty-nine, fifty, fifty-four through eighty, one hundred-a, one
24 hundred-b and one hundred one of this act shall take effect January 1,
25 2018; provided, however, that when the applicability of such provision
26 is dependent on the age of the youth that is alleged or adjudicated to
27 have been committed or is convicted of a crime or an act that would
28 constitute a crime if committed by an adult:

1 (i) effective January 1, 2018, such provisions shall be deemed to
2 apply to youth who have been alleged to have committed, adjudicated for,
3 or convicted of, an offense that occurred on or after such effective
4 date and who were 16 years of age at the time the offense occurred, and

5 (ii) effective January 1, 2019, such provisions shall be deemed to
6 apply to youth who have been alleged to have committed, adjudicated for,
7 or convicted of, an offense that occurred on or after such effective
8 date and who were seventeen years of age at the time such offense
9 occurred;

10 c. sections ninety-eight-a and one hundred two through one hundred
11 six-a of this act shall take effect April 1, 2017;

12 d. sections eighty-three through ninety-eight and sections ninety-
13 eight-b through one hundred of this act shall take effect January 1,
14 2019 and shall be deemed to be applicable to the detention or placement
15 of youth pursuant to petitions filed pursuant to article seven of the
16 family court act on or after such effective date;

17 e. sections forty-two and forty-three of this act shall take effect
18 January 1, 2020;

19 f. the amendments to subdivision 1 of section 70.02 of the penal law
20 made by section forty-two of this act shall not affect the expiration of
21 such subdivision and shall be deemed to expire therewith;

22 g. the amendments to paragraph d of section 3214 of the education law
23 made by section fifty-one of this act shall not affect the expiration of
24 such paragraph and shall be deemed to expire therewith;

25 h. the amendments to subdivision 4 of section 353.5 of the family
26 court act made by section seventy-two of this act shall be subject to
27 the expiration and reversion of such subdivision pursuant to section 11
28 of subpart A of part G of chapter 57 of the laws of 2012, as amended,

1 when upon such date the provisions of section seventy-three of this act
2 shall take effect;

3 i. the amendments to section 153-k of the social services law made by
4 section one hundred two of this act shall not affect the expiration of
5 such section and shall be deemed repealed therewith;

6 j. the amendments to subdivision 3-a of section 398 of the social
7 services law made by section ninety-eight-b of this act shall not affect
8 the expiration of such subdivision and shall be deemed repealed there-
9 with;

10 k. the amendments to subparagraph (ii) of paragraph (a) of subdivision
11 1 of section 409-a of the social services law made by section ninety-
12 eight-c of this act shall not affect the expiration of such subparagraph
13 and shall be deemed to expire therewith;

14 l. the amendments to section 404 of the social services law made by
15 section one hundred three of this act shall not affect the expiration of
16 such section and shall be deemed repealed therewith;

17 m. the amendments to the second undesignated paragraph of subdivision
18 4 of section 246 of the executive law made by section one hundred four
19 of this act shall be subject to the expiration and reversion of such
20 undesignated paragraph as provided in subdivision (aa) of section 427 of
21 chapter 55 of the laws of 1992, as amended, when upon such date section
22 one hundred five of this act shall take effect; and

23 n. the amendments to paragraph (f) of subdivision 1 of section 70.30
24 of the penal law made by section forty-four-a of this act shall not
25 affect the expiration and reversion of such paragraph and shall expire
26 and be deemed repealed therewith.

1 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
2 section 131-o of the social services law, as amended by section 1 of
3 part I of chapter 56 of the laws of 2015, are amended to read as
4 follows:

5 (a) in the case of each individual receiving family care, an amount
6 equal to at least \$141.00 for each month beginning on or after January
7 first, two thousand [fifteen] sixteen.

8 (b) in the case of each individual receiving residential care, an
9 amount equal to at least \$163.00 for each month beginning on or after
10 January first, two thousand [fifteen] sixteen.

11 (c) in the case of each individual receiving enhanced residential
12 care, an amount equal to at least \$193.00 for each month beginning on or
13 after January first, two thousand [fifteen] sixteen.

14 (d) for the period commencing January first, two thousand [sixteen]
15 seventeen, the monthly personal needs allowance shall be an amount equal
16 to the sum of the amounts set forth in subparagraphs one and two of this
17 paragraph:

18 (1) the amounts specified in paragraphs (a), (b) and (c) of this
19 subdivision; and

20 (2) the amount in subparagraph one of this paragraph, multiplied by
21 the percentage of any federal supplemental security income cost of
22 living adjustment which becomes effective on or after January first, two
23 thousand [sixteen] seventeen, but prior to June thirtieth, two thousand
24 [sixteen] seventeen, rounded to the nearest whole dollar.

25 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
26 section 209 of the social services law, as amended by section 2 of part
27 I of chapter 56 of the laws of 2015, are amended to read as follows:

1 (a) On and after January first, two thousand [fifteen] sixteen, for an
2 eligible individual living alone, \$820.00; and for an eligible couple
3 living alone, \$1204.00.

4 (b) On and after January first, two thousand [fifteen] sixteen, for an
5 eligible individual living with others with or without in-kind income,
6 \$756.00; and for an eligible couple living with others with or without
7 in-kind income, \$1146.00.

8 (c) On and after January first, two thousand [fifteen] sixteen, (i)
9 for an eligible individual receiving family care, \$999.48 if he or she
10 is receiving such care in the city of New York or the county of Nassau,
11 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
12 receiving family care in the city of New York or the county of Nassau,
13 Suffolk, Westchester or Rockland, two times the amount set forth in
14 subparagraph (i) of this paragraph; or (iii) for an eligible individual
15 receiving such care in any other county in the state, \$961.48; and (iv)
16 for an eligible couple receiving such care in any other county in the
17 state, two times the amount set forth in subparagraph (iii) of this
18 paragraph.

19 (d) On and after January first, two thousand [fifteen] sixteen, (i)
20 for an eligible individual receiving residential care, \$1168.00 if he or
21 she is receiving such care in the city of New York or the county of
22 Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
23 couple receiving residential care in the city of New York or the county
24 of Nassau, Suffolk, Westchester or Rockland, two times the amount set
25 forth in subparagraph (i) of this paragraph; or (iii) for an eligible
26 individual receiving such care in any other county in the state,
27 \$1138.00; and (iv) for an eligible couple receiving such care in any

1 other county in the state, two times the amount set forth in subpara-
2 graph (iii) of this paragraph.

3 (e) (i) On and after January first, two thousand [~~fifteen~~] sixteen,
4 for an eligible individual receiving enhanced residential care,
5 \$1427.00; and (ii) for an eligible couple receiving enhanced residential
6 care, two times the amount set forth in subparagraph (i) of this para-
7 graph.

8 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
9 vision shall be increased to reflect any increases in federal supple-
10 mental security income benefits for individuals or couples which become
11 effective on or after January first, two thousand [~~sixteen~~] seventeen
12 but prior to June thirtieth, two thousand [~~sixteen~~] seventeen.

13 § 3. This act shall take effect December 31, 2016.

14 PART P

15 Section 1. Notwithstanding any other provision of law, the housing
16 trust fund corporation may provide, for purposes of the rural rental
17 assistance program, a sum not to exceed twenty-two million two hundred
18 ninety-two thousand dollars for the fiscal year ending March 31, 2017.
19 Notwithstanding any other provision of law, and subject to the approval
20 of the New York state director of the budget, the board of directors of
21 the state of New York mortgage agency shall authorize the transfer to
22 the housing trust fund corporation, for the purposes of reimbursing any
23 costs associated with rural rental assistance program contracts author-
24 ized by this section, a total sum not to exceed twenty-two million two
25 hundred ninety-two thousand dollars, such transfer to be made from (i)
26 the special account of the mortgage insurance fund created pursuant to

1 section 2429-b of the public authorities law, in an amount not to exceed
2 the actual excess balance in the special account of the mortgage insur-
3 ance fund, as determined and certified by the state of New York mortgage
4 agency for the fiscal year 2015-2016 in accordance with section 2429-b
5 of the public authorities law, if any, and/or (ii) provided that the
6 reserves in the project pool insurance account of the mortgage insurance
7 fund created pursuant to section 2429-b of the public authorities law
8 are sufficient to attain and maintain the credit rating (as determined
9 by the state of New York mortgage agency) required to accomplish the
10 purposes of such account, the project pool insurance account of the
11 mortgage insurance fund, such transfer to be made as soon as practicable
12 but no later than June 30, 2016. Notwithstanding any other provision of
13 law, such funds may be used by the corporation in support of contracts
14 scheduled to expire in the fiscal year ending March 31, 2017 for as many
15 as 10 additional years; in support of contracts for new eligible
16 projects for a period not to exceed 5 years; and in support of contracts
17 which reach their 25 year maximum in and/or prior to the fiscal year
18 ending March 31, 2017 for an additional one year period.

19 § 2. Notwithstanding any other provision of law, the housing finance
20 agency may provide, for costs associated with the rehabilitation of
21 Mitchell Lama housing projects, a sum not to exceed forty-two million
22 dollars for the fiscal year ending March 31, 2017. Notwithstanding any
23 other provision of law, and subject to the approval of the New York
24 state director of the budget, the board of directors of the state of New
25 York mortgage agency shall authorize the transfer to the housing finance
26 agency, for the purposes of reimbursing any costs associated with Mitc-
27 hell Lama housing projects authorized by this section, a total sum not
28 to exceed forty-two million dollars, such transfer to be made from (i)

1 the special account of the mortgage insurance fund created pursuant to
2 section 2429-b of the public authorities law, in an amount not to exceed
3 the actual excess balance in the special account of the mortgage insur-
4 ance fund, as determined and certified by the state of New York mortgage
5 agency for the fiscal year 2015-2016 in accordance with section 2429-b
6 of the public authorities law, if any, and/or (ii) provided that the
7 reserves in the project pool insurance account of the mortgage insurance
8 fund created pursuant to section 2429-b of the public authorities law
9 are sufficient to attain and maintain the credit rating (as determined
10 by the state of New York mortgage agency) required to accomplish the
11 purposes of such account, the project pool insurance account of the
12 mortgage insurance fund, such transfer to be made as soon as practicable
13 but no later than March 31, 2017.

14 § 3. Notwithstanding any other provision of law, the housing trust
15 fund corporation may provide, for purposes of the neighborhood preserva-
16 tion program, a sum not to exceed eight million four hundred seventy-
17 nine thousand dollars for the fiscal year ending March 31, 2017.
18 Notwithstanding any other provision of law, and subject to the approval
19 of the New York state director of the budget, the board of directors of
20 the state of New York mortgage agency shall authorize the transfer to
21 the housing trust fund corporation, for the purposes of reimbursing any
22 costs associated with neighborhood preservation program contracts
23 authorized by this section, a total sum not to exceed eight million four
24 hundred seventy-nine thousand dollars, such transfer to be made from (i)
25 the special account of the mortgage insurance fund created pursuant to
26 section 2429-b of the public authorities law, in an amount not to exceed
27 the actual excess balance in the special account of the mortgage insur-
28 ance fund, as determined and certified by the state of New York mortgage

1 agency for the fiscal year 2015-2016 in accordance with section 2429-b
2 of the public authorities law, if any, and/or (ii) provided that the
3 reserves in the project pool insurance account of the mortgage insurance
4 fund created pursuant to section 2429-b of the public authorities law
5 are sufficient to attain and maintain the credit rating (as determined
6 by the state of New York mortgage agency) required to accomplish the
7 purposes of such account, the project pool insurance account of the
8 mortgage insurance fund, such transfer to be made as soon as practicable
9 but no later than June 30, 2016.

10 § 4. Notwithstanding any other provision of law, the housing trust
11 fund corporation may provide, for purposes of the rural preservation
12 program, a sum not to exceed three million five hundred thirty-nine
13 thousand dollars for the fiscal year ending March 31, 2017. Notwith-
14 standing any other provision of law, and subject to the approval of the
15 New York state director of the budget, the board of directors of the
16 state of New York mortgage agency shall authorize the transfer to the
17 housing trust fund corporation, for the purposes of reimbursing any
18 costs associated with rural preservation program contracts authorized by
19 this section, a total sum not to exceed three million five hundred thir-
20 ty-nine thousand dollars, such transfer to be made from (i) the special
21 account of the mortgage insurance fund created pursuant to section
22 2429-b of the public authorities law, in an amount not to exceed the
23 actual excess balance in the special account of the mortgage insurance
24 fund, as determined and certified by the state of New York mortgage
25 agency for the fiscal year 2015-2016 in accordance with section 2429-b
26 of the public authorities law, if any, and/or (ii) provided that the
27 reserves in the project pool insurance account of the mortgage insurance
28 fund created pursuant to section 2429-b of the public authorities law

1 are sufficient to attain and maintain the credit rating (as determined
2 by the state of New York mortgage agency) required to accomplish the
3 purposes of such account, the project pool insurance account of the
4 mortgage insurance fund, such transfer to be made as soon as practicable
5 but no later than June 30, 2016.

6 § 5. Notwithstanding any other provision of law, the housing trust
7 fund corporation may provide, for purposes of the rural and urban commu-
8 nity investment fund program created pursuant to article XXVII of the
9 private housing finance law, a sum not to exceed thirty-five million two
10 hundred fifty thousand dollars for the fiscal year ending March 31,
11 2017. Notwithstanding any other provision of law, and subject to the
12 approval of the New York state director of the budget, the board of
13 directors of the state of New York mortgage agency shall authorize the
14 transfer to the housing trust fund corporation, for the purposes of
15 reimbursing any costs associated with rural and urban community invest-
16 ment fund program contracts authorized by this section, a total sum not
17 to exceed thirty-five million two hundred fifty thousand dollars, such
18 transfer to be made from (i) the special account of the mortgage insur-
19 ance fund created pursuant to section 2429-b of the public authorities
20 law, in an amount not to exceed the actual excess balance in the special
21 account of the mortgage insurance fund, as determined and certified by
22 the state of New York mortgage agency for the fiscal year 2015-2016 in
23 accordance with section 2429-b of the public authorities law, if any,
24 and/or (ii) provided that the reserves in the project pool insurance
25 account of the mortgage insurance fund created pursuant to section
26 2429-b of the public authorities law are sufficient to attain and main-
27 tain the credit rating (as determined by the state of New York mortgage
28 agency) required to accomplish the purposes of such account, the project

1 pool insurance account of the mortgage insurance fund, such transfer to
2 be made as soon as practicable but no later than March 31, 2017.

3 § 6. Notwithstanding any other provision of law, the housing trust
4 fund corporation may provide, for the purposes of carrying out the
5 provisions of the low income housing trust fund program created pursuant
6 to article XVIII of the private housing finance law, a sum not to exceed
7 ten million dollars for the fiscal year ending March 31, 2017. Notwith-
8 standing any other provision of law, and subject to the approval of the
9 New York state director of the budget, the board of directors of the
10 state of New York mortgage agency shall authorize the transfer to the
11 housing trust fund corporation, for the purposes of carrying out the
12 provisions of the low income housing trust fund program created pursuant
13 to article XVIII of the private housing finance law authorized by this
14 section, a total sum not to exceed ten million dollars, such transfer to
15 be made from (i) the special account of the mortgage insurance fund
16 created pursuant to section 2429-b of the public authorities law, in an
17 amount not to exceed the actual excess balance in the special account of
18 the mortgage insurance fund, as determined and certified by the state of
19 New York mortgage agency for the fiscal year 2015-2016 in accordance
20 with section 2429-b of the public authorities law, if any, and/or (ii)
21 provided that the reserves in the project pool insurance account of the
22 mortgage insurance fund created pursuant to section 2429-b of the public
23 authorities law are sufficient to attain and maintain the credit rating
24 (as determined by the state of New York mortgage agency) required to
25 accomplish the purposes of such account, the project pool insurance
26 account of the mortgage insurance fund, such transfer to be made as soon
27 as practicable but no later than March 31, 2017.

1 § 7. Notwithstanding any other provision of law, the housing trust
2 fund corporation may provide, for purposes of the homes for working
3 families program for deposit in the housing trust fund created pursuant
4 to section 59-a of the private housing finance law and subject to the
5 provisions of article XVIII of the private housing finance law, a sum
6 not to exceed twelve million seven hundred fifty thousand dollars for
7 the fiscal year ending March 31, 2017. Notwithstanding any other
8 provision of law, and subject to the approval of the New York state
9 director of the budget, the board of directors of the state of New York
10 mortgage agency shall authorize the transfer to the housing trust fund
11 corporation, for the purposes of reimbursing any costs associated with
12 homes for working families program contracts authorized by this section,
13 a total sum not to exceed twelve million seven hundred fifty thousand
14 dollars, such transfer to be made from (i) the special account of the
15 mortgage insurance fund created pursuant to section 2429-b of the public
16 authorities law, in an amount not to exceed the actual excess balance in
17 the special account of the mortgage insurance fund, as determined and
18 certified by the state of New York mortgage agency for the fiscal year
19 2015-2016 in accordance with section 2429-b of the public authorities
20 law, if any, and/or (ii) provided that the reserves in the project pool
21 insurance account of the mortgage insurance fund created pursuant to
22 section 2429-b of the public authorities law are sufficient to attain
23 and maintain the credit rating (as determined by the state of New York
24 mortgage agency) required to accomplish the purposes of such account,
25 the project pool insurance account of the mortgage insurance fund, such
26 transfer to be made as soon as practicable but no later than March 31,
27 2017.

1 § 8. Notwithstanding any other provision of law, the homeless housing
2 and assistance corporation may provide, for purposes of the New York
3 state supportive housing program, the solutions to end homelessness
4 program or the operational support for AIDS housing program, or to qual-
5 ified grantees under those programs, in accordance with the requirements
6 of those programs, a sum not to exceed fifteen million six hundred nine-
7 ty thousand dollars for the fiscal year ending March 31, 2017. The home-
8 less housing and assistance corporation may enter into an agreement with
9 the office of temporary and disability assistance to administer such sum
10 in accordance with the requirements of the programs. Notwithstanding any
11 other provision of law, and subject to the approval of the director of
12 the budget, the board of directors of the state of New York mortgage
13 agency shall authorize the transfer to the homeless housing and assist-
14 ance corporation, a total sum not to exceed fifteen million six hundred
15 ninety thousand dollars, such transfer to be made from (i) the special
16 account of the mortgage insurance fund created pursuant to section
17 2429-b of the public authorities law, in an amount not to exceed the
18 actual excess balance in the special account of the mortgage insurance
19 fund, as determined and certified by the state of New York mortgage
20 agency for the fiscal year 2015-2016 in accordance with section 2429-b
21 of the public authorities law, if any, and/or (ii) provided that the
22 reserves in the project pool insurance account of the mortgage insurance
23 fund created pursuant to section 2429-b of the public authorities law
24 are sufficient to attain and maintain the credit rating (as determined
25 by the state of New York mortgage agency) required to accomplish the
26 purposes of such account, the project pool insurance account of the
27 mortgage insurance fund, such transfer to be made as soon as practicable
28 but no later than March 31, 2017.

1 § 9. This act shall take effect immediately.

2 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
3 sion, section or part of this act shall be adjudged by any court of
4 competent jurisdiction to be invalid, such judgment shall not affect,
5 impair, or invalidate the remainder thereof, but shall be confined in
6 its operation to the clause, sentence, paragraph, subdivision, section
7 or part thereof directly involved in the controversy in which such judg-
8 ment shall have been rendered. It is hereby declared to be the intent of
9 the legislature that this act would have been enacted even if such
10 invalid provisions had not been included herein.

11 § 3. This act shall take effect immediately provided, however, that
12 the applicable effective date of Parts A through P of this act shall be
13 as specifically set forth in the last section of such Parts.