

**FY 2018 NEW YORK STATE EXECUTIVE BUDGET**  
**EDUCATION, LABOR AND FAMILY ASSISTANCE**  
**ARTICLE VII LEGISLATION**

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## **EDUCATION, LABOR AND FAMILY ASSISTANCE ARTICLE VII LEGISLATION**

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Legislative Bill Drafting Commission  
12572-01-7

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 education, labor and family  
assistance budget for the 2016-2017  
state fiscal year)

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A7 pull together Exec ELFA

**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 requiring the commis-  
sioner of education to include  
certain information in the official  
score report of all students; to  
amend the education law, in relation  
to textbooks; to amend the education  
law, in relation to a weapon or

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

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

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).

firearm on school grounds; to amend the education law, in relation to English language learner pupils; in relation to direct certification data; to amend the education law, in relation to the census count; to amend the education law, in relation to the computation of the state sharing ratio; to amend the education law, in relation to the operating amount per pupil; to amend the education law, in relation to the operating amount per pupil for certain kindergarten programs; to amend the education law, in relation to total foundation aid; to amend the education law, in relation to community school aid; to amend the education law, in relation to building aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; 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 suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend the education law, in relation to the special needs of gifted students; to amend the general municipal law, in relation to the purchase of food by school districts; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 82 of the

laws of 1995, amending the education law and certain 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 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; 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; 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; 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 2017-2018 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 chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to reimbursement to such school district and 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; relating to school bus driver training; relates to special apportionment for salary

expenses and public pension accruals; relates to suballocations of appropriations; relating to the city school district of the city of Rochester; relates to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; and relates to the support of public libraries (Part A); to amend the education law, in relation to the establishment of Recovery High Schools by boards of cooperative educational services (Part B); to amend the education law, in relation to the education of homeless children (Part C); to amend the education law, in relation to establishing the excelsior scholarship (Part D); 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 E); to amend the education law, in relation to the tuition assistance program (Part F); 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-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part G); to amend the education law, in relation to foundation contributions to the city university of New York (Part H); to amend the limited liability

company law and the labor law, in relation to the ability of the state to collect unpaid wages (Part I); to amend the criminal procedure law, the penal law, the correction law, the executive law, the family court act, the social services law, the education law and the state finance 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 J); to amend chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Subpart A); and to amend the social services law and the education law, in relation to restructuring financing for residential school placements (Subpart B) (Part K); to amend the family court act, in relation to the definition of an abused child (Part L); to amend the executive law, the social services law and the family court act, in relation to increasing the age of youth eligible to be served in RHYA programs and to allow for additional length of stay for youth in residential programs (Part M); to amend the public health law, in relation to the licensure of certain health-related services provided by authorized agencies (Part N); to amend the social services law and the tax law, in relation to increasing the amount of lottery winnings that the state can recoup related to current and former public assistance recipients (Part O); 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 P); to amend the social services law, in relation to expanding inquiries of the statewide central register of child abuse and maltreatment and allowing additional reviews of criminal history information (Part Q); to utilize reserves



in the mortgage insurance fund for various housing purposes (Part R); to amend the real property tax law, in relation to the affordable New York housing program and to repeal certain provisions of such law relating thereto (Part S); to amend the criminal procedure law and the judiciary law, in relation to removal of a criminal action to a veterans treatment court (Part T); and to amend the executive law, in relation to creating a division of central administrative hearings within the executive department (Part U)

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 2017-2018  
3     state fiscal year. Each component is wholly contained within a Part  
4     identified as Parts A through U. 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 54 of the laws of  
15    2016, 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; and  
25 provided further that, a school district that submitted a contract for  
26 excellence for the two thousand sixteen--two thousand seventeen school  
27 year, unless all schools in the district are identified as in good  
28 standing, shall submit a contract for excellence for the two thousand

1 seventeen--two thousand eighteen school year which shall, notwithstand-  
2 ing the requirements of subparagraph (vi) of paragraph a of subdivision  
3 two of this section, provide for the expenditure of an amount which  
4 shall be not less than the amount approved by the commissioner in the  
5 contract for excellence for the two thousand sixteen--two thousand  
6 seventeen school year. For purposes of this paragraph, the "gap elimi-  
7 nation adjustment percentage" shall be calculated as the sum of one  
8 minus the quotient of the sum of the school district's net gap elimi-  
9 nation adjustment for two thousand ten--two thousand eleven computed  
10 pursuant to chapter fifty-three of the laws of two thousand ten, making  
11 appropriations for the support of government, plus the school district's  
12 gap elimination adjustment for two thousand eleven--two thousand twelve  
13 as computed pursuant to chapter fifty-three of the laws of two thousand  
14 eleven, making appropriations for the support of the local assistance  
15 budget, including support for general support for public schools,  
16 divided by the total aid for adjustment computed pursuant to chapter  
17 fifty-three of the laws of two thousand eleven, making appropriations  
18 for the local assistance budget, including support for general support  
19 for public schools. Provided, further, that such amount shall be  
20 expended to support and maintain allowable programs and activities  
21 approved in the two thousand nine--two thousand ten school year or to  
22 support new or expanded allowable programs and activities in the current  
23 year.

24 § 2. The education law is amended by adding a new section 2590-v to  
25 read as follows:

26 § 2590-v. Notice to students regarding certain test scores. The office  
27 of the chancellor shall include a notice in the official score report of  
28 all students who received a score of "advanced" on the eighth grade

1 state assessment in either English Language Arts or Mathematics, inform-  
2 ing the student of opportunities to apply for admission to the special-  
3 ized high schools authorized in paragraph (b) of subdivision 1 of  
4 section twenty-five hundred ninety-h of this article.

5 § 3. Subdivision 2 of section 701 of the education law, as amended by  
6 section 1 of part A-1 of chapter 58 of the laws of 2011, is amended to  
7 read as follows:

8 2. A text-book, for the purposes of this section shall mean: (i) any  
9 book, or a book substitute, which shall include hard covered or paper-  
10 back books, work books, or manuals and (ii) for expenses incurred after  
11 July first, nineteen hundred ninety-nine, any courseware or other  
12 content-based instructional materials in an electronic format, as such  
13 terms are defined in the regulations of the commissioner, which a pupil  
14 is required to use as a text, or a text-substitute, in a particular  
15 class or program in the school he or she legally attends. For expenses  
16 incurred on or after July first, two thousand eleven, a text-book shall  
17 also mean items of expenditure that are eligible for an apportionment  
18 pursuant to sections seven hundred eleven, seven hundred fifty-one  
19 and/or seven hundred fifty-three of this title, where such items are  
20 designated by the school district as eligible for aid pursuant to this  
21 section, provided, however, that if aided pursuant to this section, such  
22 expenses shall not be aidable pursuant to any other section of law. For  
23 expenses incurred on or after July first, two thousand seventeen, a  
24 text-book shall also mean expenditures for high quality professional  
25 development, where such items are designated by the school district as  
26 eligible for aid pursuant to this section, provided, however, that the  
27 total expenditures for high quality professional development eligible  
28 for aid pursuant to this section shall not exceed the amount equal to

1 the documented reduction of textbook expenditures in the base year  
2 resulting from the use of courseware or other content-based instruc-  
3 tional materials in an electronic format provided to the school district  
4 without charge and provided further that if aided pursuant to this  
5 section, such expenses shall not be aidable pursuant to any other  
6 section of law. Expenditures aided pursuant to this section shall not be  
7 eligible for aid pursuant to any other section of law. Courseware or  
8 other content-based instructional materials in an electronic format  
9 included in the definition of textbook pursuant to this subdivision  
10 shall be subject to the same limitations on content as apply to books or  
11 book substitutes aided pursuant to this section.

12 § 4. Subdivision 9 of section 2852 of the education law, as amended by  
13 section 2 of subpart A of part B of chapter 20 of the laws of 2015, is  
14 amended to read as follows:

15 9. The total number of charters issued pursuant to this article state-  
16 wide shall not exceed four hundred sixty. (a) All charters issued on or  
17 after July first, two thousand fifteen and counted toward the numerical  
18 limits established by this subdivision shall be issued by the board of  
19 regents upon application directly to the board of regents or on the  
20 recommendation of the board of trustees of the state university of New  
21 York pursuant to a competitive process in accordance with subdivision  
22 nine-a of this section. [Fifty of such charters issued on or after July  
23 first, two thousand fifteen, and no more, shall be granted to a charter  
24 for a school to be located in a city having a population of one million  
25 or more.] The failure of any body to issue the regulations authorized  
26 pursuant to this article shall not affect the authority of a charter  
27 entity to propose a charter to the board of regents or the board of  
28 regents' authority to grant such charter. A conversion of an existing

1 public school to a charter school, or the renewal or extension of a  
2 charter approved by any charter entity, shall not be counted toward the  
3 numerical limits established by this subdivision.

4 (b) A charter that has been surrendered, revoked or terminated [on or  
5 before July first, two thousand fifteen], including a charter that has  
6 not been renewed by action of its charter entity, may be reissued pursu-  
7 ant to paragraph (a) of this subdivision by the board of regents either  
8 upon application directly to the board of regents or on the recommenda-  
9 tion of the board of trustees of the state university of New York pursu-  
10 ant to a competitive process in accordance with subdivision nine-a of  
11 this section. Provided that such reissuance shall not be counted toward  
12 the statewide numerical limit established by this subdivision[, and  
13 provided further that no more than twenty-two charters may be reissued  
14 pursuant to this paragraph].

15 (c) For purposes of determining the total number of charters issued  
16 within the numerical limits established by this subdivision, the  
17 approval date of the charter entity shall be the determining factor.

18 (d) Notwithstanding any provision of this article to the contrary, any  
19 charter authorized to be issued by chapter fifty-seven of the laws of  
20 two thousand seven effective July first, two thousand seven, and that  
21 remains unissued as of July first, two thousand fifteen, may be issued  
22 pursuant to the provisions of law applicable to a charter authorized to  
23 be issued by such chapter in effect as of June fifteenth, two thousand  
24 fifteen[; provided however that nothing in this paragraph shall be  
25 construed to increase the numerical limit applicable to a city having a  
26 population of one million or more as provided in paragraph (a) of this  
27 subdivision, as amended by a chapter of the laws of two thousand fifteen  
28 which added this paragraph].



1 § 5. Clauses (A) and (B) of subparagraph 5 of paragraph (e) of subdi-  
2 vision 3 of section 2853 of the education law, as amended by section 11  
3 of part A of chapter 54 of the laws of 2016, are amended to read as  
4 follows:

5 (A) the actual total facility rental cost of an alternative privately  
6 owned site selected by the charter school or

7 (B) [twenty] thirty percent of the product of the charter school's  
8 basic tuition for the current school year and (i) for a new charter  
9 school that first commences instruction on or after July first, two  
10 thousand fourteen, the charter school's current year enrollment; or (ii)  
11 for a charter school which expands its grade level, pursuant to this  
12 article, the positive difference of the charter school's enrollment in  
13 the current school year minus the charter school's enrollment in the  
14 school year prior to the first year of the expansion.

15 § 5-a. Paragraph c of subdivision 6-g of section 3602 of the education  
16 law, as amended by section 11-a of part A of chapter 54 of the laws of  
17 2016, is amended to read as follows:

18 c. For purposes of this subdivision, the approved expenses attribut-  
19 able to a lease by a charter school of a privately owned site shall be  
20 the lesser of the actual [rent paid] total facility rental cost under  
21 the lease or the maximum cost allowance established by the commissioner  
22 for leases aidable under subdivision six of this section.

23 § 5-b. Paragraph (e) of subdivision 3 of section 2853 of the education  
24 law is amended by adding a new subparagraph 1-a to read as follows:

25 (1-a) The co-location site or alternative space offered pursuant to  
26 subparagraph one of this paragraph shall be sufficient to accommodate  
27 approved grade levels within the same building within bands as follows:  
28 Kindergarten through grade 4, grades 5-8, and grades 9-12, including

1 those grade levels not yet in operation at the time of offering but  
2 included within the charter school's planned grade configuration. The  
3 defined grade level bands herein shall include an allowable deviation of  
4 one grade level above or below the stated levels if such grade level is  
5 an existing approved grade level of the charter school.

6 § 6. Subdivision 41 of section 3602 of the education law, as added by  
7 section 18 of part B of chapter 57 of the laws of 2007, the subdivision  
8 heading and opening paragraph as amended by section 20 of part B of  
9 chapter 57 of the laws of 2008, is amended to read as follows:

10 41. Transitional aid for charter school payments. In addition to any  
11 other apportionment under this section, for the two thousand seven--two  
12 thousand eight school year and thereafter, a school district other than  
13 a city school district in a city having a population of one million or  
14 more shall be eligible for an apportionment in an amount equal to the  
15 sum of

16 (a) the product of (i) the product of eighty percent multiplied by the  
17 charter school basic tuition computed for such school district for the  
18 base year pursuant to section twenty-eight hundred fifty-six of this  
19 chapter, multiplied by (ii) the positive difference, if any, of the  
20 number of resident pupils enrolled in the charter school in the base  
21 year less the number of resident pupils enrolled in a charter school in  
22 the year prior to the base year, provided, however, that a school  
23 district shall be eligible for an apportionment pursuant to this para-  
24 graph only if the number of its resident pupils enrolled in charter  
25 schools in the base year exceeds two percent of the total resident  
26 public school district enrollment of such school district in the base  
27 year or the total general fund payments made by such district to charter  
28 schools in the base year for resident pupils enrolled in charter schools

1 exceeds two percent of total general fund expenditures of such district  
2 in the base year, plus

3 (b) the product of (i) the product of sixty percent multiplied by the  
4 charter school basic tuition computed for such school district for the  
5 base year pursuant to section twenty-eight hundred fifty-six of this  
6 chapter, multiplied by (ii) the positive difference, if any, of the  
7 number of resident pupils enrolled in the charter school in the year  
8 prior to the base year less the number of resident pupils enrolled in a  
9 charter school in the year two years prior to the base year, provided,  
10 however, that a school district shall be eligible for an apportionment  
11 pursuant to this paragraph only if the number of its resident pupils  
12 enrolled in charter schools in the year prior to the base year exceeds  
13 two percent of the total resident public school district enrollment of  
14 such school district in the year prior to the base year or the total  
15 general fund payments made by such district to charter schools in the  
16 year prior to the base year for resident pupils enrolled in charter  
17 schools exceeds two percent of the total general fund expenditures of  
18 such district in the year prior to the base year, plus

19 (c) the product of (i) the product of forty percent multiplied by the  
20 charter school basic tuition computed for such school district for the  
21 base year pursuant to section twenty-eight hundred fifty-six of this  
22 chapter, multiplied by (ii) the positive difference, if any, of the  
23 number of resident pupils enrolled in the charter school in the year two  
24 years prior to the base year less the number of resident pupils enrolled  
25 in a charter school in the year three years prior to the base year,  
26 provided, however, that a school district shall be eligible for an  
27 apportionment pursuant to this paragraph only if the number of its resi-  
28 dent pupils enrolled in charter schools in the year two years prior to

1 the base year exceeds two percent of the total resident public school  
2 district enrollment of such school district in the year two years prior  
3 to the base year or the total general fund payments made by such  
4 district to charter schools in the year two years prior to the base year  
5 for resident pupils enrolled in charter schools exceeds two percent of  
6 the total general fund expenditures of such district in the year two  
7 years prior to the base year[.], plus

8 (d) for aid payable in the two thousand eighteen--two thousand nine-  
9 teen school year the product of (i) ninety percent, multiplied by (ii)  
10 the positive difference, if any, of the charter school basic tuition  
11 computed for such school district for the base year pursuant to section  
12 twenty-eight hundred fifty-six of this chapter less the charter school  
13 basic tuition computed for such school district for the two thousand  
14 ten--two thousand eleven school year pursuant to section twenty-eight  
15 hundred fifty-six of this chapter, multiplied by (iii) the number of  
16 resident pupils enrolled in the charter school in the base year,  
17 provided, however, that a school district shall be eligible for an  
18 apportionment pursuant to this paragraph only if the number of its resi-  
19 dent pupils enrolled in charter schools in the base year exceeds five  
20 thousandths (0.005) of the total resident public school district enroll-  
21 ment of such school district in the base year or the total general fund  
22 payments made by such district to charter schools in the base year for  
23 resident pupils enrolled in charter schools exceeds five thousandths  
24 (0.005) of the total general fund expenditures of such district in the  
25 base year, plus

26 (e) for aid payable in the two thousand nineteen--two thousand twenty  
27 school year the product of (i) sixty percent, multiplied by (ii) the  
28 positive difference, if any, of the charter school basic tuition

1 computed for such school district for the year prior to the base year  
2 pursuant to section twenty-eight hundred fifty-six of this chapter less  
3 the charter school basic tuition computed for such school district for  
4 the two thousand ten--two thousand eleven school year pursuant to  
5 section twenty-eight hundred fifty-six of this chapter, multiplied by  
6 (iii) the number of resident pupils enrolled in the charter school in  
7 the year prior to the base year, provided, however, that a school  
8 district shall be eligible for an apportionment pursuant to this para-  
9 graph only if the number of its resident pupils enrolled in charter  
10 schools in the year prior to the base year exceeds five thousandths  
11 (0.005) of the total resident public school district enrollment of such  
12 school district in the year prior to the base year or the total general  
13 fund payments made by such district to charter schools in the year prior  
14 to the base year for resident pupils enrolled in charter schools exceeds  
15 five thousandths (0.005) of the total general fund expenditures of such  
16 district in the year prior to the base year, plus

17 (f) for aid payable in the two thousand twenty--two thousand twenty-  
18 one school year the product of (i) thirty percent, multiplied by (ii)  
19 the positive difference, if any, of the charter school basic tuition  
20 computed for such school district for the year two years prior to the  
21 base year pursuant to section twenty-eight hundred fifty-six of this  
22 chapter less the charter school basic tuition computed for such school  
23 district for the two thousand ten--two thousand eleven school year  
24 pursuant to section twenty-eight hundred fifty-six of this chapter,  
25 multiplied by (iii) the number of resident pupils enrolled in the char-  
26 ter school in the year two years prior to the base year, provided,  
27 however, that a school district shall be eligible for an apportionment  
28 pursuant to this paragraph only if the number of its resident pupils

1 enrolled in charter schools in the year two years prior to the base year  
2 exceeds five thousandths (0.005) of the total resident public school  
3 district enrollment of such school district in the year two years prior  
4 to the base year or the total general fund payments made by such  
5 district to charter schools in the year two years prior to the base year  
6 for resident pupils enrolled in charter schools exceeds five thousandths  
7 (0.005) of the total general fund expenditures of such district in the  
8 year two years prior to the base year.

9 (g) For purposes of this subdivision the number of pupils enrolled in  
10 a charter school shall not include pupils enrolled in a charter school  
11 for which the charter was approved by a charter entity contained in  
12 paragraph a of subdivision three of section twenty-eight hundred fifty-  
13 one of this chapter.

14 § 7. Paragraph a of subdivision 33 of section 305 of the education  
15 law, as amended by chapter 621 of the laws of 2003, is amended to read  
16 as follows:

17 a. The commissioner shall establish procedures for the approval of  
18 providers of supplemental educational services in accordance with the  
19 provisions of subsection (e) of section one thousand one hundred sixteen  
20 of the No Child Left Behind Act of 2001 and shall adopt regulations to  
21 implement such procedures. Notwithstanding any other provision of state  
22 or local law, rule or regulation to the contrary, any local educational  
23 agency that receives federal funds pursuant to title I of the Elementary  
24 and Secondary Education Act of nineteen hundred sixty-five, as amended,  
25 shall be authorized to contract with the approved provider selected by a  
26 student's parent, as such term is defined in subsection [thirty-one]  
27 thirty-eight of section [nine] eight thousand one hundred one of the [No  
28 Child Left Behind Act of 2001] Elementary and Secondary Education Act of

1 nineteen hundred sixty-five, as amended, for the provision of supple-  
2 mental educational services to the extent required under such section  
3 one thousand one hundred sixteen. Eligible approved providers shall  
4 include, but not be limited to, public schools, BOCES, institutions of  
5 higher education, and community based organizations.

6 § 8. Subdivision 7 of section 2802 of the education law, as amended by  
7 chapter 425 of the laws of 2002, is amended to read as follows:

8 7. Notwithstanding any other provision of state or local law, rule or  
9 regulation to the contrary, any student who attends a persistently  
10 dangerous public elementary or secondary school, as determined by the  
11 commissioner pursuant to paragraph a of this subdivision, or who is a  
12 victim of a violent criminal offense, as defined pursuant to paragraph b  
13 of this subdivision, that occurred on the grounds of a public elementary  
14 or secondary school that the student attends, shall be allowed to attend  
15 a safe public school within the local educational agency to the extent  
16 required by section [ninety-five] eighty-five hundred thirty-two of the  
17 [No Child Left Behind Act of 2001] Elementary and Secondary Education  
18 Act of nineteen hundred sixty-five, as amended.

19 a. The commissioner shall annually determine which public elementary  
20 and secondary schools are persistently dangerous in accordance with  
21 regulations of the commissioner developed in consultation with a repre-  
22 sentative sample of local educational agencies. Such determination shall  
23 be based on data submitted through the uniform violent incident report-  
24 ing system over a period prescribed in the regulations, which shall not  
25 be less than two years.

26 b. Each local educational agency required to provide unsafe school  
27 choice shall establish procedures for determinations by the superinten-  
28 dent of schools or other chief school officer of whether a student is

1 the victim of a violent criminal offense that occurred on school grounds  
2 of the school that the student attends. Such superintendent of schools  
3 or other chief school officer shall, prior to making any such determi-  
4 nation, consult with any law enforcement agency investigating such  
5 alleged violent criminal offense and consider any reports or records  
6 provided by such agency. The trustees or board of education or other  
7 governing board of a local educational agency may provide, by local rule  
8 or by-law, for appeal of the determination of the superintendent of  
9 schools to such governing board. Notwithstanding any other provision of  
10 law to the contrary, the determination of such chief school officer  
11 pursuant to this paragraph shall not have collateral estoppel effect in  
12 any student disciplinary proceeding brought against the alleged victim  
13 or perpetrator of such violent criminal offense. For purposes of this  
14 subdivision, "violent criminal offense" shall mean a crime that involved  
15 infliction of serious physical injury upon another as defined in the  
16 penal law, a sex offense that involved forcible compulsion or any other  
17 offense defined in the penal law that involved the use or threatened use  
18 of a deadly weapon.

19 c. Each local educational agency, as defined in subsection [twenty-  
20 six] thirty of section [ninety-one] eighty-one hundred one of the [No  
21 Child Left Behind Act of 2001] Elementary and Secondary Education Act of  
22 nineteen hundred sixty-five, as amended, that is required to provide  
23 school choice pursuant to section [ninety-five] eighty-five hundred  
24 thirty-two of the [No Child Left Behind Act of 2001] Elementary and  
25 Secondary Education Act of nineteen hundred sixty-five, as amended,  
26 shall establish procedures for notification of parents of, or persons in  
27 parental relation to, students attending schools that have been desig-  
28 nated as persistently dangerous and parents of, or persons in parental



1 relation to, students who are victims of violent criminal offenses of  
2 their right to transfer to a safe public school within the local educa-  
3 tional agency and procedures for such transfer, except that nothing in  
4 this subdivision shall be construed to require such notification where  
5 there are no other public schools within the local educational agency at  
6 the same grade level or such transfer to a safe public school within the  
7 local educational agency is otherwise impossible or to require a local  
8 educational agency that has only one public school within the local  
9 educational agency or only one public school at each grade level to  
10 develop such procedures. The commissioner shall be authorized to adopt  
11 any regulations deemed necessary to assure that local educational agen-  
12 cies implement the provisions of this subdivision.

13 § 9. Subdivision 7 of section 3214 of the education law, as added by  
14 chapter 101 of the laws of 2003, is amended to read as follows:

15 7. Transfer of disciplinary records. Notwithstanding any other  
16 provision of law to the contrary, each local educational agency, as such  
17 term is defined in subsection [twenty-six] thirty of section [ninety-  
18 one] eighty-one hundred one of the Elementary and Secondary Education  
19 Act of 1965, as amended, shall establish procedures in accordance with  
20 section [forty-one hundred fifty-five] eighty-five hundred thirty-seven  
21 of the Elementary and Secondary Education Act of 1965, as amended, and  
22 the Family Educational Rights and Privacy Act of 1974, to facilitate the  
23 transfer of disciplinary records relating to the suspension or expulsion  
24 of a student to any public or nonpublic elementary or secondary school  
25 in which such student enrolls or seeks, intends or is instructed to  
26 enroll, on a full-time or part-time basis.

1     § 10. Subparagraph 1 of paragraph d of subdivision 3 of section 3214  
2 of the education law, as amended by chapter 425 of the laws of 2002, is  
3 amended to read as follows:

4     (1) Consistent with the federal gun-free schools act, any public  
5 school pupil who is determined under this subdivision to have brought a  
6 firearm to or possessed a firearm at a public school shall be suspended  
7 for a period of not less than one calendar year and any nonpublic school  
8 pupil participating in a program operated by a public school district  
9 using funds from the elementary and secondary education act of nineteen  
10 hundred sixty-five who is determined under this subdivision to have  
11 brought a firearm to or possessed a firearm at a public school or other  
12 premises used by the school district to provide such programs shall be  
13 suspended for a period of not less than one calendar year from partic-  
14 ipation in such program. The procedures of this subdivision shall apply  
15 to such a suspension of a nonpublic school pupil. A superintendent of  
16 schools, district superintendent of schools or community superintendent  
17 shall have the authority to modify this suspension requirement for each  
18 student on a case-by-case basis. The determination of a superintendent  
19 shall be subject to review by the board of education pursuant to para-  
20 graph c of this subdivision and the commissioner pursuant to section  
21 three hundred ten of this chapter. Nothing in this subdivision shall be  
22 deemed to authorize the suspension of a student with a disability in  
23 violation of the individuals with disabilities education act or article  
24 eighty-nine of this chapter. A superintendent shall refer the pupil  
25 under the age of sixteen who has been determined to have brought a weap-  
26 on or firearm to school in violation of this subdivision to a present-  
27 ment agency for a juvenile delinquency proceeding consistent with arti-  
28 cle three of the family court act except a student fourteen or fifteen

1 years of age who qualifies for juvenile offender status under subdivi-  
2 sion forty-two of section 1.20 of the criminal procedure law; provided,  
3 however that commencing on January first, two thousand nineteen a super-  
4 intendent shall refer the pupil under the age of seventeen who has been  
5 determined to have brought a weapon or firearm to school in violation of  
6 this subdivision to a presentment agency for a juvenile delinquency  
7 proceeding consistent with article three of the family court act except  
8 a student who qualifies for juvenile offender status under subdivision  
9 forty-two of section 1.20 of the criminal procedure law; and provided,  
10 further that commencing on January first, two thousand twenty, a super-  
11 intendent shall refer the pupil under the age of eighteen who has been  
12 determined to have brought a weapon or firearm to school in violation of  
13 this subdivision to a presentment agency for a juvenile delinquency  
14 proceeding consistent with article three of the family court act except  
15 a student who qualifies for juvenile offender status under subdivision  
16 forty-two of section 1.20 of the criminal procedure law. A superinten-  
17 dent shall refer any pupil sixteen years of age or older or a student  
18 fourteen or fifteen years of age who qualifies for juvenile offender  
19 status under subdivision forty-two of section 1.20 of the criminal  
20 procedure law, who has been determined to have brought a weapon or  
21 firearm to school in violation of this subdivision to the appropriate  
22 law enforcement officials.

23 § 11. Paragraph d of subdivision 3 of section 3214 of the education  
24 law, as amended by chapter 181 of the laws of 2000, is amended to read  
25 as follows:

26 d. Consistent with the federal gun-free schools act of nineteen  
27 hundred ninety-four, any public school pupil who is determined under  
28 this subdivision to have brought a weapon to school shall be suspended

1 for a period of not less than one calendar year and any nonpublic school  
2 pupil participating in a program operated by a public school district  
3 using funds from the elementary and secondary education act of nineteen  
4 hundred sixty-five who is determined under this subdivision to have  
5 brought a weapon to a public school or other premises used by the school  
6 district to provide such programs shall be suspended for a period of not  
7 less than one calendar year from participation in such program. The  
8 procedures of this subdivision shall apply to such a suspension of a  
9 nonpublic school pupil. A superintendent of schools, district super-  
10 intendent of schools or community superintendent shall have the authori-  
11 ty to modify this suspension requirement for each student on a case-by-  
12 case basis. The determination of a superintendent shall be subject to  
13 review by the board of education pursuant to paragraph c of this subdi-  
14 vision and the commissioner pursuant to section three hundred ten of  
15 this chapter. Nothing in this subdivision shall be deemed to authorize  
16 the suspension of a student with a disability in violation of the indi-  
17 viduals with disabilities education act or article eighty-nine of this  
18 chapter. A superintendent shall refer the pupil under the age of sixteen  
19 who has been determined to have brought a weapon to school in violation  
20 of this subdivision to a presentment agency for a juvenile delinquency  
21 proceeding consistent with article three of the family court act except  
22 a student fourteen or fifteen years of age who qualifies for juvenile  
23 offender status under subdivision forty-two of section 1.20 of the crim-  
24 inal procedure law; provided, however that commencing on January first,  
25 two thousand nineteen a superintendent shall refer the pupil under the  
26 age of seventeen who has been determined to have brought a weapon or  
27 firearm to school in violation of this subdivision to a presentment  
28 agency for a juvenile delinquency proceeding consistent with article

1 three of the family court act except a student who qualifies for juve-  
2 nile offender status under subdivision forty-two of section 1.20 of the  
3 criminal procedure law; and provided further that commencing on January  
4 first, two thousand twenty, a superintendent shall refer the pupil under  
5 the age of eighteen who has been determined to have brought a weapon or  
6 firearm to school in violation of this subdivision to a presentment  
7 agency for a juvenile delinquency proceeding consistent with article  
8 three of the family court act except a student who qualifies for juve-  
9 nile offender status under subdivision forty-two of section 1.20 of the  
10 criminal procedure law. A superintendent shall refer any pupil sixteen  
11 years of age or older or a student fourteen or fifteen years of age who  
12 qualifies for juvenile offender status under subdivision forty-two of  
13 section 1.20 of the criminal procedure law, who has been determined to  
14 have brought a weapon to school in violation of this subdivision to the  
15 appropriate law enforcement officials.

16 § 12. Section 4 of chapter 425 of the laws of 2002, amending the  
17 education law relating to the provision of supplemental educational  
18 services, attendance at a safe public school and the suspension of  
19 pupils who bring a firearm to or possess a firearm at a school, as  
20 amended by section 35 of part A of chapter 54 of the laws of 2016, is  
21 amended to read as follows:

22 § 4. This act shall take effect July 1, 2002 and shall expire and be  
23 deemed repealed June 30, [2017] 2018.

24 § 13. Section 5 of chapter 101 of the laws of 2003, amending the  
25 education law relating to the implementation of the No Child Left Behind  
26 Act of 2001, as amended by section 36 of part A of chapter 54 of the  
27 laws of 2016, is amended to read as follows:

1     § 5. This act shall take effect immediately; provided that sections  
2 one, two and three of this act shall expire and be deemed repealed on  
3 June 30, [2017] 2018.

4     § 14. Paragraph o of subdivision 1 of section 3602 of the education  
5 law, as amended by section 15 of part A of chapter 54 of the laws of  
6 2016, is amended to read as follows:

7     o. "English language learner count" shall mean the number of pupils  
8 served in the base year in programs for pupils [with limited English  
9 proficiency] who are English language learners approved by the commis-  
10 sioner pursuant to the provisions of this chapter and in accordance with  
11 regulations adopted for such purpose.

12     § 15. The commissioner of education shall include direct certification  
13 data, for the three most recently available school years, as referenced  
14 in the report submitted by such commissioner pursuant to section 46 of  
15 part A of chapter 54 of the laws of 2016 in the updated electronic data  
16 files prepared pursuant to paragraph b of subdivision 21 of section 305  
17 of the education law.

18     § 16. Subparagraph (ii) of paragraph q of subdivision 1 of section  
19 3602 of the education law, as amended by section 25 of part A of chapter  
20 58 of the laws of 2011, is amended to read as follows:

21     (ii) "Census count" shall mean the product of the public school  
22 enrollment of the school district on the date enrollment was counted in  
23 accordance with this subdivision for the base year multiplied by (A) for  
24 aid for school years prior to the two thousand seventeen--two thousand  
25 eighteen school year, the quotient of the number of persons aged five to  
26 seventeen within the school district, based on the most recent decennial  
27 census as tabulated by the National Center on Education Statistics, who  
28 were enrolled in public schools and whose families had incomes below the

1 poverty level, divided by the total number of persons aged five to  
2 seventeen within the school district, based on such decennial census,  
3 who were enrolled in public schools, computed to four decimals without  
4 rounding, or (B) for aid for the two thousand seventeen--two thousand  
5 eighteen school year and thereafter, the quotient of (1) the sum of the  
6 number of persons aged five to seventeen within the school district,  
7 based on the small area income and poverty estimates produced by the  
8 United States census bureau, whose families had incomes below the pover-  
9 ty level for the year two years prior to the year in which the base year  
10 began, plus such number for the year three years prior to the year in  
11 which the base year began, plus such number for the year four years  
12 prior to the year in which the base year began, divided by (2) the sum  
13 of the total number of persons aged five to seventeen within the school  
14 district, based on such census bureau estimates, for the year two years  
15 prior to the year in which the base year began, plus such total number  
16 for the year three years prior to the year in which the base year began,  
17 plus such total number for the year four years prior to the year in  
18 which the base year began, computed to four decimals without rounding.

19 § 17. Paragraph g of subdivision 3 of section 3602 of the education  
20 law, as amended by section 13 of part B of chapter 57 of the laws of  
21 2008, is amended to read as follows:

22 g. Computation of the state sharing ratio. The state sharing ratio  
23 shall be the higher of:

24 (1) a value computed by subtracting from one and thirty-seven  
25 hundredths the product obtained by multiplying the combined wealth ratio  
26 by one and twenty-three hundredths; or

27 (2) a value computed by subtracting from one the product obtained by  
28 multiplying the combined wealth ratio by sixty-four hundredths; or

1 (3) a value computed by subtracting from eighty hundredths the product  
2 obtained by multiplying the combined wealth ratio by thirty-nine  
3 hundredths; or

4 (4) a value computed by subtracting from fifty-one hundredths the  
5 product obtained by multiplying the combined wealth ratio by twenty-two  
6 hundredths, provided, however, that for the purpose of computing the  
7 state sharing ratio for total foundation aid, the tier four value shall  
8 not be computed [by subtracting from fifty-one hundredths the product  
9 obtained by multiplying the combined wealth ratio by one hundred seven-  
10 ty-three thousandths] and such values shall be computed using the  
11 combined wealth ratio for total foundation aid in place of the combined  
12 wealth ratio, and, for high need school districts, as determined pursu-  
13 ant to clause (c) of subparagraph two of paragraph c of subdivision six  
14 of this section for the school aid computer listing produced by the  
15 commissioner in support of the enacted budget for the two thousand  
16 seven--two thousand eight school year and entitled "SA0708", such values  
17 shall be multiplied by one hundred five percent.

18 Such result shall be expressed as a decimal carried to three places  
19 without rounding, but shall not be greater than ninety hundredths nor  
20 less than zero.

21 § 18. Subdivision 1 of section 3602 of the education law is amended by  
22 adding a new paragraph hh to read as follows:

23 hh. Operating amount per pupil. The operating amount per pupil shall  
24 equal the remainder when the expected minimum local contribution is  
25 subtracted from the product of the adjusted cost amount, the regional  
26 cost index, and the pupil need index.

27 (i) The adjusted cost amount shall reflect the average per pupil cost  
28 of general education instruction in successful school districts, as



determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the adjusted cost amount shall be adjusted annually to reflect the percentage increase in the consumer price index.

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

Labor Force Region Index

Capital District 1.124

Southern Tier 1.045

Western New York 1.091

Hudson Valley 1.314

Long Island/NYC 1.425

Finger Lakes 1.141

Central New York 1.103

Mohawk Valley 1.000

North Country 1.000

(iii) The pupil need index shall equal the sum of one plus the extraordinary needs percent, provided, however, that the pupil need index shall not be less than one nor more than two. The extraordinary needs percent shall be calculated pursuant to paragraph w of subdivision one of this section.

(iv) The expected minimum local contribution shall equal the lesser of (1) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied

1 by (B) the product of the local tax factor, multiplied by the income  
2 wealth index, or (2) the product of (A) the product of the adjusted cost  
3 amount, the regional cost index, and the pupil need index, multiplied by  
4 (B) the positive difference, if any, of one minus the state sharing  
5 ratio for total foundation aid. The local tax factor shall be estab-  
6 lished by May first of each year by determining the product, computed to  
7 four decimal places without rounding, of ninety percent multiplied by  
8 the quotient of the sum of the statewide average tax rate as computed by  
9 the commissioner for the current year in accordance with the provisions  
10 of paragraph e of this subdivision plus the statewide average tax rate  
11 computed by the commissioner for the base year in accordance with such  
12 provisions plus the statewide average tax rate computed by the commis-  
13 sioner for the year prior to the base year in accordance with such  
14 provisions, divided by three. The income wealth index shall be calcu-  
15 lated pursuant to paragraph d of subdivision three of this section,  
16 provided, however, that for the purposes of computing the expected mini-  
17 mum local contribution the income wealth index shall not be less than  
18 zero nor more than two hundred percent (2.0). The selected actual valu-  
19 ation shall be calculated pursuant to paragraph c of this subdivision.  
20 Total wealth foundation pupil units shall be calculated pursuant to  
21 paragraph h of subdivision two of this section.

22 § 19. Paragraph a of subdivision 9 of section 3602 of the education  
23 law, as amended by section 9 of part A of chapter 57 of the laws of  
24 2013, is amended to read as follows:

25 a. For aid payable in the two thousand seven--two thousand eight  
26 school year and thereafter, school districts which provided any half-day  
27 kindergarten programs or had no kindergarten programs in the nineteen  
28 hundred ninety-six--ninety-seven school year and in the base year, and

1 which have not received an apportionment pursuant to this paragraph in  
2 any prior school year, shall be eligible for aid equal to the product of  
3 the district's [selected foundation aid calculated pursuant to subdivi-  
4 sion four] operating amount per pupil pursuant to paragraph hh of subdi-  
5 vision one of this section multiplied by the positive difference result-  
6 ing when the full day kindergarten enrollment of children attending  
7 programs in the district in the base year is subtracted from such  
8 enrollment in the current year.

9 § 20. Paragraph c of subdivision 15 of section 3602 of the education  
10 law, as amended by section 16 of part B of chapter 57 of the laws of  
11 2007, is amended to read as follows:

12 c. In addition to any other aid computed under this section, such  
13 school district shall be eligible to receive, for each excess transfer  
14 pupil, an amount equal to the [selected foundation aid for such district  
15 computed pursuant to subdivision four] operating amount per pupil pursu-  
16 ant to paragraph hh of subdivision one of this section.

17 § 21. Subdivision 4 of section 3602 of the education law, as amended  
18 by section 5-a of part A of chapter 56 of the laws of 2015, the opening  
19 paragraph, subparagraph 1 of paragraph a, clause (ii) of subparagraph 2  
20 of paragraph b and paragraph d as amended and paragraph b-2 as amended  
21 by section 7 of part A of chapter 54 of the laws of 2016, paragraph e as  
22 added by section 8 of part A of chapter 54 of the laws of 2016, is  
23 amended to read as follows:

24 4. Total foundation aid. [In addition to any other apportionment  
25 pursuant to this chapter, a school district, other than a special act  
26 school district as defined in subdivision eight of section four thousand  
27 one of this chapter, shall be eligible for total foundation aid equal to  
28 the product of total aidable foundation pupil units multiplied by the

1 district's selected foundation aid, which shall be the greater of five  
2 hundred dollars (\$500) or foundation formula aid, provided, however that  
3 for the two thousand seven--two thousand eight through two thousand  
4 eight--two thousand nine school years, no school district shall receive  
5 total foundation aid in excess of the sum of the total foundation aid  
6 base for aid payable in the two thousand seven--two thousand eight  
7 school year computed pursuant to subparagraph (i) of paragraph j of  
8 subdivision one of this section, plus the phase-in foundation increase  
9 computed pursuant to paragraph b of this subdivision, and provided  
10 further that for the two thousand twelve--two thousand thirteen school  
11 year, no school district shall receive total foundation aid in excess of  
12 the sum of the total foundation aid base for aid payable in the two  
13 thousand eleven--two thousand twelve school year computed pursuant to  
14 subparagraph (ii) of paragraph j of subdivision one of this section,  
15 plus the phase-in foundation increase computed pursuant to paragraph b  
16 of this subdivision, and provided further that for the two thousand  
17 thirteen--two thousand fourteen school year and thereafter, no school  
18 district shall receive total foundation aid in excess of the sum of the  
19 total foundation aid base computed pursuant to subparagraph (ii) of  
20 paragraph j of subdivision one of this section, plus the phase-in foun-  
21 dation increase computed pursuant to paragraph b of this subdivision,  
22 and provided further that for the two thousand sixteen--two thousand  
23 seventeen school year, no eligible school districts shall receive total  
24 foundation aid in excess of the sum of the total foundation aid base  
25 computed pursuant to subparagraph (ii) of paragraph j of subdivision one  
26 of this section plus the sum of (A) the phase-in foundation increase,  
27 (B) the executive foundation increase with a minimum increase pursuant  
28 to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMU-

1 NITY SCHOOLS AID" in the computer listing produced by the commissioner  
2 in support of the executive budget request for the two thousand  
3 sixteen--two thousand seventeen school year and entitled "BT161-7",  
4 where (1) "eligible school district" shall be defined as a district with  
5 (a) an unrestricted aid increase of less than seven percent (0.07) and  
6 (b) a three year average free and reduced price lunch percent greater  
7 than fifteen percent (0.15), and (2) "unrestricted aid increase" shall  
8 mean the quotient arrived at when dividing (a) the sum of the executive  
9 foundation aid increase plus the gap elimination adjustment for the base  
10 year, by (b) the difference of foundation aid for the base year less the  
11 gap elimination adjustment for the base year, and (3) "executive founda-  
12 tion increase" shall mean the difference of (a) the amounts set forth  
13 for each school district as "FOUNDATION AID" under the heading "2016-17  
14 ESTIMATED AIDS" in the school aid computer listing produced by the  
15 commissioner in support of the executive budget request for the two  
16 thousand sixteen--two thousand seventeen school year and entitled  
17 "BT161-7" less (b) the amounts set forth for each school district as  
18 "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such  
19 computer listing and provided further that total foundation aid shall  
20 not be less than the product of the total foundation aid base computed  
21 pursuant to paragraph j of subdivision one of this section and the due-  
22 minimum percent which shall be, for the two thousand twelve--two thou-  
23 sand thirteen school year, one hundred and six-tenths percent (1.006)  
24 and for the two thousand thirteen--two thousand fourteen school year for  
25 city school districts of those cities having populations in excess of  
26 one hundred twenty-five thousand and less than one million inhabitants  
27 one hundred and one and one hundred and seventy-six thousandths percent  
28 (1.01176), and for all other districts one hundred and three-tenths

1 percent (1.003), and for the two thousand fourteen--two thousand fifteen  
2 school year one hundred and eighty-five hundredths percent (1.0085), and  
3 for the two thousand fifteen--two thousand sixteen school year, one  
4 hundred thirty-seven hundredths percent (1.0037), subject to allocation  
5 pursuant to the provisions of subdivision eighteen of this section and  
6 any provisions of a chapter of the laws of New York as described there-  
7 in, nor more than the product of such total foundation aid base and one  
8 hundred fifteen percent, provided, however, that for the two thousand  
9 sixteen--two thousand seventeen school year such maximum shall be no  
10 more than the sum of (i) the product of such total foundation aid base  
11 and one hundred fifteen percent plus (ii) the executive foundation  
12 increase and plus (iii) "COMMUNITY SCHOOLS AID" in the computer listing  
13 produced by the commissioner in support of the executive budget request  
14 for the two thousand sixteen--two thousand seventeen school year and  
15 entitled "BT161-7" and provided further that for the two thousand nine-  
16 -two thousand ten through two thousand eleven--two thousand twelve  
17 school years, each school district shall receive total foundation aid in  
18 an amount equal to the amount apportioned to such school district for  
19 the two thousand eight--two thousand nine school year pursuant to this  
20 subdivision. Total aidable foundation pupil units shall be calculated  
21 pursuant to paragraph g of subdivision two of this section.]

22 a. For the two thousand seventeen--two thousand eighteen school year,  
23 districts shall be eligible for foundation aid equal to the sum of: (1)  
24 the base increase, plus (2) the community schools increase, plus (3) the  
25 foundation aid base, as defined pursuant to paragraph j of subdivision  
26 one of this section. For the two thousand eighteen--two thousand nine-  
27 teen school year and thereafter, districts shall be eligible for founda-

tion aid equal to the amount of foundation aid such district received in the two thousand seventeen--two thousand eighteen school year.

1. The base increase shall be equal to the greater of the foundation aid per pupil increase or the scaled per pupil increase. The base increase shall not exceed the product of fifteen percent multiplied by the foundation aid base and shall not be less than the due minimum increase.

(i) The foundation aid per pupil increase shall be equal to the product of the selected per pupil foundation aid increase as defined herein multiplied by the selected total aidable foundation pupil units computed pursuant to paragraph g of subdivision two of this section.

(A) The selected per pupil foundation aid increase shall be equal to the per pupil foundation increase as defined herein less the selected local share, with a minimum of five hundred dollars (\$500) multiplied by the per pupil foundation increase factor, rounded to two decimals.

(B) The per pupil foundation increase factor for the two thousand seventeen--two thousand eighteen school year shall be equal to one and two hundred twenty-seven thousandths percent (0.01227).

(C) The per pupil foundation increase shall be equal to the product of (i) the product of the adjusted cost amount, the regional cost index as set forth in paragraph hh of subdivision one of this section and the pupil need index computed to two decimals without rounding, multiplied by (ii) the per pupil foundation increase factor.

(D) The selected local share shall be equal to the lesser of (a) the product of the per pupil foundation increase and the value computed by subtracting from one the state sharing ratio for total foundation aid computed pursuant to paragraph g of subdivision three of this section, rounded to two decimals or (b) the product of the quotient arrived at

1 when dividing the selected actual valuation by total wealth foundation  
2 pupil units, multiplied by the product of the income wealth index multi-  
3 plied by the local tax factor multiplied by the per pupil foundation  
4 increase factor, provided, however, that the income wealth index shall  
5 not be less than zero nor exceed two hundred percent (2.0).

6 (ii) The scaled per pupil increase shall be equal to the product of  
7 one hundred ninety-five dollars (\$195) multiplied by the scaled per  
8 pupil ratio, multiplied by the base year public school district enroll-  
9 ment as computed pursuant to subparagraph two of paragraph n of subdivi-  
10 sion one of this section. The scaled per pupil ratio shall be the value  
11 computed by subtracting from two the product of two and fifteen  
12 hundredths (2.15) multiplied by the combined wealth ratio for total  
13 foundation aid, defined pursuant to subparagraph two of paragraph c of  
14 subdivision three of this section, computed to three decimal places  
15 without rounding. The scaled per pupil ratio shall not exceed nine-  
16 tenths (0.9) or be less than zero.

17 (iii) The due minimum increase shall be equal to the product of the  
18 foundation aid base and the due minimum percent. For the two thousand  
19 seventeen--two thousand eighteen school year, the due minimum percent  
20 shall equal: (a) for a city school district of a city having a popu-  
21 lation of one million or more, two and ninety-three hundredths percent  
22 (0.0293); (b) for a city school district of a city having a population in  
23 excess of one hundred twenty-five thousand and less than one million  
24 inhabitants, two and one-hundred and sixty-five thousandths percent  
25 (0.02165), and (c) for all other public school districts, other than a  
26 special act school district as defined in subdivision eight of section  
27 four thousand one of this chapter, eligible for foundation aid, one  
28 percent (0.01).



1     2. The community schools increase shall be, for all eligible school  
2 districts, equal to the product of the scaled per pupil amount multi-  
3 plied by the base year public school district enrollment as computed  
4 pursuant to subparagraph two of paragraph n of subdivision one of this  
5 section, but shall not be less than one-hundred and fifty thousand  
6 dollars (\$150,000).

7     (i) (A) A school district shall be eligible for the community schools  
8 increase if (1) the school district contains at least one school desig-  
9 nated as failing or persistently failing by the commissioner pursuant to  
10 paragraphs (a) or (b) of subdivision one of section two hundred eleven-f  
11 of this chapter as of January first, two thousand seventeen or (2) the  
12 school district has both a combined wealth ratio for total foundation  
13 aid less than one and two-tenths (1.2) and has a qualifying English  
14 language learner population level.

15     (B) For purposes of this subdivision, a qualifying English language  
16 learner population level shall mean those school districts where (1) the  
17 quotient arrived at when dividing the English language learner count by  
18 the base year public school district enrollment as computed pursuant to  
19 subparagraph two of paragraph n of subdivision one of this section  
20 exceeds five percent (0.05) and (2) the positive difference, if any, of  
21 the English language learner count less the amount equal to "2011-12  
22 ENGLISH LANGUAGE LEARNERS" in the computer listing produced by the  
23 commissioner in support of the executive budget request for the two  
24 thousand seventeen--two thousand eighteen school year entitled "BT171-8"  
25 is greater than both (a) one hundred pupils and (b) the product of one-  
26 tenth (0.10) multiplied by the amount equal to "2011-12 ENGLISH LANGUAGE  
27 LEARNERS" in the computer listing produced by the commissioner in

1 support of the executive budget request for the two thousand seventeen-  
2 -two thousand eighteen school year and entitled "BT171-8".

3 (ii) The community schools scaled per pupil amount shall be equal to  
4 the product of eighty-eight dollars and three cents (\$88.03) multiplied  
5 by the difference of subtracting from one the product of the combined  
6 wealth ratio for total foundation aid multiplied by sixty-four  
7 hundredths (0.64), provided that such product shall not exceed nine-  
8 tenths (0.9) or be less than zero.

9 b. For the purposes of calculating aid pursuant to this subdivision,  
10 aid for the city school district of the city of New York shall be calcu-  
11 lated on a citywide basis.

12 [a. Foundation formula aid. Foundation formula aid shall equal the  
13 remainder when the expected minimum local contribution is subtracted  
14 from the product of the foundation amount, the regional cost index, and  
15 the pupil need index, or: (foundation amount x regional cost index x  
16 pupil need index) - expected minimum local contribution.

17 (1) The foundation amount shall reflect the average per pupil cost of  
18 general education instruction in successful school districts, as deter-  
19 mined by a statistical analysis of the costs of special education and  
20 general education in successful school districts, provided that the  
21 foundation amount shall be adjusted annually to reflect the percentage  
22 increase in the consumer price index as computed pursuant to section two  
23 thousand twenty-two of this chapter, provided that for the two thousand  
24 eight--two thousand nine school year, for the purpose of such adjust-  
25 ment, the percentage increase in the consumer price index shall be  
26 deemed to be two and nine-tenths percent (0.029), and provided further  
27 that the foundation amount for the two thousand seven--two thousand  
28 eight school year shall be five thousand two hundred fifty-eight

1 dollars, and provided further that for the two thousand seven--two thou-  
2 sand eight through two thousand sixteen--two thousand seventeen school  
3 years, the foundation amount shall be further adjusted by the phase-in  
4 foundation percent established pursuant to paragraph b of this subdivi-  
5 sion.

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

12	Labor Force Region	Index
13	Capital District	1.124
14	Southern Tier	1.045
15	Western New York	1.091
16	Hudson Valley	1.314
17	Long Island/NYC	1.425
18	Finger Lakes	1.141
19	Central New York	1.103
20	Mohawk Valley	1.000
21	North Country	1.000

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

27 (4) The expected minimum local contribution shall equal the lesser of  
28 (i) the product of (A) the quotient arrived at when the selected actual

1 valuation is divided by total wealth foundation pupil units, multiplied  
2 by (B) the product of the local tax factor, multiplied by the income  
3 wealth index, or (ii) the product of (A) the product of the foundation  
4 amount, the regional cost index, and the pupil need index, multiplied by  
5 (B) the positive difference, if any, of one minus the state sharing  
6 ratio for total foundation aid. The local tax factor shall be estab-  
7 lished by May first of each year by determining the product, computed to  
8 four decimal places without rounding, of ninety percent multiplied by  
9 the quotient of the sum of the statewide average tax rate as computed by  
10 the commissioner for the current year in accordance with the provisions  
11 of paragraph e of subdivision one of section thirty-six hundred nine-e  
12 of this part plus the statewide average tax rate computed by the commis-  
13 sioner for the base year in accordance with such provisions plus the  
14 statewide average tax rate computed by the commissioner for the year  
15 prior to the base year in accordance with such provisions, divided by  
16 three, provided however that for the two thousand seven--two thousand  
17 eight school year, such local tax factor shall be sixteen thousandths  
18 (0.016), and provided further that for the two thousand eight--two thou-  
19 sand nine school year, such local tax factor shall be one hundred  
20 fifty-four ten thousandths (0.0154). The income wealth index shall be  
21 calculated pursuant to paragraph d of subdivision three of this section,  
22 provided, however, that for the purposes of computing the expected mini-  
23 mum local contribution the income wealth index shall not be less than  
24 sixty-five percent (0.65) and shall not be more than two hundred percent  
25 (2.0) and provided however that such income wealth index shall not be  
26 more than ninety-five percent (0.95) for the two thousand eight--two  
27 thousand nine school year, and provided further that such income wealth  
28 index shall not be less than zero for the two thousand thirteen--two

1 thousand fourteen school year. The selected actual valuation shall be  
2 calculated pursuant to paragraph c of subdivision one of this section.  
3 Total wealth foundation pupil units shall be calculated pursuant to  
4 paragraph h of subdivision two of this section.

5 b. Phase-in foundation increase. (1) The phase-in foundation increase  
6 shall equal the product of the phase-in foundation increase factor  
7 multiplied by the positive difference, if any, of (i) the product of the  
8 total aidable foundation pupil units multiplied by the district's  
9 selected foundation aid less (ii) the total foundation aid base computed  
10 pursuant to paragraph j of subdivision one of this section.

11 (2) (i) Phase-in foundation percent. The phase-in foundation percent  
12 shall equal one hundred thirteen and fourteen one hundredths percent  
13 (1.1314) for the two thousand eleven--two thousand twelve school year,  
14 one hundred ten and thirty-eight hundredths percent (1.1038) for the two  
15 thousand twelve--two thousand thirteen school year, one hundred seven  
16 and sixty-eight hundredths percent (1.0768) for the two thousand thir-  
17 teen--two thousand fourteen school year, one hundred five and six  
18 hundredths percent (1.0506) for the two thousand fourteen--two thousand  
19 fifteen school year, and one hundred two and five tenths percent  
20 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

21 (ii) Phase-in foundation increase factor. For the two thousand  
22 eleven--two thousand twelve school year, the phase-in foundation  
23 increase factor shall equal thirty-seven and one-half percent (0.375)  
24 and the phase-in due minimum percent shall equal nineteen and forty-one  
25 hundredths percent (0.1941), for the two thousand twelve--two thousand  
26 thirteen school year the phase-in foundation increase factor shall equal  
27 one and seven-tenths percent (0.017), for the two thousand thirteen--two  
28 thousand fourteen school year the phase-in foundation increase factor

1 shall equal (1) for a city school district in a city having a population  
2 of one million or more, five and twenty-three hundredths percent  
3 (0.0523) or (2) for all other school districts zero percent, for the two  
4 thousand fourteen--two thousand fifteen school year the phase-in founda-  
5 tion increase factor shall equal (1) for a city school district of a  
6 city having a population of one million or more, four and thirty-two  
7 hundredths percent (0.0432) or (2) for a school district other than a  
8 city school district having a population of one million or more for  
9 which (A) the quotient of the positive difference of the foundation  
10 formula aid minus the foundation aid base computed pursuant to paragraph  
11 j of subdivision one of this section divided by the foundation formula  
12 aid is greater than twenty-two percent (0.22) and (B) a combined wealth  
13 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or  
14 (3) for all other school districts, four and thirty-one hundredths  
15 percent (0.0431), and for the two thousand fifteen--two thousand sixteen  
16 school year the phase-in foundation increase factor shall equal: (1) for  
17 a city school district of a city having a population of one million or  
18 more, thirteen and two hundred seventy-four thousandths percent  
19 (0.13274); or (2) for districts where the quotient arrived at when  
20 dividing (A) the product of the total aidable foundation pupil units  
21 multiplied by the district's selected foundation aid less the total  
22 foundation aid base computed pursuant to paragraph j of subdivision one  
23 of this section divided by (B) the product of the total aidable founda-  
24 tion pupil units multiplied by the district's selected foundation aid is  
25 greater than nineteen percent (0.19), and where the district's combined  
26 wealth ratio is less than thirty-three hundredths (0.33), seven and  
27 seventy-five hundredths percent (0.0775); or (3) for any other district  
28 designated as high need pursuant to clause (c) of subparagraph two of

1 paragraph c of subdivision six of this section for the school aid  
2 computer listing produced by the commissioner in support of the enacted  
3 budget for the two thousand seven--two thousand eight school year and  
4 entitled "SA0708", four percent (0.04); or (4) for a city school  
5 district in a city having a population of one hundred twenty-five thou-  
6 sand or more but less than one million, fourteen percent (0.14); or (5)  
7 for school districts that were designated as small city school districts  
8 or central school districts whose boundaries include a portion of a  
9 small city for the school aid computer listing produced by the commis-  
10 sioner in support of the enacted budget for the two thousand fourteen--  
11 two thousand fifteen school year and entitled "SA1415", four and seven  
12 hundred fifty-one thousandths percent (0.04751); or (6) for all other  
13 districts one percent (0.01), and for the two thousand sixteen--two  
14 thousand seventeen school year shall equal for an eligible school  
15 district the greater of: (1) for a city school district in a city with a  
16 population of one million or more, seven and seven hundred eighty four  
17 thousandths percent (0.07784); or (2) for a city school district in a  
18 city with a population of more than two hundred fifty thousand but less  
19 than one million as of the most recent federal decennial census, seven  
20 and three hundredths percent (0.0703); or (3) for a city school district  
21 in a city with a population of more than two hundred thousand but less  
22 than two hundred fifty thousand as of the most recent federal decennial  
23 census, six and seventy-two hundredths percent (0.0672); or (4) for a  
24 city school district in a city with a population of more than one  
25 hundred fifty thousand but less than two hundred thousand as of the most  
26 recent federal decennial census, six and seventy-four hundredths percent  
27 (0.0674); or (5) for a city school district in a city with a population  
28 of more than one hundred twenty-five thousand but less than one hundred

1 fifty thousand as of the most recent federal decennial census, nine and  
2 fifty-five hundredths percent (0.0955); or (6) for school districts that  
3 were designated as small city school districts or central school  
4 districts whose boundaries include a portion of a small city for the  
5 school aid computer listing produced by the commissioner in support of  
6 the enacted budget for the two thousand fourteen--two thousand fifteen  
7 school year and entitled "SA141-5" with a combined wealth ratio less  
8 than one and four tenths (1.4), nine percent (0.09), provided, however,  
9 that for such districts that are also districts designated as high need  
10 urban-suburban pursuant to clause (c) of subparagraph two of paragraph c  
11 of subdivision six of this section for the school aid computer listing  
12 produced by the commissioner in support of the enacted budget for the  
13 two thousand seven--two thousand eight school year and entitled  
14 "SA0708", nine and seven hundred and nineteen thousandths percent  
15 (0.09719); or (7) for school districts designated as high need rural  
16 pursuant to clause (c) of subparagraph two of paragraph c of subdivision  
17 six of this section for the school aid computer listing produced by the  
18 commissioner in support of the enacted budget for the two thousand  
19 seven--two thousand eight school year and entitled "SA0708", thirteen  
20 and six tenths percent (0.136); or (8) for school districts designated  
21 as high need urban-suburban pursuant to clause (c) of subparagraph two  
22 of paragraph c of subdivision six of this section for the school aid  
23 computer listing produced by the commissioner in support of the enacted  
24 budget for the two thousand seven--two thousand eight school year and  
25 entitled "SA0708", seven hundred nineteen thousandths percent (0.00719);  
26 or (9) for all other eligible school districts, forty-seven hundredths  
27 percent (0.0047) and for the two thousand 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. Due minimum for the two thousand sixteen--two thousand seventeen  
13 school year. Notwithstanding any other provision of law to the contrary,  
14 for the two thousand sixteen--two thousand seventeen school year the  
15 total foundation aid shall not be less than the sum of the total founda-  
16 tion aid base computed pursuant to paragraph j of subdivision one of  
17 this section plus the due minimum for the two thousand sixteen--two  
18 thousand seventeen school year, where such due minimum shall equal the  
19 difference of (1) the product of (A) two percent (0.02) multiplied by  
20 (B) the difference of total foundation aid for the base year less the  
21 gap elimination adjustment for the base year, less (2) the sum of (A)  
22 the difference of the amounts set forth for each school district as  
23 "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the  
24 school aid computer listing produced by the commissioner in support of  
25 the executive budget request for the two thousand sixteen--two thousand  
26 seventeen school year and entitled "BT161-7" less the amounts set forth  
27 for each school district as "FOUNDATION AID" under the heading "2015-16

1 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination  
2 adjustment for the base year.]

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

20 d. For the two thousand fourteen--two thousand fifteen through two  
21 thousand [sixteen] seventeen--two thousand [seventeen] eighteen school  
22 years a city school district of a city having a population of one  
23 million or more may use amounts apportioned pursuant to this subdivision  
24 for afterschool programs.

25 e. Community schools aid set-aside. Each school district shall set  
26 aside from its total foundation aid computed for the current year pursu-  
27 ant to this subdivision an amount equal to [the following amount, if  
28 any, for such district and] the sum of (i) the amount, if any, set forth

1 for such district as "COMMUNITY SCHL AID (BT1617)" in the data file  
2 produced by the commissioner in support of the enacted budget for the  
3 two thousand sixteen--two thousand seventeen school year and entitled  
4 "SA161-7" and (ii) the amount, if any, set forth for such district as  
5 "COMMUNITY SCHL INCR" in the data file produced by the commissioner in  
6 support of the executive budget request for the two thousand seventeen-  
7 -two thousand eighteen school year and entitled "BT171-8". Each school  
8 district shall use [the] such "COMMUNITY SCHL AID (BT1617)" amount [so  
9 set aside] to support the transformation of school buildings into commu-  
10 nity hubs to deliver co-located or school-linked academic, health,  
11 mental health, nutrition, counseling, legal and/or other services to  
12 students and their families, including but not limited to providing a  
13 community school site coordinator, or to support other costs incurred to  
14 maximize students' academic achievement[:]. Each school district shall  
15 use such "COMMUNITY SCHL INCR" amount to support the transformation of  
16 school buildings into community hubs to deliver co-located or school  
17 linked academic, health, mental health, nutrition, counseling, legal  
18 and/or other services to students and their families, including but not  
19 limited to providing a community school site coordinator and programs  
20 for English language learners.

21 [Addison	\$132,624
22 Adirondack	\$98,303
23 Afton	\$62,527
24 Albany	\$2,696,127
25 Albion	\$171,687
26 Altmar-Parish-Williamstown	\$154,393
27 Amityville	\$140,803
28 Amsterdam	\$365,464

1	Andover	\$41,343
2	Auburn	\$211,759
3	Ausable Valley	\$82,258
4	Avoca	\$40,506
5	Batavia	\$116,085
6	Bath	\$139,788
7	Beacon	\$87,748
8	Beaver River	\$67,970
9	Beekmantown	\$98,308
10	Belfast	\$44,520
11	Belleville Henderson	\$21,795
12	Binghamton	\$477,949
13	Bolivar-Richburg	\$102,276
14	Bradford	\$28,058
15	Brasher Falls	\$146,944
16	Brentwood	\$2,089,437
17	Bridgewater-West Winfield (Mt. Markham)	\$101,498
18	Brocton	\$63,939
19	Brookfield	\$24,973
20	Brushton-Moira	\$102,613
21	Buffalo	\$12,524,617
22	Camden	\$243,929
23	Campbell-Savona	\$81,862
24	Canajoharie	\$78,428
25	Canaseraga	\$24,622
26	Candor	\$69,400
27	Canisteo-Greenwood	\$105,783
28	Carthage	\$273,578

1	Cassadaga Valley	\$99,547
2	Catskill	\$69,599
3	Cattaraugus-Little Valley	\$89,771
4	Central Islip	\$650,359
5	Central Valley	\$154,059
6	Charlotte Valley	\$27,925
7	Chateaugay	\$43,580
8	Cheektowaga-Sloan	\$68,242
9	Chenango Valley	\$46,359
10	Cherry Valley-Springfield	\$29,704
11	Cincinnatus	\$71,378
12	Clifton-Fine	\$17,837
13	Clyde-Savannah	\$84,797
14	Clymer	\$28,267
15	Cohoes	\$110,625
16	Copenhagen	\$35,037
17	Copiague	\$308,995
18	Cortland	\$147,875
19	Crown Point	\$24,277
20	Cuba-Rushford	\$67,917
21	Dalton-Nunda (Keshequa)	\$65,630
22	Dansville	\$136,766
23	De Ruyter	\$38,793
24	Deposit	\$37,615
25	Dolgeville	\$82,884
26	Downsville	\$10,000
27	Dundee	\$59,404
28	Dunkirk	\$224,658

1	East Ramapo (Spring Valley)	\$360,848
2	Edmeston	\$30,288
3	Edwards-Knox	\$95,261
4	Elizabethtown-Lewis	\$14,844
5	Ellenville	\$128,950
6	Elmira	\$501,348
7	Fallsburg	\$111,523
8	Fillmore	\$84,252
9	Forestville	\$34,773
10	Fort Edward	\$32,403
11	Fort Plain	\$86,187
12	Franklin	\$19,086
13	Franklinville	\$84,503
14	Freeport	\$479,702
15	Friendship	\$51,013
16	Fulton	\$241,424
17	Genesee Valley	\$65,066
18	Geneva	\$146,409
19	Georgetown-South Otselic	\$34,626
20	Gilbertsville-Mount Upton	\$30,930
21	Glens Falls Common	\$10,000
22	Gloversville	\$257,549
23	Gouverneur	\$197,139
24	Gowanda	\$122,173
25	Granville	\$86,044
26	Green Island	\$17,390
27	Greene	\$87,782
28	Hadley-Luzerne	\$37,868

1	Hammond	\$18,750
2	Hancock	\$34,174
3	Hannibal	\$149,286
4	Harpursville	\$89,804
5	Hempstead	\$3,123,056
6	Herkimer	\$64,467
7	Hermon-Dekalb	\$49,211
8	Heuvelton	\$53,905
9	Hinsdale	\$47,128
10	Hornell	\$152,327
11	Hudson	\$86,263
12	Hudson Falls	\$125,709
13	Indian River	\$404,452
14	Jamestown	\$422,610
15	Jasper-Troupsburg	\$65,899
16	Jefferson	\$22,350
17	Johnson	\$179,735
18	Johnstown	\$98,329
19	Kingston	\$241,138
20	Kiryas Joel	\$10,000
21	La Fargeville	\$36,602
22	Lackawanna	\$293,188
23	Lansingburgh	\$170,080
24	Laurens	\$32,110
25	Liberty	\$141,704
26	Lisbon	\$56,498
27	Little Falls	\$76,292
28	Livingston Manor	\$32,996

1	Lowville	\$117,907
2	Lyme	\$15,856
3	Lyons	\$89,298
4	Madison	\$43,805
5	Madrid-Waddington	\$59,412
6	Malone	\$241,483
7	Marathon	\$79,560
8	Margaretville	\$10,000
9	Massena	\$227,985
10	Mcgraw	\$51,558
11	Medina	\$135,337
12	Middleburgh	\$58,936
13	Middletown	\$683,511
14	Milford	\$28,281
15	Monticello	\$185,418
16	Moriah	\$76,592
17	Morris	\$45,012
18	Morristown	\$25,106
19	Morrisville-Eaton	\$62,490
20	Mt Morris	\$58,594
21	Mt Vernon	\$517,463
22	New York City	\$28,491,241
23	Newark	\$137,556
24	Newburgh	\$837,244
25	Newfield	\$60,998
26	Niagara Falls	\$733,330
27	North Rose-Wolcott	\$107,958
28	Northern Adirondack	\$84,115



1	Norwich	\$155,921
2	Norwood-Norfolk	\$116,262
3	Odessa-Montour	\$70,110
4	Ogdensburg	\$126,942
5	Olean	\$129,603
6	Oppenheim-Ephratah-St. Johnsville	\$86,646
7	Otego-Unadilla	\$72,613
8	Oxford Acad & Central Schools	\$80,443
9	Parishville-Hopkinton	\$35,003
10	Peekskill	\$230,795
11	Penn Yan	\$71,001
12	Pine Valley (South Dayton)	\$67,455
13	Plattsburgh	\$75,055
14	Poland	\$37,498
15	Port Chester-Rye	\$241,428
16	Port Jervis	\$189,220
17	Poughkeepsie	\$1,747,582
18	Prattsburgh	\$35,110
19	Pulaski	\$89,146
20	Putnam	\$10,000
21	Randolph	\$88,646
22	Red Creek	\$87,007
23	Remsen	\$32,650
24	Rensselaer	\$74,616
25	Richfield Springs	\$37,071
26	Ripley	\$18,495
27	Rochester	\$7,624,908
28	Rome	\$369,655

1	Romulus	\$22,112
2	Roosevelt	\$353,005
3	Salamanca	\$139,051
4	Salmon River	\$200,831
5	Sandy Creek	\$72,287
6	Schenectady	\$642,884
7	Schenevus	\$29,516
8	Scio	\$47,097
9	Sharon Springs	\$26,994
10	Sherburne-Earlville	\$154,286
11	Sherman	\$45,067
12	Sidney	\$98,699
13	Silver Creek	\$68,538
14	Sodus	\$100,038
15	Solvay	\$85,506
16	South Kortright	\$23,420
17	South Lewis	\$95,627
18	South Seneca	\$49,768
19	Spencer-Van Etten	\$76,108
20	St Regis Falls	\$30,078
21	Stamford	\$20,137
22	Stockbridge Valley	\$38,537
23	Syracuse	\$10,186,478
24	Ticonderoga	\$36,467
25	Tioga	\$99,411
26	Troy	\$277,420
27	Unadilla Valley	\$90,571
28	Uniondale	\$362,887

1	Utica	\$273,267
2	Van Hornesville-Owen D. Young	\$18,604
3	Walton	\$82,541
4	Warrensburg	\$57,996
5	Waterloo	\$123,111
6	Watertown	\$222,343
7	Watervliet	\$94,487
8	Waverly	\$120,319
9	Wayland-Cohocton	\$125,273
10	Wellsville	\$114,359
11	West Canada Valley	\$58,917
12	Westbury	\$403,563
13	Westfield	\$46,542
14	Whitehall	\$46,192
15	Whitesville	\$26,719
16	Whitney Point	\$152,109
17	William Floyd	\$492,842
18	Worcester	\$26,862
19	Wyandanch	\$402,010
20	Yonkers	\$4,286,726
21	Yorkshire-Pioneer	\$210,306]

22     § 22. The closing paragraph of subdivision 5-a of section 3602 of the  
23 education law, as amended by section 2 of part A of chapter 54 of the  
24 laws of 2016, is amended to read as follows:

25     For the two thousand eight--two thousand nine school year, each school  
26 district shall be entitled to an apportionment equal to the product of  
27 fifteen percent and the additional apportionment computed pursuant to  
28 this subdivision for the two thousand seven--two thousand eight school

1 year. For the two thousand nine--two thousand ten through two thousand  
2 [sixteen] seventeen--two thousand [seventeen] eighteen school years,  
3 each school district shall be entitled to an apportionment equal to the  
4 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS  
5 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid  
6 computer listing produced by the commissioner in support of the budget  
7 for the two thousand nine--two thousand ten school year and entitled  
8 "SA0910".

9 § 23. Paragraph b of subdivision 6-c of section 3602 of the education  
10 law, as amended by section 24 of part A of chapter 54 of the laws of  
11 2016, is amended to read as follows:

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

1 included in a district's school safety plan. The commissioner shall  
2 annually prescribe a special cost allowance for metal detectors, and  
3 security cameras, and the approved expenditures shall not exceed such  
4 cost allowance.

5 § 24. Subdivision 12 of section 3602 of the education law is amended  
6 by adding a new undesignated paragraph to read as follows:

7 For the two thousand seventeen--two thousand eighteen school year,  
8 each school district shall be entitled to an apportionment equal to the  
9 amount set forth for such school district as "ACADEMIC ENHANCEMENT"  
10 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer  
11 listing produced by the commissioner in support of the budget for the  
12 two thousand sixteen--two thousand seventeen school year and entitled  
13 "SA161-7", and such apportionment shall be deemed to satisfy the state  
14 obligation to provide an apportionment pursuant to subdivision eight of  
15 section thirty-six hundred forty-one of this article.

16 § 25. The opening paragraph of subdivision 16 of section 3602 of the  
17 education law, as amended by section 4 of part A of chapter 54 of the  
18 laws of 2016, is amended to read as follows:

19 Each school district shall be eligible to receive a high tax aid  
20 apportionment in the two thousand eight--two thousand nine school year,  
21 which shall equal the greater of (i) the sum of the tier 1 high tax aid  
22 apportionment, the tier 2 high tax aid apportionment and the tier 3 high  
23 tax aid apportionment or (ii) the product of the apportionment received  
24 by the school district pursuant to this subdivision in the two thousand  
25 seven--two thousand eight school year, multiplied by the due-minimum  
26 factor, which shall equal, for districts with an alternate pupil wealth  
27 ratio computed pursuant to paragraph b of subdivision three of this  
28 section that is less than two, seventy percent (0.70), and for all other

1 districts, fifty percent (0.50). Each school district shall be eligible  
2 to receive a high tax aid apportionment in the two thousand nine--two  
3 thousand ten through two thousand twelve--two thousand thirteen school  
4 years in the amount set forth for such school district as "HIGH TAX AID"  
5 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer  
6 listing produced by the commissioner in support of the budget for the  
7 two thousand nine--two thousand ten school year and entitled "SA0910".  
8 Each school district shall be eligible to receive a high tax aid appor-  
9 tionment in the two thousand thirteen--two thousand fourteen through  
10 [two thousand sixteen--two thousand seventeen] two thousand seventeen--  
11 two thousand eighteen school years equal to the greater of (1) the  
12 amount set forth for such school district as "HIGH TAX AID" under the  
13 heading "2008-09 BASE YEAR AIDS" in the school aid computer listing  
14 produced by the commissioner in support of the budget for the two thou-  
15 sand nine--two thousand ten school year and entitled "SA0910" or (2) the  
16 amount set forth for such school district as "HIGH TAX AID" under the  
17 heading "2013-14 ESTIMATED AIDS" in the school aid computer listing  
18 produced by the commissioner in support of the executive budget for the  
19 2013-14 fiscal year and entitled "BT131-4".

20 § 26. Subdivision 10 of section 3602-e of the education law, as  
21 amended by section 22 of part B of chapter 57 of the laws of 2008, the  
22 opening paragraph as amended by section 5 of part A of chapter 54 of the  
23 laws of 2016, is amended to read as follows:

24 10. Universal prekindergarten aid. Notwithstanding any provision of  
25 law to the contrary, for aid payable in the two thousand eight--two  
26 thousand nine school year, the grant to each eligible school district  
27 for universal prekindergarten aid shall be computed pursuant to this  
28 subdivision, and for the two thousand nine--two thousand ten and two

1 thousand ten--two thousand eleven school years, each school district  
2 shall be eligible for a maximum grant equal to the amount computed for  
3 such school district for the base year in the electronic data file  
4 produced by the commissioner in support of the two thousand nine--two  
5 thousand ten education, labor and family assistance budget, provided,  
6 however, that in the case of a district implementing programs for the  
7 first time or implementing expansion programs in the two thousand eight-  
8 -two thousand nine school year where such programs operate for a minimum  
9 of ninety days in any one school year as provided in section 151-1.4 of  
10 the regulations of the commissioner, for the two thousand nine--two  
11 thousand ten and two thousand ten--two thousand eleven school years,  
12 such school district shall be eligible for a maximum grant equal to the  
13 amount computed pursuant to paragraph a of subdivision nine of this  
14 section in the two thousand eight--two thousand nine school year, and  
15 for the two thousand eleven--two thousand twelve school year each school  
16 district shall be eligible for a maximum grant equal to the amount set  
17 forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the  
18 heading "2011-12 ESTIMATED AIDS" in the school aid computer listing  
19 produced by the commissioner in support of the enacted budget for the  
20 2011-12 school year and entitled "SA111-2", and for two thousand twelve-  
21 -two thousand thirteen through two thousand sixteen--two thousand seven-  
22 teen school years each school district shall be eligible for a maximum  
23 grant equal to the greater of (i) the amount set forth for such school  
24 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE  
25 YEAR AIDS" in the school aid computer listing produced by the commis-  
26 sioner in support of the enacted budget for the 2011-12 school year and  
27 entitled "SA111-2", or (ii) the amount set forth for such school  
28 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE

1 YEAR AIDS" in the school aid computer listing produced by the commis-  
2 sioner on May fifteenth, two thousand eleven pursuant to paragraph b of  
3 subdivision twenty-one of section three hundred five of this chapter,  
4 and for the two thousand seventeen--two thousand eighteen school year  
5 and thereafter each school district shall be eligible to receive a grant  
6 amount equal to the sum of (i) the amount set forth for such school  
7 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2016-17 ESTI-  
8 MATED AIDS" in the school aid computer listing produced by the commis-  
9 sioner in support of the enacted budget for the 2016-17 school year and  
10 entitled "SA161-7" plus (ii) the amount awarded to such school district  
11 for the priority full-day prekindergarten and expanded half-day prekin-  
12 dergarten grant program for high need students for the two thousand  
13 sixteen--two thousand seventeen school year pursuant to chapter fifty-  
14 three of the laws of two thousand fourteen, and provided further that  
15 the maximum grant shall not exceed the total actual grant expenditures  
16 incurred by the school district in the current school year as approved  
17 by the commissioner.

18 a. Each school district shall be eligible to [receive a grant amount  
19 equal to the sum of (i) its prekindergarten aid base plus (ii) the prod-  
20 uct of its selected aid per prekindergarten pupil multiplied by the  
21 positive difference, if any of the number of aidable prekindergarten  
22 pupils served in the current year, as determined pursuant to regulations  
23 of the commissioner, less the base aidable prekindergarten pupils calcu-  
24 lated pursuant to this subdivision for the two thousand seven--two thou-  
25 sand eight school year, based on data on file for the school aid comput-  
26 er listing produced by the commissioner in support of the enacted budget  
27 for the two thousand seven--two thousand eight school year and entitled  
28 "SA070-8". Provided, however, that in computing an apportionment pursu-



1 ant to this paragraph, for districts where the number of aidable prekin-  
2 dergarten pupils served is less than the number of unserved prekinde-  
3 garten pupils, such grant amount shall be the lesser of such sum  
4 computed pursuant to this paragraph or the maximum allocation computed  
5 pursuant to subdivision nine of this section] serve the sum of (i) full-  
6 day prekindergarten pupils plus (ii) half-day prekindergarten pupils.

7 b. For purposes of paragraph a of this subdivision:

8 (i) "Selected aid per prekindergarten pupil" shall equal the greater  
9 of (A) the product of five-tenths and the school district's [selected  
10 foundation aid] operating amount per pupil pursuant to paragraph hh of  
11 subdivision one of section thirty-six hundred two of this article for  
12 the current year, or (B) [the aid per prekindergarten pupil calculated  
13 pursuant to this subdivision for the two thousand six-two thousand seven  
14 school year, based on data on file for the school aid computer listing  
15 produced by the commissioner in support of the enacted budget for the  
16 two thousand six--two thousand seven school year and entitled "SA060-7";  
17 provided, however, that in the two thousand eight--two thousand nine  
18 school year, a city school district in a city having a population of one  
19 million inhabitants or more shall not be eligible to select aid per  
20 prekindergarten pupil pursuant to clause (A) of this subparagraph] twen-  
21 ty-seven hundred dollars (\$2,700);

22 (ii) ["Base aidable prekindergarten pupils". "Base aidable prekinde-  
23 garten pupils" shall equal the sum of the base aidable prekindergarten  
24 pupils calculated pursuant to this subdivision for the base year, based  
25 on data on file for the school aid computer listing produced by the  
26 commissioner in support of the enacted budget for the base year, plus  
27 the additional aidable prekindergarten pupils calculated pursuant to  
28 this subdivision for the base year, based on data on file for the school

1 aid computer listing produced by the commissioner in support of the  
2 enacted budget for the base year] "Full-day prekindergarten pupils"  
3 shall equal (i) the maximum aidable full-day prekindergarten pupils such  
4 district was eligible to serve for the priority full-day prekindergarten  
5 and expanded half-day prekindergarten grant program for the two thousand  
6 sixteen--two thousand seventeen school year pursuant to chapter fifty-  
7 three of the laws of two thousand fourteen plus (ii) the number of half-  
8 day prekindergarten pupils converted into a full-day prekindergarten  
9 pupil under the priority full-day prekindergarten and expanded half-day  
10 prekindergarten grant program for high need students pursuant to chapter  
11 fifty-three of the laws of two thousand fourteen;

12 (iii) "Half-day prekindergarten pupils shall equal (A) (i) the maximum  
13 aidable universal prekindergarten pupils each district was eligible to  
14 serve in the two thousand sixteen--two thousand seventeen school year  
15 pursuant to this section plus (ii) the maximum aidable half-day prekin-  
16 dergarten pupils such district was eligible to serve for the priority  
17 full-day prekindergarten and expanded half-day prekindergarten grant  
18 program for the two thousand sixteen--two thousand seventeen school year  
19 pursuant to chapter fifty-three of the laws of two thousand fourteen  
20 minus (B) the number of half-day prekindergarten pupils converted into a  
21 full-day prekindergarten pupil under the priority full-day prekindergar-  
22 ten and expanded half-day prekindergarten grant program for high need  
23 students pursuant to chapter fifty-three of the laws of two thousand  
24 fourteen;

25 (iv) "Unserved prekindergarten pupils" shall mean the product of  
26 eighty-five percent multiplied by the positive difference, if any,  
27 between the sum of the public school enrollment and the nonpublic school  
28 enrollment of children attending full day and half day kindergarten

1 programs in the district in the year prior to the base year less the  
2 number of resident children who attain the age of four before December  
3 first of the base year, who were served during such school year by a  
4 prekindergarten program approved pursuant to section forty-four hundred  
5 ten of this chapter, where such services are provided for more than four  
6 hours per day;

7 [(iv) "Additional aidable prekindergarten pupils". For the two thou-  
8 sand seven--two thousand eight through two thousand eight--two thousand  
9 nine school years, "additional aidable prekindergarten pupils" shall  
10 equal the product of (A) the positive difference, if any, of the  
11 unserved prekindergarten pupils less the base aidable prekindergarten  
12 pupils multiplied by (B) the prekindergarten phase-in factor;

13 (v) the "prekindergarten aid base" shall mean the sum of the amounts  
14 the school district received for the two thousand six--two thousand  
15 seven school year for grants awarded pursuant to this section and for  
16 targeted prekindergarten grants;

17 (vi) The "prekindergarten phase-in factor". For the two thousand  
18 eight--two thousand nine school year, the prekindergarten phase-in  
19 factor shall equal the positive difference, if any, of the pupil need  
20 index computed pursuant to subparagraph three of paragraph a of subdivi-  
21 sion four of section thirty-six hundred two of this part less one,  
22 provided, however, that: (A) for any district where (1) the maximum  
23 allocation computed pursuant to subdivision nine of this section for the  
24 base year is greater than zero and (2) the amount allocated pursuant to  
25 this subdivision for the base year, based on data on file for the school  
26 aid computer listing produced by the commissioner on February fifteenth  
27 of the base year, pursuant to paragraph b of subdivision twenty-one of  
28 section three hundred five of this chapter, is greater than the positive

1 difference, if any, of such maximum allocation for the base year less  
2 twenty-seven hundred, the prekindergarten phase-in factor shall not  
3 exceed eighteen percent, and shall not be less than ten percent, and (B)  
4 for any district not subject to the provisions of clause (A) of this  
5 subparagraph where (1) the amount allocated pursuant to this subdivision  
6 for the base year is equal to zero or (2) the amount allocated pursuant  
7 to this section for the base year, based on data on file for the school  
8 aid computer listing produced by the commissioner on February fifteenth  
9 of the base year, pursuant to paragraph b of subdivision twenty-one of  
10 section three hundred five of this chapter, is less than or equal to the  
11 amount allocated pursuant to this section for the year prior to the base  
12 year, based on data on file for the school aid computer listing produced  
13 by the commissioner on February fifteenth of the base year, pursuant to  
14 paragraph b of subdivision twenty-one of section three hundred five of  
15 this chapter, the prekindergarten phase-in factor shall equal zero, and  
16 (C) for any district not subject to the provisions of clause (A) or (B)  
17 of this subparagraph, the prekindergarten phase-in factor shall not  
18 exceed thirteen percent, and shall not be less than seven percent;

19 (vii) "Base year" shall mean the base year as defined pursuant to  
20 subdivision one of section thirty-six hundred two of this part.]

21 c. Notwithstanding any other provision of this section, the total  
22 grant payable pursuant to this section shall equal the lesser of: (i)  
23 the total grant amounts computed pursuant to this subdivision for the  
24 current year, based on data on file with the commissioner as of Septem-  
25 ber first of the school year immediately following or (ii) the total  
26 actual grant expenditures incurred by the school district as approved by  
27 the commissioner.

1 d. Notwithstanding any other provision of this section, apportionments  
2 under this section greater than the amounts provided in the two thousand  
3 sixteen--two thousand seventeen school year shall only be used to  
4 supplement and not supplant current local expenditures of federal, state  
5 or local funds on prekindergarten programs and the number of slots in  
6 such programs from such sources. Current local expenditures shall  
7 include any local expenditures of federal, state or local funds used to  
8 supplement or extend services provided directly or via contract to  
9 eligible children enrolled in a universal prekindergarten program pursu-  
10 ant to this section.

11 § 27. Subdivision 11 of section 3602-e of the education law, as  
12 amended by section 10-b of part A of chapter 57 of the laws of 2012, is  
13 amended to read as follows:

14 11. a. Notwithstanding the provisions of subdivision ten of this  
15 section, where the district serves fewer [children] full-day prekindergarten pupils  
16 during the current year than [the lesser of the children  
17 served in the two thousand ten--two thousand eleven school year or its  
18 base aidable prekindergarten pupils computed for the two thousand  
19 seven--two thousand eight school year] the number of eligible total  
20 full-day prekindergarten pupils set forth for the district in paragraph  
21 b of subdivision ten of this section, the school district shall have its  
22 apportionment reduced [in an amount proportional to such deficiency in  
23 the current year or in the succeeding school year, as determined by the  
24 commissioner, except such reduction shall not apply to school districts  
25 which have fully implemented a universal pre-kindergarten program by  
26 making such program available to all eligible children. Expenses  
27 incurred by the school district in implementing a pre-kindergarten  
28 program plan pursuant to this subdivision shall be deemed ordinary

contingent expenses] by the product of two multiplied by amount of the selected aid per prekindergarten pupil pursuant to paragraph b of subdivision ten of this section multiplied by the difference of eligible total full-day prekindergarten pupils less the number of full-day prekindergarten pupils actually served.

b. Notwithstanding the provisions of subdivision ten of this section, where the district serves fewer half-day prekindergarten pupils during the current year than the number of eligible total half-day prekindergarten pupils set forth for the district in paragraph b of subdivision ten of this section, the school district shall have its apportionment reduced by the amount of the selected aid per prekindergarten pupil pursuant to paragraph b of subdivision ten of this section multiplied by the difference of eligible total half-day prekindergarten pupils less the number of half-day prekindergarten pupils actually served. Provided, however, that in calculating any such reduction in apportionment, the commissioner shall exclude the reduction, if any, in the number of half-day prekindergarten pupils served during the current year occurring due to the conversion of half-day prekindergarten slots into full-day prekindergarten slots using federal or local funds or state funds other than those provided pursuant to this section.

§ 28. Paragraphs b and f of subdivision 12 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, are amended to read as follows:

b. [minimum] curriculum standards [that] consistent with the New York state prekindergarten early learning standards to ensure that such programs have strong instructional content that is integrated with the school district's instructional program in grades kindergarten [though] through twelve;

1 f. time requirements which reflect the needs of the individual school  
2 districts [for flexibility, but meeting a minimum weekly time require-  
3 ment]; provided, however, that a full-day shall be considered a minimum  
4 of five hours per school day, and a half-day shall be a minimum of two  
5 and one-half hours per school day;

6 § 29. Subdivision 14 of section 3602-e of the education law, as  
7 amended by section 19 of part B of chapter 57 of the laws of 2007, is  
8 amended to read as follows:

9 14. On February fifteenth, two thousand, and annually thereafter, the  
10 commissioner and the board of regents shall include in its annual report  
11 to the legislature and the governor, information on school districts  
12 receiving grants under this section; the amount of each grant; a  
13 description of the program that each grant supports and an assessment by  
14 the commissioner of the extent to which the program meets measurable  
15 outcomes required by the grant program or regulations of such commis-  
16 sioner; and any other relevant information, which shall include but not  
17 be limited to the following: (A) (i) the total number of students served  
18 in state-funded district-operated prekindergarten programs, (ii) the  
19 total number of students served in state-funded community-based prekin-  
20 dergarten programs, (iii) the total number of students served in state-  
21 funded half-day prekindergarten programs, and (iv) the total number of  
22 students served in state-funded full-day prekindergarten programs; (B)  
23 (i) the total number of students served in state, federal and locally  
24 funded district-operated prekindergarten programs, (ii) the total number  
25 of students served in state, federal and locally funded community-based  
26 prekindergarten programs, (iii) the total number of students served in  
27 state, federal and locally funded half-day prekindergarten programs, and  
28 (iv) the total number of students served in state, federal and locally

1 funded full-day prekindergarten programs; and (C) the total spending on  
2 prekindergarten programs from state, federal, and local sources. Such  
3 report shall also contain any recommendations to improve or otherwise  
4 change the program.

5 § 30. Section 3602-e of the education law is amended by adding a new  
6 subdivision 17 to read as follows:

7 17. Notwithstanding any inconsistent provision of law, as a condition  
8 of eligibility for receipt of funding pursuant to this section, a  
9 school district shall agree to adopt approved quality indicators within  
10 two years, including, but not limited to, valid and reliable measures of  
11 environmental quality, the quality of teacher-student interactions and  
12 child outcomes, and ensure that any such assessment of child outcomes  
13 shall not be used to make high-stakes educational decisions for individ-  
14 ual children.

15 § 31. Subdivision 16 of section 3602-ee of the education law, as  
16 amended by section 23 of part A of chapter 54 of the laws of 2016, is  
17 amended to read as follows:

18 16. The authority of the department to administer the universal full-  
19 day pre-kindergarten program shall expire June thirtieth, two thousand  
20 [seventeen] eighteen; provided that the program shall continue and  
21 remain in full effect.

22 § 32. Paragraph a of subdivision 5 of section 3604 of the education  
23 law, as amended by chapter 161 of the laws of 2005, is amended to read  
24 as follows:

25 a. State aid adjustments. All errors or omissions in the apportionment  
26 shall be corrected by the commissioner. Whenever a school district has  
27 been apportioned less money than that to which it is entitled, the  
28 commissioner may allot to such district the balance to which it is enti-



1 tled. Whenever a school district has been apportioned more money than  
2 that to which it is entitled, the commissioner may, by an order, direct  
3 such moneys to be paid back to the state to be credited to the general  
4 fund local assistance account for state aid to the schools, or may  
5 deduct such amount from the next apportionment to be made to said  
6 district, provided, however, that, upon notification of excess payments  
7 of aid for which a recovery must be made by the state through deduction  
8 of future aid payments, a school district may request that such excess  
9 payments be recovered by deducting such excess payments from the  
10 payments due to such school district and payable in the month of June in  
11 (i) the school year in which such notification was received and (ii) the  
12 two succeeding school years, provided further that there shall be no  
13 interest penalty assessed against such district or collected by the  
14 state. Such request shall be made to the commissioner in such form as  
15 the commissioner shall prescribe, and shall be based on documentation  
16 that the total amount to be recovered is in excess of one percent of the  
17 district's total general fund expenditures for the preceding school  
18 year. The amount to be deducted in the first year shall be the greater  
19 of (i) the sum of the amount of such excess payments that is recognized  
20 as a liability due to other governments by the district for the preced-  
21 ing school year and the positive remainder of the district's unreserved  
22 fund balance at the close of the preceding school year less the product  
23 of the district's total general fund expenditures for the preceding  
24 school year multiplied by five percent, or (ii) one-third of such excess  
25 payments. The amount to be recovered in the second year shall equal the  
26 lesser of the remaining amount of such excess payments to be recovered  
27 or one-third of such excess payments, and the remaining amount of such  
28 excess payments shall be recovered in the third year. Provided further

1 that, notwithstanding any other provisions of this subdivision, any  
2 pending payment of moneys due to such district as a prior year adjust-  
3 ment payable pursuant to paragraph c of this subdivision for aid claims  
4 that had been previously paid as current year aid payments in excess of  
5 the amount to which the district is entitled and for which recovery of  
6 excess payments is to be made pursuant to this paragraph, shall be  
7 reduced at the time of actual payment by any remaining unrecovered  
8 balance of such excess payments, and the remaining scheduled deductions  
9 of such excess payments pursuant to this paragraph shall be reduced by  
10 the commissioner to reflect the amount so recovered. [The commissioner  
11 shall certify no payment to a school district based on a claim submitted  
12 later than three years after the close of the school year in which such  
13 payment was first to be made. For claims for which payment is first to  
14 be made in the nineteen hundred ninety-six--ninety-seven school year,  
15 the commissioner shall certify no payment to a school district based on  
16 a claim submitted later than two years after the close of such school  
17 year.] For claims for which payment is first to be made [in the nineteen  
18 hundred ninety-seven--ninety-eight] prior to the two thousand sixteen--  
19 two thousand seventeen school year [and thereafter], the commissioner  
20 shall certify no payment to a school district based on a claim submitted  
21 later than one year after the close of such school year. For claims for  
22 which payment is first to be made in the two thousand sixteen--two thou-  
23 sand seventeen school year and thereafter, the commissioner shall certi-  
24 fy no payment to a school district based on a claim submitted later than  
25 the first of November of such school year. Provided, however, no  
26 payments shall be barred or reduced where such payment is required as a  
27 result of a final audit of the state. [It is further provided that,  
28 until June thirtieth, nineteen hundred ninety-six, the commissioner may

1 grant a waiver from the provisions of this section for any school  
2 district if it is in the best educational interests of the district  
3 pursuant to guidelines developed by the commissioner and approved by the  
4 director of the budget.] Further provided that for any apportionments  
5 provided pursuant to sections seven hundred one, seven hundred eleven,  
6 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred  
7 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six  
8 hundred two-c, thirty-six hundred two-e and forty-four hundred five of  
9 this chapter for the two thousand sixteen--two thousand seventeen and  
10 two thousand seventeen--two thousand eighteen school years, the commis-  
11 sioner shall certify no payment to a school district, other than  
12 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of  
13 section thirty-six hundred two of this part, in excess of the payment  
14 computed based on an electronic data file used to produce the school aid  
15 computer listing produced by the commissioner in support of the execu-  
16 tive budget request submitted for the two thousand seventeen--two thou-  
17 sand eighteen state fiscal year and entitled "BT171-8", and further  
18 provided that for any apportionments provided pursuant to sections seven  
19 hundred one, seven hundred eleven, seven hundred fifty-one, seven  
20 hundred fifty-three, nineteen hundred fifty, thirty-six hundred two,  
21 thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred  
22 two-e and forty-four hundred five of this chapter for the two thousand  
23 eighteen--two thousand nineteen school year and thereafter, the commis-  
24 sioner shall certify no payment to a school district, other than  
25 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of  
26 section thirty-six hundred two of this part, in excess of the payment  
27 computed based on an electronic data file used to produce the school aid  
28 computer listing produced by the commissioner in support of the execu-

1 tive budget request submitted for the state fiscal year in which the  
2 school year commences.

3 § 33. The opening paragraph of section 3609-a of the education law, as  
4 amended by section 10 of part A of chapter 54 of the laws of 2016, is  
5 amended to read as follows:

6 For aid payable in the two thousand seven--two thousand eight school  
7 year through the two thousand sixteen--two thousand seventeen school  
8 year, "moneys apportioned" shall mean the lesser of (i) the sum of one  
9 hundred percent of the respective amount set forth for each school  
10 district as payable pursuant to this section in the school aid computer  
11 listing for the current year produced by the commissioner in support of  
12 the budget which includes the appropriation for the general support for  
13 public schools for the prescribed payments and individualized payments  
14 due prior to April first for the current year plus the apportionment  
15 payable during the current school year pursuant to subdivision six-a and  
16 subdivision fifteen of section thirty-six hundred two of this part minus  
17 any reductions to current year aids pursuant to subdivision seven of  
18 section thirty-six hundred four of this part or any deduction from  
19 apportionment payable pursuant to this chapter for collection of a  
20 school district basic contribution as defined in subdivision eight of  
21 section forty-four hundred one of this chapter, less any grants provided  
22 pursuant to subparagraph two-a of paragraph b of subdivision four of  
23 section ninety-two-c of the state finance law, less any grants provided  
24 pursuant to subdivision six of section ninety-seven-nnnn of the state  
25 finance law, less any grants provided pursuant to subdivision twelve of  
26 section thirty-six hundred forty-one of this article, or (ii) the appor-  
27 tionment calculated by the commissioner based on data on file at the  
28 time the payment is processed; provided however, that for the purposes

1 of any payments made pursuant to this section prior to the first busi-  
2 ness day of June of the current year, moneys apportioned shall not  
3 include any aids payable pursuant to subdivisions six and fourteen, if  
4 applicable, of section thirty-six hundred two of this part as current  
5 year aid for debt service on bond anticipation notes and/or bonds first  
6 issued in the current year or any aids payable for full-day kindergarten  
7 for the current year pursuant to subdivision nine of section thirty-six  
8 hundred two of this part. The definitions of "base year" and "current  
9 year" as set forth in subdivision one of section thirty-six hundred two  
10 of this part shall apply to this section. [For aid payable in the two  
11 thousand sixteen--two thousand seventeen school year, reference to such  
12 "school aid computer listing for the current year" shall mean the print-  
13 outs entitled "SA161-7".] For aid payable in the two thousand seven-  
14 teen--two thousand eighteen school year and thereafter, "moneys appor-  
15 tioned" shall mean the lesser of: (i) the sum of one hundred percent of  
16 the respective amount set forth for each school district as payable  
17 pursuant to this section in the school aid computer listing for the  
18 current year produced by the commissioner in support of the executive  
19 budget request which includes the appropriation for the general support  
20 for public schools for the prescribed payments and individualized  
21 payments due prior to April first for the current year plus the appor-  
22 tionment payable during the current school year pursuant to subdivisions  
23 six-a and fifteen of section thirty-six hundred two of this part minus  
24 any reductions to current year aids pursuant to subdivision seven of  
25 section thirty-six hundred four of this part or any deduction from  
26 apportionment payable pursuant to this chapter for collection of a  
27 school district basic contribution as defined in subdivision eight of  
28 section forty-four hundred one of this chapter, less any grants provided

1 pursuant to subparagraph two-a of paragraph b of subdivision four of  
2 section ninety-two-c of the state finance law, less any grants provided  
3 pursuant to subdivisions six of section ninety-seven-nnnn of the state  
4 finance law, less any grants provided pursuant to subdivision twelve of  
5 section thirty-six hundred forty-one of this article, or (ii) the appor-  
6 tionment calculated by the commissioner based on data on file at the  
7 time the payment is processed; provided however, that for the purposes  
8 of any payments made pursuant to this section prior to the first busi-  
9 ness day of June of the current year, moneys apportioned shall not  
10 include any aids payable pursuant to subdivisions six and fourteen, if  
11 applicable, of section thirty-six hundred two of this part as current  
12 year aid for debt service on bond anticipation notes and/or bonds first  
13 issued in the current year or any aids payable for full-day kindergarten  
14 for the current year pursuant to subdivision nine of section thirty-six  
15 hundred two of this part. For aid payable in the two thousand seven-  
16 teen--two thousand eighteen school year, reference to such "school aid  
17 computer listing for the current year" shall mean the printouts entitled  
18 "BT171-8".

19 § 34. Paragraph b of subdivision 2 of section 3612 of the education  
20 law, as amended by section 26 of part A of chapter 54 of the laws of  
21 2016, is amended to read as follows:

22 b. Such grants shall be awarded to school districts, within the limits  
23 of funds appropriated therefor, through a competitive process that takes  
24 into consideration the magnitude of any shortage of teachers in the  
25 school district, the number of teachers employed in the school district  
26 who hold temporary licenses to teach in the public schools of the state,  
27 the number of provisionally certified teachers, the fiscal capacity and  
28 geographic sparsity of the district, the number of new teachers the

1 school district intends to hire in the coming school year and the number  
2 of summer in the city student internships proposed by an eligible school  
3 district, if applicable. Grants provided pursuant to this section shall  
4 be used only for the purposes enumerated in this section. Notwithstand-  
5 ing any other provision of law to the contrary, a city school district  
6 in a city having a population of one million or more inhabitants receiv-  
7 ing a grant pursuant to this section may use no more than eighty percent  
8 of such grant funds for any recruitment, retention and certification  
9 costs associated with transitional certification of teacher candidates  
10 for the school years two thousand one--two thousand two through [two  
11 thousand sixteen--two thousand seventeen] two thousand seventeen--two  
12 thousand eighteen.

13 § 35. Subdivision 6 of section 4402 of the education law, as amended  
14 by section 27 of part A of chapter 54 of the laws of 2016, is amended to  
15 read as follows:

16 6. Notwithstanding any other law, rule or regulation to the contrary,  
17 the board of education of a city school district with a population of  
18 one hundred twenty-five thousand or more inhabitants shall be permitted  
19 to establish maximum class sizes for special classes for certain  
20 students with disabilities in accordance with the provisions of this  
21 subdivision. For the purpose of obtaining relief from any adverse fiscal  
22 impact from under-utilization of special education resources due to low  
23 student attendance in special education classes at the middle and  
24 secondary level as determined by the commissioner, such boards of educa-  
25 tion shall, during the school years nineteen hundred ninety-five--nine-  
26 ty-six through June thirtieth, two thousand [seventeen] eighteen of the  
27 [two thousand sixteen--two thousand seventeen] two thousand seventeen--  
28 two thousand eighteen school year, be authorized to increase class sizes

1 in special classes containing students with disabilities whose age rang-  
2 es are equivalent to those of students in middle and secondary schools  
3 as defined by the commissioner for purposes of this section by up to but  
4 not to exceed one and two tenths times the applicable maximum class size  
5 specified in regulations of the commissioner rounded up to the nearest  
6 whole number, provided that in a city school district having a popu-  
7 lation of one million or more, classes that have a maximum class size of  
8 fifteen may be increased by no more than one student and provided that  
9 the projected average class size shall not exceed the maximum specified  
10 in the applicable regulation, provided that such authorization shall  
11 terminate on June thirtieth, two thousand. Such authorization shall be  
12 granted upon filing of a notice by such a board of education with the  
13 commissioner stating the board's intention to increase such class sizes  
14 and a certification that the board will conduct a study of attendance  
15 problems at the secondary level and will implement a corrective action  
16 plan to increase the rate of attendance of students in such classes to  
17 at least the rate for students attending regular education classes in  
18 secondary schools of the district. Such corrective action plan shall be  
19 submitted for approval by the commissioner by a date during the school  
20 year in which such board increases class sizes as provided pursuant to  
21 this subdivision to be prescribed by the commissioner. Upon at least  
22 thirty days notice to the board of education, after conclusion of the  
23 school year in which such board increases class sizes as provided pursu-  
24 ant to this subdivision, the commissioner shall be authorized to termi-  
25 nate such authorization upon a finding that the board has failed to  
26 develop or implement an approved corrective action plan.

27 § 36. 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 must 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 relationship 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 will 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.

§ 37. Subparagraph (i) of paragraph a of subdivision 10 of section  
4410 of the education law is amended by adding a new clause (D) to read  
as follows:

(D) Notwithstanding any other provision of law, rule or regulation to  
the contrary, commencing with the two thousand eighteen--two thousand  
nineteen school year, approved preschool integrated special class  
programs shall be reimbursed for such services based on an alternative  
methodology for reimbursement to be established by the commissioner. The  
alternative methodology, subject to the approval of the director of the  
budget, shall be proposed by the department no later than October first,  
two thousand seventeen.

§ 38. Subdivision 1 of section 4452 of the education law, as added by  
chapter 740 of the laws of 1982, paragraph e as amended by chapter 536  
of the laws of 1997, is amended to read as follows:

1 1. In order to provide for educational programs to meet special needs  
2 of gifted pupils, the commissioner is hereby authorized to make recom-  
3 mendations to school districts in accordance with the provisions of this  
4 subdivision and section thirty-six hundred two of this chapter.

5 a. As used in this article, the term "gifted pupils" shall mean those  
6 pupils who show evidence of high performance capability and exceptional  
7 potential in areas such as general intellectual ability, special academ-  
8 ic aptitude and outstanding ability in visual and performing arts. Such  
9 definition shall include those pupils who require educational programs  
10 or services beyond those normally provided by the regular school program  
11 in order to realize their full potential.

12 b. Prior to payment of state funds for education of gifted pupils, a  
13 school district shall submit to the commissioner a summary plan for the  
14 identification and education of gifted pupils. The plan shall be in  
15 form and content as prescribed by the commissioner.

16 c. Upon acceptance by a local school district of the apportionments  
17 made under section thirty-six hundred two of this chapter such district  
18 shall use such funding in accordance with guidelines to be established  
19 by the commissioner for services to gifted pupils. Such services shall  
20 include but not be limited to identification, instructional programs,  
21 planning, inservice education and program evaluation. A board of educa-  
22 tion may contract with another district or board of cooperative educa-  
23 tional services to provide the program and/or services with the approval  
24 of the commissioner under guidelines established by the commissioner.

25 [d. The identification of pupils for participation in gifted programs  
26 funded under this chapter shall commence through the referral of a  
27 parent, teacher, or administrator.

1 e. Upon referral of a pupil for participation in a gifted program  
2 funded under this chapter] d. For any school district offering a gifted  
3 program through this chapter, the school district shall so inform the  
4 parent or guardian of such [pupil's referral] program and shall seek  
5 their approval to administer diagnostic tests or other evaluation mech-  
6 anisms related to the program objectives of the district in order to  
7 determine eligibility for participation in such gifted program. Failing  
8 to receive approval, the child shall not be tested, evaluated or partic-  
9 ipate in the program. In no case shall the parent, guardian or pupil be  
10 charged a fee for the administration of such diagnostic tests or other  
11 evaluation mechanisms. Provided that, any school district offering a  
12 program under this section shall provide the opportunity to administer  
13 such diagnostic tests or other evaluation mechanisms for all students in  
14 a grade.

15 [f.] e. The parent or guardian of a pupil designated as gifted shall  
16 be informed by the local school authorities of the pupil's placement in  
17 such gifted program funded under this chapter.

18 § 39. Subparagraph (ii) of paragraph (a) of subdivision 9 of section  
19 103 of the general municipal law, as amended by chapter 62 of the laws  
20 of 2016, is amended to read as follows:

21 (ii) such association of producers or growers is comprised of owners  
22 of farms who also operate such farms and have combined to fill the order  
23 of a school district, and where such order is for [twenty-five thousand]  
24 one hundred thousand dollars or less as herein authorized, provided  
25 however, that a school district may apply to the commissioner of educa-  
26 tion for permission to purchase orders of more than [twenty-five thou-  
27 sand] one hundred thousand dollars from an association of owners of such

1 farms when no other producers or growers have offered to sell to such  
2 school;

3 § 40. Section 7 of chapter 472 of the laws of 1998, amending the  
4 education law relating to the lease of school buses by school districts,  
5 as amended by section 18 of part A of chapter 56 of the laws of 2015, is  
6 amended to read as follows:

7 § 7. This act shall take effect September 1, 1998, and shall expire  
8 and be deemed repealed September 1, [2017] 2019.

9 § 41. Subdivision 6-a of section 140 of chapter 82 of the laws of  
10 1995, amending the education law and certain other laws relating to  
11 state aid to school districts and the appropriation of funds for the  
12 support of government, as amended by section 17-a of part A of chapter  
13 57 of the laws of 2012, is amended to read as follows:

14 (6-a) Section seventy-three of this act shall take effect July 1, 1995  
15 and shall be deemed repealed June 30, [2017] 2022;

16 § 42. Section 34 of chapter 91 of the laws of 2002 amending the educa-  
17 tion law and other laws relating to reorganization of the New York city  
18 school construction authority, board of education and community boards,  
19 as amended by section 1 of part O of chapter 73 of the laws of 2016, is  
20 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, [2017] 2020 provided,  
24 further, that notwithstanding any provision of article 5 of the general  
25 construction law, on June 30, [2017] 2020 the provisions of subdivisions  
26 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs  
27 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section  
28 2554 of the education law as repealed by section three of this act,

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

21 § 43. Subdivision 12 of section 17 of chapter 345 of the laws of 2009  
22 amending the education law and other laws relating to the New York city  
23 board of education, chancellor, community councils, and community super-  
24 intendents, as amended by section 2 of part 0 of chapter 73 of the laws  
25 of 2016, is amended to read as follows:

26 12. any provision in sections one, two, three, four, five, six, seven,  
27 eight, nine, ten and eleven of this act not otherwise set to expire  
28 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or

1 section 17 of chapter 123 of the laws of 2003, as amended, shall expire  
2 and be deemed repealed June 30, [2017] 2020.

3 § 44. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
4 relating to funding a program for work force education conducted by the  
5 consortium for worker education in New York city, as amended by section  
6 28 of part A of chapter 54 of the laws of 2016, is amended to read as  
7 follows:

8 b. Reimbursement for programs approved in accordance with subdivision  
9 a of this section for [the 2012--2013 school year shall not exceed 63.3  
10 percent of the lesser of such approvable costs per contact hour or  
11 twelve dollars and thirty-five cents per contact hour, reimbursement for  
12 the 2013--2014 school year shall not exceed 62.3 percent of the lesser  
13 of such approvable costs per contact hour or twelve dollars and sixty-  
14 five cents per contact hour, reimbursement for the 2014--2015 school  
15 year shall not exceed 61.6 percent of the lesser of such approvable  
16 costs per contact hour or thirteen dollars per contact hour, reimburse-  
17 ment for] the 2015--2016 school year shall not exceed 60.7 percent of  
18 the lesser of such approvable costs per contact hour or thirteen dollars  
19 and forty cents per contact hour, [and] reimbursement for the 2016--2017  
20 school year shall not exceed 60.3 percent of the lesser of such approva-  
21 ble costs per contact hour or thirteen dollars ninety cents per contact  
22 hour, and reimbursement for the 2017--2018 school year shall not exceed  
23 60.4 percent of the lesser of such approvable costs per contact hour or  
24 thirteen dollars and ninety cents per contact hour, where a contact hour  
25 represents sixty minutes of instruction services provided to an eligible  
26 adult. Notwithstanding any other provision of law to the contrary, [for  
27 the 2012--2013 school year such contact hours shall not exceed one  
28 million six hundred sixty-four thousand five hundred thirty-two

1 (1,664,532) hours; whereas for the 2013--2014 school year such contact  
2 hours shall not exceed one million six hundred forty-nine thousand seven  
3 hundred forty-six (1,649,746) hours; whereas for the 2014--2015 school  
4 year such contact hours shall not exceed one million six hundred twen-  
5 ty-five thousand (1,625,000) hours; whereas] for the 2015--2016 school  
6 year such contact hours shall not exceed one million five hundred nine-  
7 ty-nine thousand fifteen (1,599,015) hours; whereas for the 2016--2017  
8 school year such contact hours shall not exceed one million five hundred  
9 fifty-one thousand three hundred twelve (1,551,312); and for the  
10 2017--2018 school year such contact hours shall not exceed one million  
11 three hundred seventy thousand six hundred seventy-nine (1,370,679).  
12 Notwithstanding any other provision of law to the contrary, the appor-  
13 tionment calculated for the city school district of the city of New York  
14 pursuant to subdivision 11 of section 3602 of the education law shall be  
15 computed as if such contact hours provided by the consortium for worker  
16 education, not to exceed the contact hours set forth herein, were eligi-  
17 ble for aid in accordance with the provisions of such subdivision 11 of  
18 section 3602 of the education law.

19 § 45. Section 4 of chapter 756 of the laws of 1992, relating to fund-  
20 ing a program for work force education conducted by the consortium for  
21 worker education in New York city, is amended by adding a new subdivi-  
22 sion v to read as follows:

23 v. The provisions of this subdivision shall not apply after the  
24 completion of payments for the 2017--2018 school year. Notwithstanding  
25 any inconsistent provisions of law, the commissioner of education shall  
26 withhold a portion of employment preparation education aid due to the  
27 city school district of the city of New York to support a portion of the  
28 costs of the work force education program. Such moneys shall be credited



1 to the elementary and secondary education fund-local assistance account  
2 and shall not exceed eleven million five hundred thousand dollars  
3 (\$11,500,000).

4 § 46. Section 6 of chapter 756 of the laws of 1992, relating to fund-  
5 ing a program for work force education conducted by the consortium for  
6 worker education in New York city, as amended by section 30 of part A of  
7 chapter 54 of the laws of 2016, is amended to read as follows:

8 § 6. This act shall take effect July 1, 1992, and shall be deemed  
9 repealed on June 30, [2017] 2018.

10 § 47. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws  
11 of 1995, amending the education law and certain other laws relating to  
12 state aid to school districts and the appropriation of funds for the  
13 support of government, as amended by section 33 of part A of chapter 54  
14 of the laws of 2016, are amended to read as follows:

15 (22) sections one hundred twelve, one hundred thirteen, one hundred  
16 fourteen, one hundred fifteen and one hundred sixteen of this act shall  
17 take effect on July 1, 1995; provided, however, that section one hundred  
18 thirteen of this act shall remain in full force and effect until July 1,  
19 [2017] 2018 at which time it shall be deemed repealed;

20 (24) sections one hundred eighteen through one hundred thirty of this  
21 act shall be deemed to have been in full force and effect on and after  
22 July 1, 1995; provided further, however, that the amendments made pursu-  
23 ant to section one hundred twenty-four of this act shall be deemed to be  
24 repealed on and after July 1, [2017] 2018;

25 § 48. Paragraphs a-1 and (b) of section 5 of chapter 89 of the laws of  
26 2016 relating to supplementary funding for dedicated programs for public  
27 school students in the East Ramapo central school district, are amended  
28 to read as follows:

1 (a-1) The East Ramapo central school district shall be eligible to  
2 receive reimbursement [from such funds made available] pursuant to  
3 [paragraph (a) of] this [section] act, subject to available appropri-  
4 ation, for its approved expenditures in the two thousand sixteen--two  
5 thousand seventeen school year and thereafter on services to improve and  
6 enhance the educational opportunities of students attending the public  
7 schools in such district. Such services shall include, but not be limit-  
8 ed to, reducing class sizes, expanding academic and enrichment opportu-  
9 nities, establishing and expanding kindergarten programs, expanding  
10 extracurricular opportunities and providing student support services,  
11 provided, however, transportation services and expenses shall not be  
12 eligible for reimbursement from such funds.

13 (b) In order to receive such funds, the school district in consulta-  
14 tion with the monitor or monitors shall develop a long term strategic  
15 academic and fiscal improvement plan within 6 months from the enactment  
16 of this act and shall annually revise such plan by October first of each  
17 year thereafter. Such plan, including such annual revisions thereto,  
18 shall be submitted to the commissioner for approval and shall include a  
19 set of goals with appropriate benchmarks and measurable objectives and  
20 identify strategies to address areas where improvements are needed in  
21 the district, including but not limited to its financial stability,  
22 academic opportunities and outcomes, education of students with disabil-  
23 ities, education of English language learners, and shall ensure compli-  
24 ance with all applicable state and federal laws and regulations. This  
25 improvement plan shall also include a comprehensive expenditure plan  
26 that will describe how the funds made available to the district pursuant  
27 to this section will be spent in the applicable school year. The  
28 comprehensive expenditure plan shall ensure that funds supplement, not

1 supplant, expenditures from local, state and federal funds for services  
2 provided to public school students, except that such funds may be used  
3 to continue services funded pursuant to this act in prior years. Such  
4 expenditure plan shall be developed and annually revised in consultation  
5 with the monitor or monitors appointed by the commissioner. The board of  
6 education of the East Ramapo central school district must annually  
7 conduct a public hearing on the expenditure plan and shall consider the  
8 input of the community before adopting such plan. Such expenditure plan  
9 shall also be made publicly available and shall be annually submitted  
10 along with comments made by the community to the commissioner for  
11 approval once the plan is finalized. Upon review of the improvement  
12 plan and the expenditure plan, required to be submitted pursuant to this  
13 subdivision or section seven of this act, the commissioner shall approve  
14 or deny such plan in writing and, if denied, shall include the reasons  
15 therefor. The district in consultation with the monitors may resubmit  
16 such plan or plans with any needed modifications thereto.

17 § 49. Section 8 of chapter 89 of the laws of 2016 relating to supple-  
18 mentary funding for dedicated programs for public school students in the  
19 East Ramapo central school district, is amended to read as follows:

20 § 8. This act shall take effect July 1, 2016 and shall expire and be  
21 deemed repealed June 30, [2017] 2018.

22 § 50. Section 12 of chapter 147 of the laws of 2001, amending the  
23 education law relating to conditional appointment of school district,  
24 charter school or BOCES employees, as amended by section 34 of part A of  
25 chapter 54 of the laws of 2016, is amended to read as follows:

26 § 12. This act shall take effect on the same date as chapter 180 of  
27 the laws of 2000 takes effect, and shall expire July 1, [2017] 2018 when  
28 upon such date the provisions of this act shall be deemed repealed.

1     § 51. School bus driver training. In addition to apportionments other-  
2 wise provided by section 3602 of the education law, for aid payable in  
3 the 2017--2018 school year, the commissioner of education shall allocate  
4 school bus driver training grants to school districts and boards of  
5 cooperative educational services pursuant to sections 3650-a, 3650-b and  
6 3650-c of the education law, or for contracts directly with not-for-pro-  
7 fit educational organizations for the purposes of this section. Such  
8 payments shall not exceed four hundred thousand dollars (\$400,000) per  
9 school year.

10    § 52. Special apportionment for salary expenses. a. Notwithstanding  
11 any other provision of law, upon application to the commissioner of  
12 education, not sooner than the first day of the second full business  
13 week of June 2018 and not later than the last day of the third full  
14 business week of June 2018, a school district eligible for an apportion-  
15 ment pursuant to section 3602 of the education law shall be eligible to  
16 receive an apportionment pursuant to this section, for the school year  
17 ending June 30, 2018, for salary expenses incurred between April 1 and  
18 June 30, 2017 and such apportionment shall not exceed the sum of (i) the  
19 deficit reduction assessment of 1990--1991 as determined by the commis-  
20 sioner of education, pursuant to paragraph f of subdivision 1 of section  
21 3602 of the education law, as in effect through June 30, 1993, plus (ii)  
22 186 percent of such amount for a city school district in a city with a  
23 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of  
24 such amount for a city school district in a city with a population of  
25 more than 195,000 inhabitants and less than 219,000 inhabitants accord-  
26 ing to the latest federal census, plus (iv) the net gap elimination  
27 adjustment for 2010--2011, as determined by the commissioner of educa-  
28 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-

1 nation adjustment for 2011--2012 as determined by the commissioner of  
2 education pursuant to subdivision 17 of section 3602 of the education  
3 law, and provided further that such apportionment shall not exceed such  
4 salary expenses. Such application shall be made by a school district,  
5 after the board of education or trustees have adopted a resolution to do  
6 so and in the case of a city school district in a city with a population  
7 in excess of 125,000 inhabitants, with the approval of the mayor of such  
8 city.

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

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

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

12 § 53. Special apportionment for public pension accruals. a. Notwith-  
13 standing any other provision of law, upon application to the commission-  
14 er of education, not later than June 30, 2018, a school district eligi-  
15 ble for an apportionment pursuant to section 3602 of the education law  
16 shall be eligible to receive an apportionment pursuant to this section,  
17 for the school year ending June 30, 2018 and such apportionment shall  
18 not exceed the additional accruals required to be made by school  
19 districts in the 2004--2005 and 2005--2006 school years associated with  
20 changes for such public pension liabilities. The amount of such addi-  
21 tional accrual shall be certified to the commissioner of education by  
22 the president of the board of education or the trustees or, in the case  
23 of a city school district in a city with a population in excess of  
24 125,000 inhabitants, the mayor of such city. Such application shall be  
25 made by a school district, after the board of education or trustees have  
26 adopted a resolution to do so and in the case of a city school district  
27 in a city with a population in excess of 125,000 inhabitants, with the  
28 approval of the mayor of such city.

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

17     c. Notwithstanding the provisions of section 3609-a of the education  
18 law, an amount equal to the amount paid to a school district pursuant to  
19 subdivisions a and b of this section shall first be deducted from the  
20 following payments due the school district during the school year  
21 following the year in which application was made pursuant to subpara-  
22 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
23 section 3609-a of the education law in the following order: the lottery  
24 apportionment payable pursuant to subparagraph (2) of such paragraph  
25 followed by the fixed fall payments payable pursuant to subparagraph (4)  
26 of such paragraph and then followed by the district's payments to the  
27 teachers' retirement system pursuant to subparagraph (1) of such para-  
28 graph, and any remainder to be deducted from the individualized payments

1 due the district pursuant to paragraph b of such subdivision shall be  
2 deducted on a chronological basis starting with the earliest payment due  
3 the district.

4 § 54. a. Notwithstanding any other law, rule or regulation to the  
5 contrary, any moneys appropriated to the state education department may  
6 be suballocated to other state departments or agencies, as needed, to  
7 accomplish the intent of the specific appropriations contained therein.

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

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

18 d. Notwithstanding any other law, rule or regulation to the contrary,  
19 moneys appropriated to the state education department for general  
20 support for public schools may be interchanged with any other item of  
21 appropriation for general support for public schools within the general  
22 fund local assistance account office of prekindergarten through grade  
23 twelve education programs.

24 § 55. Notwithstanding the provision of any law, rule, or regulation to  
25 the contrary, the city school district of the city of Rochester, upon  
26 the consent of the board of cooperative educational services of the  
27 supervisory district serving its geographic region may purchase from



1 such board for the 2017--2018 school year, as a non-component school  
2 district, services required by article 19 of the education law.

3 § 56. The amounts specified in this section shall be set aside from  
4 the state funds which each such district is receiving from the total  
5 foundation aid: for the purpose of the development, maintenance or  
6 expansion of magnet schools or magnet school programs for the 2017--2018  
7 school year. To the city school district of the city of New York there  
8 shall be paid forty-eight million one hundred seventy-five thousand  
9 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)  
10 for the Andrew Jackson High School; to the Buffalo city school district,  
11 twenty-one million twenty-five thousand dollars (\$21,025,000); to the  
12 Rochester city school district, fifteen million dollars (\$15,000,000);  
13 to the Syracuse city school district, thirteen million dollars  
14 (\$13,000,000); to the Yonkers city school district, forty-nine million  
15 five hundred thousand dollars (\$49,500,000); to the Newburgh city school  
16 district, four million six hundred forty-five thousand dollars  
17 (\$4,645,000); to the Poughkeepsie city school district, two million four  
18 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon  
19 city school district, two million dollars (\$2,000,000); to the New  
20 Rochelle city school district, one million four hundred ten thousand  
21 dollars (\$1,410,000); to the Schenectady city school district, one  
22 million eight hundred thousand dollars (\$1,800,000); to the Port Chester  
23 city school district, one million one hundred fifty thousand dollars  
24 (\$1,150,000); to the White Plains city school district, nine hundred  
25 thousand dollars (\$900,000); to the Niagara Falls city school district,  
26 six hundred thousand dollars (\$600,000); to the Albany city school  
27 district, three million five hundred fifty thousand dollars  
28 (\$3,550,000); to the Utica city school district, two million dollars

1 (\$2,000,000); to the Beacon city school district, five hundred sixty-six  
2 thousand dollars (\$566,000); to the Middletown city school district,  
3 four hundred thousand dollars (\$400,000); to the Freeport union free  
4 school district, four hundred thousand dollars (\$400,000); to the Green-  
5 burgh central school district, three hundred thousand dollars  
6 (\$300,000); to the Amsterdam city school district, eight hundred thou-  
7 sand dollars (\$800,000); to the Peekskill city school district, two  
8 hundred thousand dollars (\$200,000); and to the Hudson city school  
9 district, four hundred thousand dollars (\$400,000). Notwithstanding the  
10 provisions of this section, a school district receiving a grant pursuant  
11 to this section may use such grant funds for: (i) any instructional or  
12 instructional support costs associated with the operation of a magnet  
13 school; or (ii) any instructional or instructional support costs associ-  
14 ated with implementation of an alternative approach to reduction of  
15 racial isolation and/or enhancement of the instructional program and  
16 raising of standards in elementary and secondary schools of school  
17 districts having substantial concentrations of minority students. The  
18 commissioner of education shall not be authorized to withhold magnet  
19 grant funds from a school district that used such funds in accordance  
20 with this paragraph, notwithstanding any inconsistency with a request  
21 for proposals issued by such commissioner. For the purpose of attendance  
22 improvement and dropout prevention for the 2017--2018 school year, for  
23 any city school district in a city having a population of more than one  
24 million, the setaside for attendance improvement and dropout prevention  
25 shall equal the amount set aside in the base year. For the 2017--2018  
26 school year, it is further provided that any city school district in a  
27 city having a population of more than one million shall allocate at  
28 least one-third of any increase from base year levels in funds set aside

1 pursuant to the requirements of this subdivision to community-based  
2 organizations. Any increase required pursuant to this subdivision to  
3 community-based organizations must be in addition to allocations  
4 provided to community-based organizations in the base year. For the  
5 purpose of teacher support for the 2017--2018 school year: to the city  
6 school district of the city of New York, sixty-two million seven hundred  
7 seven thousand dollars (\$62,707,000); to the Buffalo city school  
8 district, one million seven hundred forty-one thousand dollars  
9 (\$1,741,000); to the Rochester city school district, one million seven-  
10 ty-six thousand dollars (\$1,076,000); to the Yonkers city school  
11 district, one million one hundred forty-seven thousand dollars  
12 (\$1,147,000); and to the Syracuse city school district, eight hundred  
13 nine thousand dollars (\$809,000). All funds made available to a school  
14 district pursuant to this section shall be distributed among teachers  
15 including prekindergarten teachers and teachers of adult vocational and  
16 academic subjects in accordance with this section and shall be in addi-  
17 tion to salaries heretofore or hereafter negotiated or made available;  
18 provided, however, that all funds distributed pursuant to this section  
19 for the current year shall be deemed to incorporate all funds distrib-  
20 uted pursuant to former subdivision 27 of section 3602 of the education  
21 law for prior years. In school districts where the teachers are repres-  
22 ented by certified or recognized employee organizations, all salary  
23 increases funded pursuant to this section shall be determined by sepa-  
24 rate collective negotiations conducted pursuant to the provisions and  
25 procedures of article 14 of the civil service law, notwithstanding the  
26 existence of a negotiated agreement between a school district and a  
27 certified or recognized employee organization.

1     § 57. Support of public libraries. The moneys appropriated for the  
2 support of public libraries by a chapter of the laws of 2017 enacting  
3 the aid to localities budget shall be apportioned for the 2017-2018  
4 state fiscal year in accordance with the provisions of sections 271,  
5 272, 273, 282, 284, and 285 of the education law as amended by the  
6 provisions of this chapter and the provisions of this section, provided  
7 that library construction aid pursuant to section 273-a of the education  
8 law shall not be payable from the appropriations for the support of  
9 public libraries and provided further that no library, library system or  
10 program, as defined by the commissioner of education, shall receive less  
11 total system or program aid than it received for the year 2001-2002  
12 except as a result of a reduction adjustment necessary to conform to the  
13 appropriations for support of public libraries. Notwithstanding any  
14 other provision of law to the contrary the moneys appropriated for the  
15 support of public libraries for the year 2017-2018 by a chapter of the  
16 laws of 2017 enacting the education, labor and family assistance budget  
17 shall fulfill the state's obligation to provide such aid and, pursuant  
18 to a plan developed by the commissioner of education and approved by the  
19 director of the budget, the aid payable to libraries and library systems  
20 pursuant to such appropriations shall be reduced proportionately to  
21 assure that the total amount of aid payable does not exceed the total  
22 appropriations for such purpose.

23     § 58. Severability. The provisions of this act shall be severable, and  
24 if the application of any clause, sentence, paragraph, subdivision,  
25 section or part of this act to any person or circumstance shall be  
26 adjudged by any court of competent jurisdiction to be invalid, such  
27 judgment shall not necessarily affect, impair or invalidate the applica-  
28 tion of any such clause, sentence, paragraph, subdivision, section, part

1 of this act or remainder thereof, as the case may be, to any other  
2 person or circumstance, but shall be confined in its operation to the  
3 clause, sentence, paragraph, subdivision, section or part thereof  
4 directly involved in the controversy in which such judgment shall have  
5 been rendered.

6 § 59. This act shall take effect immediately, and shall be deemed to  
7 have been in full force and effect on and after April 1, 2017, provided,  
8 however, that:

9 1. sections one, three, four, five, five-a, five-b, six, fifteen,  
10 sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two,  
11 twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty  
12 eight, twenty-nine, thirty, thirty-two, thirty-three, thirty-four, thir-  
13 ty-five, forty-eight, forty-nine, fifty-one, fifty-five, and fifty-six  
14 of this act shall take effect July 1, 2017;

15 2. the amendments to paragraph b-1 of subdivision 4 of section 3602 of  
16 the education law made by section twenty-one of this act shall not  
17 affect the expiration of such paragraph pursuant to section 13 of part A  
18 of chapter 97 of the laws of 2011, as amended, and shall expire there-  
19 with;

20 3. the amendments to chapter 756 of the laws of 1992, relating to  
21 funding a program for work force education conducted by a consortium for  
22 worker education in New York City, made by sections forty-four and  
23 forty-five of this act, shall not affect the repeal of such chapter and  
24 shall be deemed repealed therewith;

25 4. the amendments to chapter 89 of the laws of 2016, relating to  
26 supplementary funding for dedicated programs for public school students  
27 in the East Ramapo central school district, made by section forty-eight

1 of this act shall not affect the repeal of such chapter and shall be  
2 deemed repealed therewith;

3 5. the amendments to subdivision 33 of section 305 of the education  
4 law, made by section seven of this act, shall not affect the repeal of  
5 such subdivision and shall be deemed repealed therewith;

6 6. the amendments to subdivision 7 of section 2802 of the education  
7 law, made by section eight of this act, shall not affect the repeal of  
8 such subdivision and shall be deemed repealed therewith;

9 7. the amendments to subdivision 7 of section 3214 of the education  
10 law, made by section nine of this act, shall not affect the repeal of  
11 such subdivision and shall be deemed repealed therewith;

12 8. the amendments to paragraph d of subdivision 3 of section 3214 of  
13 the education law made by section ten of this act shall be subject to  
14 the expiration and reversion of such paragraph pursuant to section 4 of  
15 chapter 425 of the laws of 2002, as amended, when upon such date the  
16 provisions of section eleven of this act shall take effect; and

17 9. section forty-seven of this act shall take effect immediately and  
18 shall be deemed to have been in full force and effect on and after the  
19 effective date of section 140 of chapter 82 of the laws of 1995.

20 PART B

21 Section 1. Subdivision 4 of section 1950 of the education law is  
22 amended by adding a new paragraph oo to read as follows:

23 oo. Boards of cooperative educational services may provide a collabo-  
24 rative alternative education program known as a "recovery high school"  
25 for students (i) diagnosed with substance use disorder, as defined by  
26 the Diagnostic and Statistical Manual of Mental Disorders V, and (ii)

1 who have demonstrated a commitment to recovery. Provided that a recovery  
2 high school may be one of two such schools authorized by the commission-  
3 er of the office of alcoholism and substance abuse services in conjunc-  
4 tion with the commissioner, provided that each recovery high school  
5 shall contain the following program elements: (a) a comprehensive four  
6 year high school education, (b) a structured plan of recovery for  
7 students, (c) a partnership with a local social services agency with  
8 expertise in substance use disorder and mental health, and (d) any other  
9 program elements pursuant to regulations of the commissioner of alcohol-  
10 ism and substance abuse services.

11 (1) Program and administrative costs, including capital costs, allo-  
12 cated to component school districts in accordance with a recovery high  
13 school program pursuant to this paragraph shall be eligible for BOCES  
14 aid as an aidable shared service pursuant to this section and costs  
15 allocated to a participating non-component school district pursuant to a  
16 memorandum of understanding shall be aidable pursuant to subdivision  
17 five of this section to the same extent and on the same basis as costs  
18 allocated to a component school district.

19 (2) The trustees or board of education of a non-component school  
20 district, including city school districts of cities in excess of one  
21 hundred twenty-five thousand inhabitants, may enter into a memorandum of  
22 understanding with a board of cooperative educational services to  
23 participate in a recovery high school program for a period not to exceed  
24 five years upon such terms as such trustees or board of education and  
25 the board of cooperative educational services may mutually agree,  
26 provided that such agreement may provide for a charge for administration  
27 of the recovery high school program including capital costs, but partic-  
28 ipating non-component school districts shall not be liable for payment

1 of administrative expenses as defined in paragraph b of this subdivi-  
2 sion.

3 § 2. Paragraph h of subdivision 4 of section 1950 of the education law  
4 is amended by adding a new subparagraph 12 to read as follows:

5 (12) To enter into contracts with the commissioner of the office of  
6 alcoholism and substance abuse services, substance abuse treatment  
7 providers, and any other organization for the purpose of operating a  
8 recovery high school program. Any such proposed contract shall be  
9 subject to the review and approval of the commissioner.

10 § 3. This act shall take effect immediately.

11 PART C

12 Section 1. Section 3209 of the education law, as amended by chapter  
13 569 of the laws of 1994, paragraphs a and a-1 of subdivision 1 as  
14 amended and subdivision 2-a as added by chapter 101 of the laws of 2003,  
15 paragraph b of subdivision 3 as amended by section 28 of part B of chap-  
16 ter 57 of the laws of 2007, is amended to read as follows:

17 § 3209. Education of homeless children. 1. Definitions.

18 a. Homeless child. For the purposes of this article, the term "home-  
19 less child" shall mean:

20 (1) a child or youth who lacks a fixed, regular, and adequate night-  
21 time residence, including a child or youth who is:

22 (i) sharing the housing of other persons due to a loss of housing,  
23 economic hardship or a similar reason;

24 (ii) living in motels, hotels, trailer parks or camping grounds due to  
25 the lack of alternative adequate accommodations;

26 (iii) abandoned in hospitals; or



1 (iv) [awaiting foster care placement; or  
2 (v)] a migratory child, as defined in subsection two of section thir-  
3 teen hundred nine of the Elementary and Secondary Education Act of 1965,  
4 as amended by the Every Student Succeeds Act of 2015, who qualifies as  
5 homeless under any of the provisions of clauses (i) through [(iv)] (iii)  
6 of this subparagraph or subparagraph two of this paragraph; [or]

7 (v) an unaccompanied youth, as defined in section seven hundred twen-  
8 ty-five of subtitle B of title VII of the McKinney-Vento Homeless  
9 Assistance Act; or

10 (2) a child or youth who has a primary nighttime location that is:

11 (i) a supervised publicly or privately operated shelter designed to  
12 provide temporary living accommodations including, but not limited to,  
13 shelters operated or approved by the state or local department of social  
14 services, and residential programs for runaway and homeless youth estab-  
15 lished pursuant to article nineteen-H of the executive law; or

16 (ii) a public or private place not designed for, or ordinarily used  
17 as, a regular sleeping accommodation for human beings, including a child  
18 or youth who is living in a car, park, public space, abandoned building,  
19 substandard housing, bus or train stations or similar setting.

20 a-1. Exception. For the purposes of this article the term "homeless  
21 child" shall not include a child in a foster care placement or receiving  
22 educational services pursuant to subdivision four, five, six, six-a or  
23 seven of section thirty-two hundred two of this [article] part or pursu-  
24 ant to article eighty-one, eighty-five, eighty-seven or eighty-eight of  
25 this chapter.

26 b. Designator. The term "designator" shall mean:

27 (1) the parent or the person in parental relation to a homeless child;  
28 or

1 (2) the homeless child, if no parent or person in parental relation is  
2 available; or

3 (3) the director of a residential program for runaway and homeless  
4 youth established pursuant to article nineteen-H of the executive law,  
5 in consultation with the homeless child, where such homeless child is  
6 living in such program.

7 c. School district of origin. The term "school district of origin"  
8 shall mean the school district within the state of New York in which the  
9 homeless child was attending a public school or preschool on a tuition-  
10 free basis or was entitled to attend when circumstances arose which  
11 caused such child to become homeless, which is different from the school  
12 district of current location. [Whenever the school district of origin is  
13 designated pursuant to subdivision two of this section, the child shall  
14 be entitled to return to the school building where previously enrolled.]  
15 School district of origin shall also mean the school district in the  
16 state of New York in which the child was residing when circumstances  
17 arose which caused such child to become homeless if such child was  
18 eligible to apply, register, or enroll in public preschool or kindergar-  
19 ten at the time such child became homeless, or the homeless child has a  
20 sibling who attends a school in the school district in which the child  
21 was residing when circumstances arose which caused such child to become  
22 homeless.

23 d. School district of current location. The term "school district of  
24 current location" shall mean the public school district within the state  
25 of New York in which the hotel, motel, shelter or other temporary hous-  
26 ing arrangement of a homeless child, or the residential program for  
27 runaway and homeless youth, is located, which is different from the  
28 school district of origin. [Whenever the school district of current

1 location is designated pursuant to subdivision two of this section, the  
2 child shall be entitled to attend the school that is zoned for his or  
3 her temporary location or any school that nonhomeless students who live  
4 in the same attendance zone in which the homeless child or youth is  
5 temporarily residing are entitled to attend.]

6 e. Regional placement plan. The term "regional placement plan" shall  
7 mean a comprehensive regional approach to the provision of educational  
8 placements for homeless children which has been approved by the commis-  
9 sioner.

10 f. Feeder school. The term "feeder school" shall mean:

11 (1) a preschool whose students are entitled to attend a specified  
12 elementary school or group of elementary schools upon completion of that  
13 preschool;

14 (2) a school whose students are entitled to attend a specified elemen-  
15 tary, middle, intermediate, or high school or group of specified elemen-  
16 tary, middle, intermediate, or high schools upon completion of the  
17 terminal grade of such school; or

18 (3) a school that sends its students to a receiving school in a neigh-  
19 boring school district pursuant to section two thousand forty of this  
20 chapter.

21 g. Preschool. The term "preschool" shall mean a publicly funded prek-  
22 indergarten program administered by the department or a local educa-  
23 tional agency or a Head Start program administered by a local educa-  
24 tional agency and/or services under the Individuals with Disabilities  
25 Education Act administered by a local educational agency.

26 h. Receiving school. The term "receiving school" shall mean:

1 (1) a school that enrolls students from a specified or group of  
2 preschools, elementary schools, middle schools, intermediate schools, or  
3 high schools; or

4 (2) a school that enrolls students from a feeder school in a neighbor-  
5 ing local educational agency pursuant to section two thousand forty of  
6 this chapter.

7 i. School of origin. The term "school of origin" shall mean a public  
8 school that a child or youth attended when permanently housed, or the  
9 school in which the child or youth was last enrolled, including a  
10 preschool or a charter school. Provided that, for a homeless child or  
11 youth who completes the final grade level served by the school of  
12 origin, the term "school of origin" shall include the designated receiv-  
13 ing school at the next grade level for all feeder schools. Where the  
14 child is eligible to attend school in the school district of origin  
15 because the child becomes homeless after such child is eligible to  
16 apply, register, or enroll in the public preschool or kindergarten or  
17 the child is living with a school-age sibling who attends school in the  
18 school district of origin, the school of origin shall include any public  
19 school or preschool in which such child would have been entitled or  
20 eligible to attend based on such child's last residence before the  
21 circumstances arose which caused such child to become homeless.

22 2. Choice of district and school.

23 a. The designator shall have the right to designate one of the follow-  
24 ing as the school district within which the homeless child shall be  
25 entitled to attend upon instruction:

26 (1) the school district of current location;

27 (2) the school district of origin; or

28 (3) a school district participating in a regional placement plan.

1     b. The designator shall also have the right to designate one of the  
2     following as the school where a homeless child seeks to attend for  
3     instruction:

4     (1) the school of origin; or

5     (2) any school that nonhomeless children and youth who live in the  
6     attendance area in which the child or youth is actually living are  
7     eligible to attend, including a preschool.

8     c. (1) Notwithstanding any other provision of law to the contrary,  
9     where the public school district in which a homeless child is temporar-  
10    ily housed is the [same school district the child was attending on a  
11    tuition-free basis or was entitled to attend when circumstances arose  
12    which caused the child to become homeless] school district of origin,  
13    the homeless child shall be entitled to attend the schools of such  
14    district without the payment of tuition in accordance with subdivision  
15    one of section thirty-two hundred two of this article for the duration  
16    of the homelessness and until the end of the school year in which such  
17    child becomes permanently housed and for one additional year if that  
18    year constitutes the child's terminal year in such building. [Such  
19    child may choose to remain in the public school building they previously  
20    attended until the end of the school year and for one additional year if  
21    that year constitutes the child's terminal year in such building in lieu  
22    of the school serving the attendance zone in which the temporary housing  
23    facility is located.]

24    (2) Notwithstanding any other provision of law to the contrary, where  
25    the [public] school [or school district] district of origin or school of  
26    origin that a homeless child was attending on a tuition-free basis or  
27    was entitled to attend when circumstances arose which caused the child  
28    to become homeless is located [outside the state] in New York state and

1 the homeless child's temporary housing arrangement is located in a  
2 contiguous state, the homeless child shall be [deemed a resident of the  
3 school district in which the hotel, motel, shelter or other temporary  
4 housing arrangement of the child is currently located and shall be]  
5 entitled to [attend the schools of such district without payment of  
6 tuition in accordance with subdivision one of section thirty-two hundred  
7 two of this article. Such district of residence shall not be considered  
8 a school district of origin or a school district of current location for  
9 purposes of this section] attend the school of origin or any school that  
10 nonhomeless children and youth who live in the attendance area in which  
11 the child or youth is actually living are eligible to attend, including  
12 a preschool, subject to a best interest determination pursuant to  
13 subparagraph three of paragraph f of this subdivision, for the duration  
14 of the homelessness and until the end of the school year in which such  
15 child becomes permanently housed and for one additional year if that  
16 year constitutes the child's terminal year in such building.

17 (3) Notwithstanding any other provision of law to the contrary, where  
18 the child's temporary housing arrangement is located in New York state,  
19 the homeless child shall be entitled to attend the school of origin or  
20 any school that nonhomeless children and youth who live in the attend-  
21 ance area in which the child or youth is actually living are eligible to  
22 attend, including a preschool, subject to a best interest determination  
23 pursuant to subparagraph three of paragraph f of this subdivision, for  
24 the duration of the homelessness and until the end of the school year in  
25 which such child becomes permanently housed and for one additional year  
26 if that year constitutes the child's terminal year in such building.

27 [c.] d. Notwithstanding the provisions of paragraph a of this subdivi-  
28 sion, a homeless child who has designated the school district of current

1 location as the district of attendance and who has relocated to another  
2 temporary housing arrangement outside of such district, or to a differ-  
3 ent attendance zone or community school district within such district,  
4 shall be entitled to continue [the prior designation to enable the  
5 student to remain] to attend in the same school building or designate  
6 any school that nonhomeless children and youth who live in the attend-  
7 ance area in which the child or youth is actually living are eligible to  
8 attend, including a preschool, subject to a best interest determination  
9 in accordance with subparagraph three of paragraph f of this subdivi-  
10 sion, for the duration of the homelessness and until the end of the  
11 school year in which the child becomes permanently housed and for one  
12 additional year if that year constitutes the child's terminal year in  
13 such building.

14 [d.] e. Such designation shall be made on forms specified by the  
15 commissioner, and shall include the name of the child, the name of the  
16 parent or person in parental relation to the child, the name and  
17 location of the temporary housing arrangement, the name of the school  
18 district of origin, the name of the school district where the child's  
19 records are located, the complete address where the family was located  
20 at the time circumstances arose which caused such child to become home-  
21 less and any other information required by the commissioner. All school  
22 districts, temporary housing facilities operated or approved by a local  
23 social services district, and residential facilities for runaway and  
24 homeless youth shall make such forms available and shall ensure that the  
25 completed designation forms are given to the local educational agency  
26 liaison for the local educational agency in which the designated school  
27 is located in a timeframe prescribed by the commissioner in regulations.  
28 Where the homeless child is located in a temporary housing facility

1 operated or approved by a local social services district, or a residen-  
2 tial facility for runaway and homeless youth, the director of the facil-  
3 ity or a person designated by the social services district, shall, with-  
4 in two business days, assist the designator in completing the  
5 designation forms and enrolling the homeless child in the designated  
6 school district and shall forward the completed designation form to the  
7 local educational agency liaison for the local educational agency in  
8 which the designated school is located in a timeframe prescribed by the  
9 commissioner in regulations.

10 [e.] f. Upon receipt of the designation form, the designated school  
11 district shall immediately:

12 (1) review the designation form to ensure that it has been completed;  
13 (2) admit the homeless child even if the child or youth is unable to  
14 produce records normally a requirement for enrollment, such as previous  
15 academic records, records of immunization and/or other required health  
16 records, proof of residency or other documentation and/or even if the  
17 child has missed application or enrollment deadlines during any period  
18 of homelessness, if applicable. Provided that nothing herein shall be  
19 construed to require the immediate attendance of an enrolled student  
20 lawfully excluded from school temporarily pursuant to section nine  
21 hundred six of this chapter because of a communicable or infectious  
22 disease that imposes a significant risk of infection of others;

23 [(2)] (3) determine whether the designation made by the designator is  
24 consistent with the best interests of the homeless child or youth. In  
25 determining a homeless child's best interest, a local educational agency  
26 shall:

27 (i) presume that keeping the homeless child or youth in the school of  
28 origin is in the child's or youth's best interest, except when doing so



1 is contrary to the request of the child's parent or guardian, or in the  
2 case of an unaccompanied youth, the youth;

3 (ii) consider student-centered factors, including but not limited to  
4 factors related to the impact of mobility on achievement, education, the  
5 health and safety of the homeless child, giving priority to the request  
6 of the child's or youth's parent or guardian or the youth in the case of  
7 an unaccompanied youth;

8 (iii) if after considering student-centered factors and conducting a  
9 best interest school placement determination, the local educational  
10 agency determines that it is not in the homeless child's best interest  
11 to attend the school of origin or the school designated by the designa-  
12 tor, the local educational agency must provide a written explanation of  
13 the reasons for its determination, in a manner and form understandable  
14 to such parent, guardian, or unaccompanied youth. The information must  
15 also include information regarding the right to a timely appeal in  
16 accordance with regulations of the commissioner. The homeless child or  
17 youth must be enrolled in the school in which enrollment is sought by  
18 the designator during the pendency of all available appeals;

19 (4) treat the homeless child as a resident for all purposes;

20 [(3)] (5) make a written request to the school district where the  
21 child's records are located for a copy of such records; and

22 [(4)] (6) forward the designation form to the [commissioner, and the]  
23 school district of origin where applicable.

24 [f.] g. Within five days of receipt of a request for records pursuant  
25 to subparagraph [three] five of paragraph [e] f of this subdivision, the  
26 school district shall forward, in a manner consistent with state and  
27 federal law, a complete copy of the homeless child's records including,

1 but not limited to, proof of age, academic records, evaluations, immuni-  
2 zation records, and guardianship papers, if applicable.

3 [g.] h. Where the school of origin is a charter school, the school  
4 district designated pursuant to this subdivision shall be deemed to be  
5 the school district of residence of such child for purposes of fiscal  
6 and programmatic responsibility under article fifty-six of this chapter  
7 and shall be responsible for transportation of the homeless child if a  
8 social services district is not otherwise responsible pursuant to subdi-  
9 vision four of this section.

10 i. The commissioner shall promulgate regulations setting forth the  
11 circumstances pursuant to which a change in designation may be made and  
12 establishing a procedure for the identification of the school district  
13 of origin.

14 2-a. Notwithstanding any other provision of law to the contrary, each  
15 local educational agency, as such term is defined in subsection twenty-  
16 six of section ninety-one hundred one of the Elementary and Secondary  
17 Education Act of 1965, as amended by the Every Student Succeeds Act of  
18 2015, shall designate a local educational agency liaison for homeless  
19 children and youths and shall, consistent with the provisions of this  
20 section, otherwise comply with the applicable requirements of paragraphs  
21 three through seven of subsection (g) of section seven hundred twenty-  
22 two of subtitle B of title VII of the McKinney-Vento Assistance Act.

23 3. Reimbursement.

24 a. Where either the school district of current location or a school  
25 district participating in a regional placement plan is designated as the  
26 district in which the homeless child shall attend upon instruction and  
27 such homeless child's school district of origin is within New York  
28 state, the school district providing instruction, including preschool

1 instruction, shall be eligible for reimbursement by the department, as  
2 approved by the commissioner, for the direct cost of educational  
3 services, not otherwise reimbursed under special federal programs,  
4 calculated pursuant to regulations of the commissioner for the period of  
5 time for which such services are provided. The claim for such reimburse-  
6 ment shall be in a form prescribed by the commissioner. The educational  
7 costs for such children shall not be otherwise aidable or reimbursable.

8 b. The school district of origin shall reimburse the department for  
9 its expenditure for educational services on behalf of a homeless child  
10 pursuant to paragraph a of this subdivision in an amount equal to the  
11 school district basic contribution, as such term is defined in subdivi-  
12 sion eight of section forty-four hundred one of this chapter, pro-rated  
13 for the period of time for which such services were provided in the base  
14 year by a school district other than the school district of origin. Upon  
15 certification by the commissioner, the comptroller shall deduct from any  
16 state funds which become due to the school district of origin an amount  
17 equal to the reimbursement required to be made by such school district  
18 in accordance with this paragraph, and the amount so deducted shall not  
19 be included in the operating expense of such district for the purpose of  
20 computing the approved operating expense pursuant to paragraph t of  
21 subdivision one of section thirty-six hundred two of this chapter.

22 4. Transportation.

23 a. A social services district shall provide for the transportation of  
24 each homeless child, including those in preschool and students with  
25 disabilities identified pursuant to sections forty-four hundred one and  
26 forty-four hundred two of this chapter whose individualized education  
27 programs include special transportation services, who is eligible for  
28 benefits pursuant to section three hundred fifty-j of the social

1 services law, to and from a temporary housing location in which the  
2 child was placed by the social services district and the school attended  
3 by such child pursuant to this section, if such temporary housing facil-  
4 ity is located outside of the designated school district pursuant to  
5 paragraph a of subdivision two of this section. A social services  
6 district shall be authorized to contract with a board of education or a  
7 board of cooperative educational services for the provision of such  
8 transportation. Where the social services district requests that the  
9 designated school district of attendance provide or arrange for trans-  
10 portation for a homeless child eligible for transportation pursuant to  
11 this paragraph, the designated school district of attendance shall  
12 provide or arrange for the transportation and the social services  
13 district shall fully and promptly reimburse the designated school  
14 district of attendance for the cost as determined by the designated  
15 school district. This paragraph shall apply to placements made by a  
16 social services district without regard to whether a payment is made by  
17 the district to the operator of the temporary housing facility.

18 b. [The division for youth, to the extent funds are provided for such  
19 purpose, as determined by the director of the budget,] The designated  
20 school district of attendance shall provide for the transportation of  
21 each homeless child who is living in a residential program for runaway  
22 and homeless youth established pursuant to article nineteen-H of the  
23 executive law, to and from such residential program, and the school  
24 attended by such child pursuant to this section, if such temporary hous-  
25 ing location is located outside the designated school district. The  
26 [division for youth or the director of a residential program for runaway  
27 and homeless youth] designated district of attendance shall be author-  
28 ized to contract with [a school district or] a board of cooperative

1 educational services or a residential program for runaway and homeless  
2 youth for the provision of such transportation. The department shall  
3 reimburse the designated school district of attendance for the cost of  
4 transporting such child to and from the residential program and the  
5 school attended by such child to the extent funds are provided for such  
6 purpose, as determined by the director of the budget.

7 c. Notwithstanding any other provision of law, any homeless child not  
8 entitled to receive transportation pursuant to [paragraph] paragraphs a  
9 and b of this subdivision who requires transportation in order to attend  
10 a school [district] of origin designated pursuant to [paragraph a of]  
11 subdivision two of this section [outside of the district in which such  
12 child is housed], shall be entitled to receive such transportation  
13 pursuant to this paragraph. [If the] The designated [school district  
14 pursuant to paragraph a of subdivision two of this section is the school  
15 district of origin or a school district participating in a regional  
16 placement plan, such] school district of attendance shall provide trans-  
17 portation to and from the child's temporary housing location and the  
18 school [the child legally attends] of origin. Such transportation shall  
19 not be in excess of fifty miles each way except where the commissioner  
20 certifies that transportation in excess of fifty miles is in the best  
21 interest of the child. Any cost incurred for such transportation that is  
22 allowable pursuant to the applicable provision of parts two and three of  
23 article seventy-three of this chapter or herein, shall be aidable pursu-  
24 ant to subdivision seven of section thirty-six hundred two of this chap-  
25 ter, provided that the approved transportation expense shall not exceed  
26 an amount determined by the commissioner to be the total cost for  
27 providing the most cost-effective mode of such transportation in a  
28 manner consistent with commissioner's regulations. The commissioner

1 shall promulgate regulations setting forth the circumstances pursuant to  
2 which parent accompaniment for transportation may be reimbursable,  
3 including but not limited to: the age of the child; the distance of the  
4 transportation; the cost-effectiveness of the transportation; and wheth-  
5 er the child has a handicapping condition.

6 d. Notwithstanding any other provision of law, where a homeless child  
7 designates the school district of current location as the district the  
8 child will attend and such child does not attend the school of origin,  
9 such school district shall provide transportation to such child on the  
10 same basis as a resident student.

11 e. [Notwithstanding any other provision of law, if a homeless child  
12 chooses to remain in the public school building the child previously  
13 attended pursuant to subparagraph one of paragraph b of subdivision two  
14 of this section or paragraph c of subdivision two of this section the  
15 school district shall provide transportation to and from the child's  
16 temporary housing location and the school the child legally attends if  
17 such temporary housing is located in a different attendance zone or  
18 community school district within such district. The cost of such trans-  
19 portation shall be reimbursed in accordance with the provisions of para-  
20 graph c of this subdivision.] Where the designated school district of  
21 attendance has recommended that the homeless child attend a summer  
22 educational program and the lack of transportation poses a barrier to  
23 such child's participation in the summer educational program, the desig-  
24 nated school district of attendance shall provide transportation.

25 f. The designated school district of attendance, or the social  
26 services district if such child is eligible for transportation from the  
27 social services district pursuant to paragraph a of this subdivision,

1 shall provide or arrange for transportation to extracurricular or  
2 academic activities where:

3 (1) the homeless child participates in or would like to participate in  
4 an extracurricular or academic activity, including an after-school  
5 activity, at the school;

6 (2) the homeless child meets the relevant eligibility criteria for the  
7 activity; and

8 (3) the lack of transportation poses a barrier to such child's partic-  
9 ipation in the activity.

10 g. Where the homeless child is temporarily living in a contiguous  
11 state and has designated a school of origin located in the state of New  
12 York, the designated school district in New York state shall collaborate  
13 with the local educational agency in which such child is temporarily  
14 living to arrange for transportation in accordance with section  
15 722(g)(1)(J)(iii)(II) of the McKinney-Vento Homeless Assistance Act.

16 h. Where the homeless child is temporarily living in New York state  
17 and continues to attend a school of origin located in a contiguous  
18 state, the school district of current location shall coordinate with the  
19 local educational agency where such child is attending school to arrange  
20 for transportation in accordance with section 722(g)(1)(J)(iii)(II) of  
21 the McKinney-Vento Homeless Assistance Act.

22 i. Transportation as described in this subdivision must be provided to  
23 the homeless child by the designated school district of attendance or  
24 the social services district for the duration of homelessness. The  
25 designated district of attendance must transport the child for the  
26 remainder of the school year in which the child becomes permanently  
27 housed and one additional year if that year constitutes the child's  
28 terminal year in the designated school. Such transportation shall not be

1 in excess of fifty miles each way except where the commissioner certi-  
2 fies that transportation in excess of fifty miles is in the best inter-  
3 est of the child. The designated school district of attendance shall be  
4 entitled to reimbursement from the current school district in which the  
5 child becomes permanently housed for any cost incurred for transporta-  
6 tion for the remainder of the school year after the child becomes perma-  
7 nently housed and one additional year if that year constitutes the  
8 child's terminal year in the designated school.

9 5. Each school district shall:

10 a. establish procedures, in accordance with 42 U.S.C. section  
11 11432(g)(3)(E), for the prompt resolution of disputes regarding school  
12 selection or enrollment of a homeless child or youth, including, but not  
13 limited to, disputes regarding transportation and/or a child's or  
14 youth's status as a homeless child or unaccompanied youth;

15 b. provide a written explanation, including a statement regarding the  
16 right to appeal pursuant to 42 U.S.C. section 11432(g)(3)(E)(ii), the  
17 name, post office address and telephone number of the local educational  
18 agency liaison and the form petition for commencing an appeal to the  
19 commissioner pursuant to section three hundred ten of this chapter of a  
20 final determination regarding enrollment, school selection and/or trans-  
21 portation, to the homeless child's or youth's parent or guardian, if the  
22 school district declines to either enroll and/or transport such child or  
23 youth to the school of origin or a school requested by the parent or  
24 guardian; and

25 c. shall immediately enroll the child or youth in the school in which  
26 enrollment is sought pending final resolution of the dispute over the  
27 school district's final determination of the child's or youth's homeless  
28 status, including all available appeals within the local educational



1 agency and the commissioner pursuant to the provisions of section three  
2 hundred ten of this chapter.

3 6. a. By January thirty-first, nineteen hundred ninety-five, the  
4 commissioner, the commissioner of [social services, and the director of  
5 the division for youth] the office of temporary and disability assist-  
6 ance and the commissioner of the office of children and family services  
7 shall develop a plan to ensure coordination and access to education for  
8 homeless children and shall annually review such plan.

9 b. The commissioner shall periodically monitor local school districts  
10 to ensure their compliance with the provisions of this article, and that  
11 such districts review and revise any local regulations, policies, or  
12 practices that may act as barriers to the enrollment or attendance of  
13 homeless children in school or their receipt of comparable services as  
14 defined in Part B of Title VII of the Federal Stewart B. McKinney Act.

15 c. School districts shall periodically report such information to the  
16 commissioner as he or she may require to carry out the purposes of this  
17 section.

18 [6.] 7. Public welfare officials, except as otherwise provided by law,  
19 shall furnish indigent children with suitable clothing, shoes, books,  
20 food, transportation and other necessities to enable them to attend upon  
21 instruction as required by law. Upon demonstration of need, such neces-  
22 saries shall also include transportation of indigent children for the  
23 purposes of evaluations pursuant to section forty-four hundred ten of  
24 this chapter and title II-A of article twenty-five of the public health  
25 law.

26 [7.] 8. Information about a homeless child's or youth's living situ-  
27 ation shall be treated as a student educational record, and shall not be

1 deemed to be directory information, under the McKinney-Vento Homeless  
2 Assistance Act, as amended by the Every Student Succeeds Act of 2015.

3 9. Each homeless child to be assisted under this section shall be  
4 provided services comparable to services offered to other students in  
5 the school selected under this section, including the following: trans-  
6 portation services; educational services for which the child or youth  
7 meets the eligibility criteria, such as services provided under Title I  
8 of the Elementary and Secondary Education Act of 1965 or similar state  
9 or local programs; educational programs for children with disabilities;  
10 educational programs for English learners; programs in career and tech-  
11 nical education; programs for gifted and talented students; and school  
12 nutrition programs.

13 10. The commissioner may promulgate regulations to carry out the  
14 purposes of this section.

15 § 2. Paragraph a of subdivision 1 of section 3209 of the education  
16 law, as added by chapter 569 of the laws of 1994, is amended to read as  
17 follows:

18 a. Homeless child. For the purposes of this article, the term "home-  
19 less child" shall mean:

20 (1) a child who lacks a fixed, regular, and adequate nighttime resi-  
21 dence, including a child or youth who is:

22 (i) sharing the housing of other persons due to a loss of housing,  
23 economic hardship or a similar reason;

24 (ii) living in motels, hotels, trailer parks or camping grounds due to  
25 the lack of alternative adequate accommodations;

26 (iii) abandoned in hospitals;

27 (iv) a migratory child, as defined in subsection two of section thir-  
28 teen hundred nine of the Elementary and Secondary Education Act of 1965,

1 as amended by the Every Student Succeeds Act of 2015, who qualifies as  
2 homeless under any of the provisions of clauses (i) through (iii) of  
3 this subparagraph or subparagraph two of this paragraph; or

4 (v) an unaccompanied youth, as defined in section seven hundred twen-  
5 ty-five of subtitle B of title VII of the McKinney-Vento Homeless  
6 Assistance Act; or

7 (2) a child who has a primary nighttime location that is:

8 (i) a supervised publicly or privately operated shelter designed to  
9 provide temporary living accommodations including, but not limited to,  
10 shelters operated or approved by the state or local department of social  
11 services, and residential programs for runaway and homeless youth estab-  
12 lished pursuant to article nineteen-H of the executive law; or

13 (ii) a public or private place not designed for, or ordinarily used  
14 as, a regular sleeping accommodation for human beings, including a child  
15 or youth who is living in a car, park, public space, abandoned building,  
16 substandard housing, bus or train stations or similar setting.

17 (3) the term "homeless child" shall not include a child in foster care  
18 placement or receiving educational services pursuant to subdivision  
19 four, five, six, six-a or seven of section thirty-two hundred two of  
20 this article or pursuant to article eighty-one, eighty-five, eighty-sev-  
21 en or eighty-eight of this chapter.

22 § 3. This act shall take effect immediately; provided, however, that:

23 (a) the amendments to paragraph a of subdivision 1 of section 3209 of  
24 the education law made by section one of this act shall be subject to  
25 the expiration and reversion of such paragraph pursuant to section 5 of  
26 chapter 101 of the laws of 2003, as amended, when upon such date the  
27 provisions of section two of this act shall take effect;

1 (b) the amendments to paragraph a-1 of subdivision 1 of section 3209  
2 of the education law made by section one of this act shall not affect  
3 the expiration of such paragraph and shall be deemed to expire there-  
4 with; and

5 (c) the amendments to subdivision 2-a of section 3209 of the education  
6 law made by section one of this act shall not affect the repeal of such  
7 subdivision and shall be deemed repealed therewith.

8 PART D

9 Section 1. The education law is amended by adding a new section 669-h  
10 to read as follows:

11 § 669-h. Excelsior scholarship. 1. Eligibility. An excelsior scholar-  
12 ship award shall be made to an applicant who: (a) is matriculated in an  
13 approved program leading to an undergraduate degree at a New York state  
14 public institution of higher education; (b) if enrolled in (i) a public  
15 institution of higher education prior to application, has completed at  
16 least fifteen combined credits per term, or its equivalent, applicable  
17 to his or her program or programs of study or (ii) an institution of  
18 higher education prior to application, has completed at least fifteen  
19 combined credits per term, or its equivalent, applicable to his or her  
20 program or programs of study and which were accepted upon transfer to a  
21 public institution of higher education; (c) enrolls in and completes at  
22 least fifteen combined credits per term, or its equivalent, applicable  
23 to his or her program or programs of study except in limited circum-  
24 stances as prescribed by the corporation in regulation. Notwithstanding,  
25 in the student's last semester, the student may take at least one course  
26 needed to meet his or her graduation requirements and enroll in and

1 complete at least fifteen credit hours or its equivalent; (d) has an  
2 adjusted gross income, as defined in this subdivision, equal to or less  
3 than: (i) one hundred thousand dollars for recipients receiving an award  
4 in the two thousand seventeen--two thousand eighteen academic year; (ii)  
5 one hundred ten thousand dollars for recipients receiving an award in  
6 the two thousand eighteen--two thousand nineteen academic year; and  
7 (iii) one hundred twenty-five thousand dollars for recipients receiving  
8 an award in the two thousand nineteen--two thousand twenty academic year  
9 and thereafter; and (e) complies with the applicable provisions of this  
10 article and all requirements promulgated by the corporation for the  
11 administration of the program. Adjusted gross income shall be the total  
12 of the combined adjusted gross income of the applicant and the appli-  
13 cant's parents or the applicant and the applicant's spouse, if married,  
14 as reported on the federal income tax return, or as otherwise obtained  
15 by the corporation, for the calendar year coinciding with the tax year  
16 established by the U.S. department of education to qualify applicants  
17 for federal student financial aid programs authorized by Title IV of the  
18 Higher Education Act of nineteen hundred sixty-five, as amended, for the  
19 school year in which application for assistance is made.

20 2. Amount. Awards shall be granted beginning with the two thousand  
21 seventeen--two thousand eighteen academic year and thereafter to appli-  
22 cants that the corporation has determined are eligible to receive such  
23 awards. The corporation shall grant such awards in the amount equal to  
24 the amount of undergraduate tuition for residents of New York state  
25 charged by the state university of New York or actual tuition, whichever  
26 is less; provided, however, (a) a student who receives educational  
27 grants and/or scholarships that cover the student's full cost of attend-  
28 ance shall not be eligible for an award under this program; and (b) an

1 award under this program shall be applied to tuition after the applica-  
2 tion of payments received under the tuition assistance program pursuant  
3 to section six hundred sixty-seven of this subpart, tuition credits  
4 pursuant to section six hundred eighty-nine-a of this article, federal  
5 Pell grant pursuant to section one thousand seventy of title twenty of  
6 the United States code, et. seq., and any other program that covers the  
7 cost of attendance, and the award under this program shall be reduced in  
8 the amount equal to such payments, provided that the combined benefits  
9 do not exceed the student's full cost of tuition. Upon notification of  
10 an award under this program, the institution shall defer the amount of  
11 tuition. Notwithstanding paragraph h of subdivision two of section  
12 three hundred fifty-five and paragraph (a) of subdivision seven of  
13 section six thousand two hundred six of this chapter, and any other law,  
14 rule or regulation to the contrary, the undergraduate tuition charged by  
15 the institution to recipients of an award shall not exceed the tuition  
16 rate established by the institution for the two thousand sixteen--two  
17 thousand seventeen academic year.

18 3. Duration. An eligible recipient shall not receive an award for more  
19 than four academic years of full-time undergraduate study or five  
20 academic years if the program of study normally requires five years. An  
21 eligible recipient enrolled in an eligible two year program of study  
22 shall not receive an award for more than two academic years. Notwith-  
23 standing, such duration may be extended for an allowable interruption of  
24 study.

25 4. Conditions. (a) An applicant who would be eligible for a New York  
26 state tuition assistance program award pursuant to section six hundred  
27 sixty-seven of this subpart and/or a federal Pell grant pursuant to

1 section one thousand seventy of title twenty of the United States code,  
2 et. seq., is required to apply for each such award.

3 (b) An applicant who has earned a bachelor's degree is ineligible to  
4 receive an award pursuant to this section.

5 (c) An applicant who has earned an associate's degree is ineligible to  
6 receive an award for a two year program of study pursuant to this  
7 section.

8 (d) Notwithstanding paragraph c of subdivision four of section six  
9 hundred sixty-one of this part, a school shall certify that a recipient  
10 has achieved the minimum grade point average necessary for successful  
11 completion of his or her coursework to receive payment under the award.

12 5. The corporation is authorized to promulgate rules and regulations,  
13 and may promulgate emergency regulations, necessary for the implementa-  
14 tion of the provisions of this section.

15 § 2. This act shall take effect immediately.

16 PART E

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

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

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

23 a. (i) Except as provided in subdivision two of section six hundred  
24 seventy-four of this part and subparagraph (ii) of this paragraph, an  
25 applicant for an award at the undergraduate level of study must either  
26 [(i)] (a) have been a legal resident of the state for at least one year

1 immediately preceding the beginning of the semester, quarter or term of  
2 attendance for which application for assistance is made, or [(ii)] (b)  
3 be a legal resident of the state and have been a legal resident during  
4 his or her last two semesters of high school either prior to graduation,  
5 or prior to admission to college. Provided further that persons shall be  
6 eligible to receive awards under section six hundred sixty-eight or  
7 section six hundred sixty-nine of this part who are currently legal  
8 residents of the state and are otherwise qualified.

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

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

24 (b) attended an approved New York state program for a state high  
25 school equivalency diploma, lived continuously in New York state while  
26 attending an approved New York state program for a general equivalency  
27 diploma, received a state high school equivalency diploma, subsequently  
28 applied for attendance at the institution of higher education for the



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

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

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

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

20 b. [An] (i) Except as otherwise provided in subparagraph (ii) of this  
21 paragraph, an applicant for an award at the graduate level of study must  
22 either [(i)] (a) have been a legal resident of the state for at least  
23 one year immediately preceding the beginning of the semester, quarter or  
24 term of attendance for which application for assistance is made, or  
25 [(ii)] (b) be a legal resident of the state and have been a legal resi-  
26 dent during his or her last academic year of undergraduate study and  
27 have continued to be a legal resident until matriculation in the gradu-  
28 ate program.

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

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

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

25     (c) is otherwise eligible for the payment of tuition and fees at a  
26 rate no greater than that imposed for resident students of the state  
27 university of New York, the city university of New York or community  
28 colleges as prescribed in subparagraph eight of paragraph h of subdivi-

1 sion two of section three hundred fifty-five or paragraph (a) of subdi-  
2 vision seven of section six thousand two hundred six of this chapter.

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

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

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

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

24 e. Notwithstanding any other provision of this article to the contra-  
25 ry, the New York state [residency] eligibility [requirement] require-  
26 ments for receipt of awards [is] set forth in paragraphs a and b of this  
27 subdivision are waived for a member, or the spouse or dependent of a

1 member, of the armed forces of the United States on full-time active  
2 duty and stationed in this state.

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

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

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

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

24 (i) attended an approved New York high school for two or more years,  
25 graduated from an approved New York high school, lived continuously in  
26 New York state while attending an approved New York high school, and  
27 applied for attendance [at] and attended an institution or educational

1 unit of the city university within five years of receiving a New York  
2 state high school diploma; or

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

12 § 8-a. Paragraph (a) of subdivision 7 of section 6206 of the education  
13 law, as amended by chapter 327 of the laws of 2002, the opening para-  
14 graph as amended by section 4 of chapter 437 of the laws of 2015, is  
15 amended to read as follows:

16 (a) The board of trustees shall establish positions, departments,  
17 divisions and faculties; appoint and in accordance with the provisions  
18 of law fix salaries of instructional and non-instructional employees  
19 therein; establish and conduct courses and curricula; prescribe condi-  
20 tions of student admission, attendance and discharge; and shall have the  
21 power to determine in its discretion whether tuition shall be charged  
22 and to regulate tuition charges, and other instructional and non-in-  
23 structional fees and other fees and charges at the educational units of  
24 the city university. The trustees shall review any proposed community  
25 college tuition increase and the justification for such increase. The  
26 justification provided by the community college for such increase shall  
27 include a detailed analysis of ongoing operating costs, capital, debt  
28 service expenditures, and all revenues. The trustees shall not impose a

1 differential tuition charge based upon need or income. All students  
2 enrolled in programs leading to like degrees at the senior colleges  
3 shall be charged a uniform rate of tuition, except for differential  
4 tuition rates based on state residency. Notwithstanding any other  
5 provision of this paragraph, the trustees may authorize the setting of a  
6 separate category of tuition rate, that shall be greater than the  
7 tuition rate for resident students and less than the tuition rate for  
8 non-resident students, only for students enrolled in distance learning  
9 courses who are not residents of the state. The trustees shall further  
10 provide that the payment of tuition and fees by any student who is not a  
11 resident of New York state, other than a non-immigrant alien within the  
12 meaning of paragraph (15) of subsection (a) of section 1101 of title 8  
13 of the United States Code, shall be paid at a rate or charge no greater  
14 than that imposed for students who are residents of the state if such  
15 student:

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

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

1 years of receiving a general equivalency diploma issued within New York  
2 state; or

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

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

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

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

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

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

27     (iii) was enrolled in [an institution or educational unit of the state  
28 university] a community college in the fall semester or quarter of the



1 two thousand one--two thousand two academic year and was authorized by  
2 such [institution or educational unit] community college to pay tuition  
3 at the rate or charge imposed for students who are residents of the  
4 state.

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

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

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

20 d. Any necessary supplemental financial assistance, which may include  
21 the cost of books and necessary maintenance for such enrolled students,  
22 including students without lawful immigration status provided that the  
23 student meets the requirements set forth in subparagraph (ii) of para-  
24 graph a or subparagraph (ii) of paragraph b of subdivision five of  
25 section six hundred sixty-one of this chapter, as applicable; provided,  
26 however, that such supplemental financial assistance shall be furnished  
27 pursuant to criteria promulgated by the commissioner with the approval  
28 of the director of the budget.

1     § 10-a. Paragraph d of subdivision 3 of section 6451 of the education  
2 law, as amended by chapter 494 of the laws of 2016, is amended to read  
3 as follows:

4     d. Any necessary supplemental financial assistance, which may include  
5 the cost of books and necessary maintenance for such enrolled students,  
6 including students without lawful immigration status provided that the  
7 student meets the requirements set forth in subparagraph (ii) of para-  
8 graph a or subparagraph (ii) of paragraph b of subdivision five of  
9 section six hundred sixty-one of this chapter, as applicable; provided,  
10 however, that such supplemental financial assistance shall be furnished  
11 pursuant to criteria promulgated by the commissioner with the approval  
12 of the director of the budget;

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

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

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

1 (a) (i) Undergraduate science and technology entry program moneys may  
2 be used for tutoring, counseling, remedial and special summer courses,  
3 supplemental financial assistance, program administration, and other  
4 activities which the commissioner may deem appropriate. To be eligible  
5 for undergraduate collegiate science and technology entry program  
6 support, a student must be a resident of New York [who is], or meet the  
7 requirements of subparagraph (ii) of this paragraph, and must be either  
8 economically disadvantaged or from a minority group historically under  
9 represented in the scientific, technical, health and health-related  
10 professions, and [who demonstrates] must demonstrate interest in and a  
11 potential for a professional career if provided special services. Eligi-  
12 ble students must be in good academic standing, enrolled full time in an  
13 approved, undergraduate level program of study, as defined by the  
14 regents.

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

23 (A) attended a registered New York state high school for two or more  
24 years, graduated from a registered New York state high school, lived  
25 continuously in New York state while attending an approved New York  
26 state high school, applied for attendance at the institution of higher  
27 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 § 13. Paragraph (a) of subdivision 3 of section 6455 of the education  
25 law, as added by chapter 285 of the laws of 1986, is amended to read as  
26 follows:

27 (a) (i) Graduate science and technology entry program moneys may be  
28 used for recruitment, academic enrichment, career planning, supplemental

1 financial assistance, review for licensing examinations, program admin-  
2 istration, and other activities which the commissioner may deem appro-  
3 priate. To be eligible for graduate collegiate science and technology  
4 entry program support, a student must be a resident of New York [who  
5 is], or meet the requirements of subparagraph (ii) of this paragraph,  
6 and must be either economically disadvantaged or from a minority group  
7 historically underrepresented in the scientific, technical and health-  
8 related professions. Eligible students must be in good academic stand-  
9 ing, enrolled full time in an approved graduate level program, as  
10 defined by the regents.

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

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

26 (B) attended an approved New York state program for a state high  
27 school equivalency diploma, lived continuously in New York state while  
28 attending an approved New York state program for a general equivalency

1 diploma, received a state high school equivalency diploma, subsequently  
2 applied for attendance at the institution of higher education for the  
3 graduate study for which an award is sought, and attended the institu-  
4 tion of higher education for the graduate study for which an award is  
5 sought within ten years of receiving a state high school equivalency  
6 diploma; or

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

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

18 § 14. Subparagraph (i) of paragraph a of subdivision 2 of section  
19 695-e of the education law, as amended by chapter 593 of the laws of  
20 2003, is amended to read as follows:

21 (i) the name, address and social security number [or], employer iden-  
22 tification number, or individual taxpayer identification number of the  
23 account owner unless a family tuition account that was in effect prior  
24 to the effective date of the chapter of the laws of two thousand seven-  
25 teen that amended this subparagraph does not allow for a taxpayer iden-  
26 tification number, in which case a taxpayer identification number shall  
27 be allowed upon the expiration of the contract;

1     § 15. Subparagraph (iii) of paragraph a of subdivision 2 of section  
2 695-e of the education law, as amended by chapter 593 of the laws of  
3 2003, is amended to read as follows:

4     (iii) the name, address, and social security number, employer iden-  
5 tification number, or individual taxpayer identification number of the  
6 designated beneficiary, unless a family tuition account that was in  
7 effect prior to the effective date of the chapter of the laws of two  
8 thousand seventeen that amended this subparagraph does not allow for a  
9 taxpayer identification number, in which case a taxpayer identification  
10 number shall be allowed upon the expiration of the contract; and

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

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

27     § 18. This act shall take effect on the ninetieth day after the issu-  
28 ance of regulations and the development of an application form by the

1 president of the higher education services corporation or on the nineti-  
2 eth day after it shall have become a law, whichever shall be later;  
3 provided, however, that:

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

9 b. section ten-a of this act shall take effect on the same date and in  
10 the same manner as chapter 494 of the laws of 2016 takes effect; and

11 c. the president of the higher education services corporation shall  
12 notify the legislative bill drafting commission upon the occurrence of  
13 the issuance of regulations and the development of an application form  
14 provided for in this section in order that the commission may maintain  
15 an accurate and timely effective data base of the official text of the  
16 laws of the state of New York in furtherance of effectuating the  
17 provisions of section 44 of the legislative law and section 70-b of the  
18 public officers law.

19 PART F

20 Section 1. The opening paragraph of paragraph c of subdivision 3 of  
21 section 667 of the education law, as added by chapter 83 of the laws of  
22 1995 and as relettered by section 2 of part J of chapter 58 of the laws  
23 of 2011, is amended to read as follows:

24 In no [even] event shall [shall] any award:

25 § 2. Subparagraph (iii) of paragraph c of subdivision 3 of section 667  
26 of the education law, as added by chapter 83 of the laws of 1995 and as



1 relettered by section 2 of part J of chapter 58 of the laws of 2011, is  
2 amended and a new subparagraph (iv) is added to read as follows:

3 (iii) be made when income exceeds the maximum income set forth in this  
4 subdivision. The commissioner shall list in his regulations all major  
5 state and federal financial aid available to New York state students and  
6 identify any forms of aid that are duplicative of the purposes of the  
7 tuition assistance program. For the purposes of this subdivision,  
8 neither United States war orphan educational benefits nor benefits under  
9 the veterans' readjustment act of nineteen hundred sixty-six shall be  
10 considered as federal or other educational aid[.]; or

11 (iv) be made if the increase in annual tuition and mandatory fees  
12 exceeds the three year average of the final higher education price index  
13 for the most recently available academic years or five hundred dollars,  
14 whichever is greater. Notwithstanding, students who first received an  
15 award in the two thousand seventeen--two thousand eighteen academic year  
16 and earlier, shall continue to be eligible for an award provided such  
17 students satisfy the eligibility requirements.

18 § 3. This act shall take effect July 1, 2018.

19 PART G

20 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section  
21 355 of the education law, as amended by section 1 of part D of chapter  
22 54 of the laws of 2016, is amended to read as follows:

23 (4) The trustees shall not impose a differential tuition charge based  
24 upon need or income. Except as hereinafter provided, all students  
25 enrolled in programs leading to like degrees at state-operated insti-  
26 tutions of the state university shall be charged a uniform rate of

1 tuition except for differential tuition rates based on state residency.  
2 Provided, however, that the trustees may authorize the presidents of the  
3 colleges of technology and the colleges of agriculture and technology to  
4 set differing rates of tuition for each of the colleges for students  
5 enrolled in degree-granting programs leading to an associate degree and  
6 non-degree granting programs so long as such tuition rate does not  
7 exceed the tuition rate charged to students who are enrolled in like  
8 degree programs or degree-granting undergraduate programs leading to a  
9 baccalaureate degree at other state-operated institutions of the state  
10 university of New York. Notwithstanding any other provision of this  
11 subparagraph, the trustees may authorize the setting of a separate cate-  
12 gory of tuition rate, that shall be greater than the tuition rate for  
13 resident students and less than the tuition rate for non-resident  
14 students, only for students enrolled in distance learning courses who  
15 are not residents of the state. Except as otherwise authorized in this  
16 subparagraph, the trustees shall not adopt changes affecting tuition  
17 charges prior to the enactment of the annual budget, provided however  
18 that:

19 (i) Commencing with the two thousand eleven--two thousand twelve  
20 academic year and ending in the two thousand fifteen--two thousand  
21 sixteen academic year the state university of New York board of trustees  
22 shall be empowered to increase the resident undergraduate rate of  
23 tuition by not more than three hundred dollars over the resident under-  
24 graduate rate of tuition adopted by the board of trustees in the prior  
25 academic year, provided however that commencing with the two thousand  
26 eleven--two thousand twelve academic year [and each year thereafter] and  
27 ending in the two thousand sixteen--two thousand seventeen academic year  
28 if the annual resident undergraduate rate of tuition would exceed five

1 thousand dollars, then a tuition credit for each eligible student, as  
2 determined and calculated by the New York state higher education  
3 services corporation pursuant to section six hundred eighty-nine-a of  
4 this title, shall be applied toward the tuition charged for each semes-  
5 ter, quarter or term of study. Tuition for each semester, quarter or  
6 term of study shall not be due for any student eligible to receive such  
7 tuition credit until the tuition credit is calculated and applied  
8 against the tuition charged for the corresponding semester, quarter or  
9 term.

10 (ii) Commencing with the two thousand seventeen--two thousand eighteen  
11 academic year and ending in the two thousand twenty-one--two thousand  
12 twenty-two academic year the state university of New York board of trus-  
13 tees shall be empowered to increase the resident undergraduate rate of  
14 tuition by not more than two hundred fifty dollars over the resident  
15 undergraduate rate of tuition adopted by the board of trustees in the  
16 prior academic year, provided, however that if the annual resident  
17 undergraduate rate of tuition would exceed five thousand dollars, then a  
18 tuition credit for each eligible student, as determined and calculated  
19 by the New York state higher education services corporation pursuant to  
20 section six hundred eighty-nine-a of this title, shall be applied toward  
21 the tuition charged for each semester, quarter or term of study. Tuition  
22 for each semester, quarter or term of study shall not be due for any  
23 student eligible to receive such tuition credit until the tuition credit  
24 is calculated and applied against the tuition charged for the corre-  
25 sponding semester, quarter or term. Provided, further that the revenue  
26 resulting from an increase in the rate of tuition shall be allocated to  
27 each campus pursuant to a plan approved by the board of trustees to  
28 support investments in faculty, instruction, initiatives to improve

1 student success and on-time completion and a tuition credit for each  
2 eligible student.

3     (iii) On or before November thirtieth, two thousand [eleven]  
4 seventeen, the trustees shall approve and submit to the chairs of the  
5 assembly ways and means committee and the senate finance committee and  
6 to the director of the budget a master tuition plan setting forth the  
7 tuition rates that the trustees propose for resident undergraduate  
8 students for the five year period commencing with the two thousand  
9 [eleven] seventeen--two thousand [twelve] eighteen academic year and  
10 ending in the two thousand [fifteen] twenty-one--two thousand [sixteen]  
11 twenty-two academic year, and shall submit any proposed amendments to  
12 such plan by November thirtieth of each subsequent year thereafter  
13 through November thirtieth, two thousand [fifteen] twenty-one, and  
14 provided further, that with the approval of the board of trustees, each  
15 university center may increase non-resident undergraduate tuition rates  
16 each year by not more than ten percent over the tuition rates of the  
17 prior academic year for a six year period commencing with the two thou-  
18 sand eleven--two thousand twelve academic year and ending in the two  
19 thousand sixteen--two thousand seventeen academic year.

20     [(iii)] (iv) Beginning in state fiscal year two thousand twelve-two  
21 thousand thirteen and ending in state fiscal year two thousand fifteen-  
22 -two thousand sixteen, the state shall appropriate and make available  
23 general fund operating support, including fringe benefits, for the state  
24 university in an amount not less than the amount appropriated and made  
25 available in the prior state fiscal year; provided, however, that if the  
26 governor declares a fiscal emergency, and communicates such emergency to  
27 the temporary president of the senate and speaker of the assembly, state  
28 support for operating expenses at the state university and city univer-

1 sity may be reduced in a manner proportionate to one another, and the  
2 aforementioned provisions shall not apply.

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

15 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education  
16 law, as amended by section 2 of part D of chapter 54 of the laws of  
17 2016, is amended to read as follows:

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

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

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

1 against the tuition charged for the corresponding semester, quarter or  
2 term.

3 (ii) Commencing with the two thousand seventeen--two thousand eighteen  
4 academic year and ending in the two thousand twenty-one--two thousand  
5 twenty-two academic year the city university of New York board of trus-  
6 tees shall be empowered to increase the resident undergraduate rate of  
7 tuition by not more than two hundred fifty dollars over the resident  
8 undergraduate rate of tuition adopted by the board of trustees in the  
9 prior academic year, provided however that if the annual resident under-  
10 graduate rate of tuition would exceed five thousand dollars, then a  
11 tuition credit for each eligible student, as determined and calculated  
12 by the New York state higher education services corporation pursuant to  
13 section six hundred eighty-nine-a of this title, shall be applied toward  
14 the tuition charged for each semester, quarter or term of study. Tuition  
15 for each semester, quarter or term of study shall not be due for any  
16 student eligible to receive such tuition credit until the tuition credit  
17 is calculated and applied against the tuition charged for the corre-  
18 sponding semester, quarter or term. Provided, further that the revenue  
19 resulting from an increase in the rate of tuition shall be allocated to  
20 each campus pursuant to a plan approved by the board of trustees to  
21 support investments in faculty, instruction, initiatives to improve  
22 student success and on-time completion and a tuition credit for each  
23 eligible student.

24 (iii) On or before November thirtieth, two thousand [eleven]  
25 seventeen, 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] seventeen--two thousand [twelve] eighteen academic year and  
3 ending in the two thousand [fifteen] twenty-one--two thousand [sixteen]  
4 twenty-two academic year, and shall submit any proposed amendments to  
5 such plan by November thirtieth of each subsequent year thereafter  
6 through November thirtieth, two thousand [fifteen] twenty-one.

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

18 § 3. Section 359 of the education law is amended by adding a new  
19 subdivision 6 to read as follows:

20 6. The state university trustees shall annually report on how the  
21 revenue generated has been invested in faculty, instruction, initiatives  
22 to improve student success and on-time completion and student financial  
23 assistance for the duration of the five year tuition plan. The trustees  
24 shall submit the report by September first of each subsequent year.

25 § 4. Section 6206 of the education law is amended by adding a new  
26 subdivision 19 to read as follows:

27 19. The city university trustees shall annually report on how the  
28 revenue generated has been invested in faculty, instruction, initiatives



1 to improve student success and on-time completion and student financial  
2 assistance for the duration of the five year tuition plan. The trustees  
3 shall submit the report by September first of each subsequent year.

4 § 5. Section 16 of chapter 260 of the laws of 2011 amending the educa-  
5 tion law and the New York state urban development corporation act relat-  
6 ing to establishing components of the NY-SUNY 2020 challenge grant  
7 program, as amended by section 5 of part D of chapter 54 of the laws of  
8 2016, is amended to read as follows:

9 § 16. This act shall take effect July 1, 2011; provided that sections  
10 one, two, three, four, five, six, eight, nine, ten, eleven, twelve and  
11 thirteen of this act shall expire [6] 11 years after such effective date  
12 when upon such date the provisions of this act shall be deemed repealed;  
13 and provided further that sections fourteen and fifteen of this act  
14 shall expire 5 years after such effective date when upon such date the  
15 provisions of this act 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 and the amendments  
19 to paragraph (a) of subdivision 7 of section 6206 of the education law  
20 made by section two of this act shall not affect the expiration of such  
21 provisions and shall be deemed to expire therewith.

22 PART H

23 Section 1. Section 6221 of the education law is amended by adding a  
24 new subdivision F to read as follows:

25 F. Foundation contributions to the city university of New York. 1.  
26 Notwithstanding any other law, rule or regulation to the contrary,

1 commencing in the two thousand seventeen--two thousand eighteen academic  
2 year and each academic year thereafter, the trustees of the city univer-  
3 sity of New York shall annually collect from each affiliated nonprofit  
4 organization and foundation an amount equal to ten percent of the annual  
5 revenue received by each affiliated nonprofit organization or foundation  
6 in the previous academic year. The funds collected pursuant to this  
7 subdivision shall be utilized to fund tuition assistance initiatives for  
8 students in need attending the city university of New York.

9     2. As used within this subdivision "affiliated nonprofit organization  
10 or foundation" means an organization or foundation formed under the  
11 not-for-profit corporation law or any other entity formed for the bene-  
12 fit of or controlled by the city university of New York or its respec-  
13 tive universities, colleges, community colleges, campuses or subdivi-  
14 sions, including the research foundation of the city university of New  
15 York, to assist in meeting the specific needs of, or providing a direct  
16 benefit to, the respective university, college, community college,  
17 campus or subdivision or the university as a whole, that has control of,  
18 manages or receives fifty thousand dollars or more annually, including  
19 alumni associations. For the purposes of this subdivision, this term  
20 does not include a student-run organization comprised solely of enrolled  
21 students and formed for the purpose of advancing a student objective.

22     § 2. This act shall take effect immediately.

23                                   PART I

24     Section 1. Subdivision (c) of section 609 of the limited liability  
25 company law, as added by chapter 537 of the laws of 2014, is amended to  
26 read as follows:

1 (c) Notwithstanding the provisions of subdivisions (a) and (b) of this  
2 section, the ten members with the largest percentage ownership interest,  
3 as determined as of the beginning of the period during which the unpaid  
4 services referred to in this section are performed, of every domestic  
5 limited liability company and every foreign limited liability company,  
6 shall jointly and severally be personally liable for all debts, wages or  
7 salaries due and owing to any of its laborers, servants or employees,  
8 for services performed by them for such limited liability company.  
9 Before such laborer, servant or employee shall charge such member for  
10 such services, he or she shall give notice in writing to such member  
11 that he or she intends to hold such member liable under this section.  
12 Such notice shall be given within one hundred eighty days after termi-  
13 nation of such services. An action to enforce such liability shall be  
14 commenced within ninety days after the return of an execution unsatis-  
15 fied against [the] such limited liability company upon a judgment recov-  
16 ered against it for such services. A member who has paid more than his  
17 or her pro rata share under this section shall be entitled to contrib-  
18 ution pro rata from the other members liable under this section with  
19 respect to the excess so paid, over and above his or her pro rata share,  
20 and may sue them jointly or severally or any number of them to recover  
21 the amount due from them. Such recovery may be had in a separate action.  
22 As used in this subdivision, "pro rata" means in proportion to percent-  
23 age ownership interest. Before a member may claim contribution from  
24 other members under this section, he or she shall give them notice in  
25 writing that he or she intends to hold them so liable to him or her.

26 § 2. Subdivision 1 of section 196 of the labor law is amended by  
27 adding a new paragraph f to read as follows:

1 f. When an employer is a corporation or limited liability company,  
2 including foreign as well as domestic, the commissioner's duties, powers  
3 and authority shall include the following with respect to the ten larg-  
4 est shareholders, within the meaning of section six hundred thirty of  
5 the business corporation law, or the ten members with the largest  
6 percentage ownership interest, within the meaning of section six hundred  
7 nine of the limited liability company law, in connection with an assign-  
8 ment, investigation, proceeding, order, or judgment under this article,  
9 under section two hundred fifteen, or under article eight, eight-A,  
10 nine, nineteen, nineteen-A or twenty-five-A of this chapter:

11 (i) to order the employer to identify such shareholders and members  
12 and, if the employer shall fail to identify such shareholders within ten  
13 days after an order under this subparagraph, to bring an action in the  
14 name and on behalf of the people of the state of New York against such  
15 employer in the supreme court to compel such employer to identify such  
16 shareholders and members and pay a civil penalty of no more than ten  
17 thousand dollars;

18 (ii) to serve written notices on such shareholders and members pursu-  
19 ant to section six hundred thirty of the business corporation law and  
20 section six hundred nine of the limited liability company law, on behalf  
21 of laborers, servants or employees, within the time period prescribed by  
22 those sections, which time period shall be tolled during the commission-  
23 er's investigation; and

24 (iii) to name such shareholders and members in any order or judgement  
25 within the scope of this paragraph and to hold such shareholders and  
26 members jointly and severally liable for all wages, pay, and compen-  
27 sation, together with interest assessed under this chapter, from the  
28 date of any written notice pursuant to subparagraph (ii) of this para-

1 graph, which orders and judgments may be enforced as provided for under  
2 this chapter, in lieu of actions commenced under section six hundred  
3 thirty of the business corporation law and section six hundred nine of  
4 the limited liability company law.

5 § 3. This act shall take effect immediately with respect to liabil-  
6 ities owed to laborers, servants or employees whose services had not  
7 been terminated more than one hundred eighty days prior to the effective  
8 date of this act.

9 PART J

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

12 ARTICLE 722

13 PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH

14 PART AND RELATED PROCEDURES

15 Section 722.00 Probation case planning and services.

16 722.10 Youth part of the superior court established.

17 722.20 Proceedings in a youth part of the superior court.

18 § 722.00 Probation case planning and services.

19 1. Every probation department shall conduct a risk and needs assess-  
20 ment with respect to any juvenile released on recognizance, released  
21 under supervision, or posting bail following arraignment by a youth part  
22 within its jurisdiction. The court shall order any such juvenile to  
23 report within seven calendar days to the probation department for  
24 purposes of assessment. The juvenile may, at his or her discretion or  
25 at the discretion of their parent or other person legally responsible  
26 for the care of the juvenile, be accompanied by counsel during the

1 assessment. Based upon the assessment findings, the probation depart-  
2 ment shall refer the juvenile to available specialized and evidence-  
3 based services to mitigate any risks identified and to address individ-  
4 ual needs.

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

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

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

26 5. The probation service shall not transmit or otherwise communicate  
27 to the district attorney or the youth part any statement made by the  
28 juvenile offender to a probation officer. However, the probation service

1 may make a recommendation regarding the completion of his or her case  
2 plan to the youth part and provide such information as it shall deem  
3 relevant.

4 6. No statement made to the probation service during the risk and  
5 needs assessment or while the juvenile offender is following his or her  
6 case plan may be admitted into evidence at a fact- finding hearing at  
7 any time prior to a conviction.

8 § 722.10 Youth part of the superior court established.

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

19 § 722.20 Proceedings in a youth part of the superior court.

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

1     2. If the defendant waives a hearing upon the felony complaint, the  
2 court must order that the defendant be held for the action of the grand  
3 jury with respect to the charge or charges contained in the felony  
4 complaint.

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

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

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

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

26     4. Notwithstanding the provisions of subdivision three of this  
27 section, a youth part shall, (a) with the consent of the district attor-  
28 ney, order removal of an action against a juvenile offender accused of



1 robbery in the second degree as defined in subdivision two of section  
2 160.10 of the penal law and a juvenile offender accused of committing a  
3 violent felony offense as defined in section 70.02 of the penal law at  
4 age sixteen, or after January first, two thousand twenty, at age sixteen  
5 or seventeen, for which a youth age fifteen or younger is not criminally  
6 responsible, to the family court pursuant to the provisions of article  
7 seven hundred twenty-five of this title if, after consideration of the  
8 factors set forth in paragraph (c) of this subdivision, the court deter-  
9 mines that to do so would be in the interests of justice. Provided,  
10 however, that the court shall find that such removal is not in the  
11 interests of justice if the youth played a primary role in commission of  
12 the crime or aggravating circumstances, including but not limited to the  
13 youth's use of a weapon, are present.

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

1 defined in subdivision one of section 130.35 of the penal law or crimi-  
2 nal sexual act in the first degree, as defined in subdivision one of  
3 section 130.50 of the penal law; or an armed felony as defined in para-  
4 graph (a) of subdivision forty-one of section 1.20 of this chapter, a  
5 determination that such action be removed to the family court shall, in  
6 addition, be based upon a finding of one or more of the following  
7 factors: (i) mitigating circumstances that bear directly upon the manner  
8 in which the crime was committed; (ii) where the defendant was not the  
9 sole participant in the crime, the defendant's participation was rela-  
10 tively minor although not so minor as to constitute a defense to the  
11 prosecution; or (iii) possible deficiencies in the proof of the crime.

12 (c) In making its determination pursuant to paragraph (a) or (b) of  
13 this subdivision the court shall, to the extent applicable, examine  
14 individually and collectively, the following:

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

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

17 (iii) the evidence of guilt, whether admissible or inadmissible at  
18 trial;

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

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

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

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

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

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

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

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

11    5. Notwithstanding the provisions of subdivision two, three, or four  
12    of this section, if a currently undetermined felony complaint against a  
13    juvenile offender is pending in the youth part, and the defendant has  
14    not waived a hearing pursuant to subdivision two of this section and a  
15    hearing pursuant to subdivision three has not commenced, the defendant  
16    may move in the youth part, to remove the action to family court. The  
17    procedural rules of subdivisions one and two of section 210.45 of this  
18    chapter are applicable to a motion pursuant to this subdivision. Upon  
19    such motion, the superior court shall proceed and determine the motion  
20    as provided in section 210.43 of this chapter; provided, however, that  
21    the exception provisions of paragraph (b) of subdivision one of such  
22    section 210.43 shall not apply when there is not reasonable cause to  
23    believe that the juvenile offender committed one or more of the crimes  
24    enumerated in such paragraph, and in such event the provisions of para-  
25    graph (a) of such paragraph shall apply.

26    § 2. The opening paragraph and subdivisions 2 and 3 of section 725.05  
27    of the criminal procedure law, as added by chapter 481 of the laws of  
28    1978, are amended to read as follows:

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

5 2. Where the direction is authorized pursuant to paragraph (b) of  
6 subdivision [three] two of section [180.75] 725.20 of this  
7 [chapter]article, it must specify the act or acts it found reasonable  
8 cause to believe the defendant did.

9 3. Where the direction is authorized pursuant to subdivision [four]  
10 three of section [180.75] 722.20 of this [chapter] title, it must speci-  
11 fy the act or acts it found reasonable cause to allege.

12 § 3. Section 725.20 of the criminal procedure law, as added by chapter  
13 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter 411  
14 of the laws of 1979, is amended to read as follows:

15 § 725.20 Record of certain actions removed.

16 1. The provisions of this section shall apply in any case where an  
17 order of removal to the family court is entered pursuant to a direction  
18 authorized by subdivision [four] three of section [180.75] 722.20 of  
19 this title, [or section 210.43,] or subparagraph (iii) of paragraph  
20 [(h)] (g) of subdivision five of section 220.10 of this chapter, or  
21 section 330.25 of this chapter.

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

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

1 (b) [Where the direction is one authorized by subdivision four of  
2 section 180.75 of this chapter, a copy of the statement of the district  
3 attorney made pursuant to paragraph (b) of subdivision six of section  
4 180.75 of this chapter;

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

8 (d)] Where the direction is one authorized by subparagraph (iii) of  
9 paragraph [(h)] (g) of subdivision five of section 220.10 or section  
10 330.25 of this chapter, a copy of the minutes of the plea of guilty,  
11 including the minutes of the memorandum submitted by the district attor-  
12 ney and the court;

13 [(e) Where the direction is one authorized by subdivision one of  
14 section 210.43 of this chapter, a copy of that portion of the minutes  
15 containing the statement by the court pursuant to paragraph (a) of  
16 subdivision five of section 210.43;

17 (f) Where the direction is one authorized by paragraph (b) of subdivi-  
18 sion one of section 210.43 of this chapter, a copy of that portion of  
19 the minutes containing the statement of the district attorney made  
20 pursuant to paragraph (b) of subdivision five of section 210.43;] and

21 [(g)] (c) In addition to the records specified in this subdivision,  
22 such further statement or submission of additional information pertain-  
23 ing to the proceeding in criminal court in accordance with standards  
24 established by the commissioner of the division of criminal justice  
25 services, subject to the provisions of subdivision three of this  
26 section.

27 3. It shall be the duty of said clerk to maintain a separate file for  
28 copies of orders and minutes filed pursuant to this section. Upon

1 receipt of such orders and minutes the clerk must promptly delete such  
2 portions as would identify the defendant, but the clerk shall neverthe-  
3 less maintain a separate confidential system to enable correlation of  
4 the documents so filed with identification of the defendant. After  
5 making such deletions the orders and minutes shall be placed within the  
6 file and must be available for public inspection. Information permit-  
7 ting correlation of any such record with the identity of any defendant  
8 shall not be divulged to any person except upon order of a justice of  
9 the supreme court based upon a finding that the public interest or the  
10 interests of justice warrant disclosure in a particular cause for a  
11 particular case or for a particular purpose or use.

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

14 COMMENCEMENT OF ACTION IN LOCAL  
15 CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT-- [LOCAL  
16 CRIMINAL COURT] ACCUSATORY INSTRUMENTS

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

19 A criminal action is commenced by the filing of an accusatory instru-  
20 ment with a criminal court, or, in the case of a juvenile offender, the  
21 youth part of the superior court, and if more than one such instrument  
22 is filed in the course of the same criminal action, such action  
23 commences when the first of such instruments is filed. The only way in  
24 which a criminal action can be commenced in a superior court, other than  
25 a criminal action against a juvenile offender, is by the filing there-  
26 with by a grand jury of an indictment against a defendant who has never  
27 been held by a local criminal court for the action of such grand jury  
28 with respect to any charge contained in such indictment. Otherwise, a

1 criminal action can be commenced only in a local criminal court, by the  
2 filing therewith of a local criminal court accusatory instrument, name-  
3 ly:

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

6 Local criminal court and youth part of the superior court accusatory  
7 instruments; definitions thereof.

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

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

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

17 § 8. The criminal procedure law is amended by adding a new section  
18 100.60 to read as follows:

19 § 100.60 Youth part of the superior court accusatory instruments; in  
20 what courts filed.

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

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

## 1                   REQUIRING DEFENDANT'S APPEARANCE

2                   IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT

## 3                   FOR ARRAIGNMENT

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

6       § 110.10 Methods of requiring defendant's appearance in local criminal  
7                   court or youth part of the superior court for arraignment;  
8                   in general.

9       1. After a criminal action has been commenced in a local criminal  
10 court or youth part of the superior court by the filing of an accusatory  
11 instrument therewith, a defendant who has not been arraigned in the  
12 action and has not come under the control of the court may under certain  
13 circumstances be compelled or required to appear for arraignment upon  
14 such accusatory instrument by:

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

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

19       (c) Procedures provided in articles five hundred sixty, five hundred  
20 seventy, five hundred eighty, five hundred ninety and six hundred for  
21 securing attendance of defendants in criminal actions who are not at  
22 liberty within the state.

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



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

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

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

7 § 110.20 Local criminal court or youth part of the superior court accu-  
8 satory instruments; notice thereof to district attorney.

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

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

25 When a criminal action has been commenced in a local criminal court or  
26 youth part of the superior court by the filing therewith of an accusato-  
27 ry instrument, other than a simplified traffic information, against a

1 defendant who has not been arraigned upon such accusatory instrument and  
2 has not come under the control of the court with respect thereto:

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

5 § 120.30 Warrant of arrest; by what courts issuable and in what courts  
6 returnable.

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

11 2. The particular local criminal court or courts or youth part of the  
12 superior court with which any particular local criminal court or youth  
13 part of the superior court accusatory instrument may be filed for the  
14 purpose of obtaining a warrant of arrest are determined, generally, by  
15 the provisions of section 100.55 or 100.60 of this title. If, however, a  
16 particular accusatory instrument may pursuant to said section 100.55 be  
17 filed with a particular town court and such town court is not available  
18 at the time such instrument is sought to be filed and a warrant  
19 obtained, such accusatory instrument may be filed with the town court of  
20 any adjoining town of the same county. If such instrument may be filed  
21 pursuant to said section 100.55 with a particular village court and such  
22 village court is not available at the time, it may be filed with the  
23 town court of the town embracing such village, or if such town court is  
24 not available either, with the town court of any adjoining town of the  
25 same county.

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

1 § 120.55 Warrant of arrest; defendant under parole or probation super-  
2 vision.

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

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

17 1. A warrant of arrest issued by a district court, by the New York  
18 City criminal court, the youth part of a superior court or by a superior  
19 court judge sitting as a local criminal court may be executed anywhere  
20 in the state.

21 § 16. Subdivisions 1 and 6 of section 120.90 of the criminal procedure  
22 law, subdivision 1 as amended by chapter 492 of the laws of 2016,  
23 section 6 as amended by chapter 424 of the laws of 1998, are amended and  
24 a new subdivision 5-a is added to read as follows:

25 1. Upon arresting a defendant for any offense pursuant to a warrant of  
26 arrest in the county in which the warrant is returnable or in any  
27 adjoining county, or upon so arresting him or her for a felony in any  
28 other county, a police officer, if he or she be one to whom the warrant

1 is addressed, must without unnecessary delay bring the defendant before  
2 the local criminal court or youth part of the superior court in which  
3 such warrant is returnable, provided that, where a local criminal court  
4 or youth part of the superior court in the county in which the warrant  
5 is returnable hereunder is operating an off-hours arraignment part  
6 designated in accordance with paragraph (w) of subdivision one of  
7 section two hundred twelve of the judiciary law at the time of defend-  
8 ant's return, such police officer may bring the defendant before such  
9 local criminal court or youth part of the superior court.

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

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

1 and that he appear at an appropriate designated time and place for such  
2 purpose.

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

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

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

18 § 130.30 Summons; when issuable.

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

1 a summons in any case in which, pursuant to section 210.10, it is  
2 authorized to issue a warrant of arrest based upon an indictment.

3 § 19. Paragraph (e) of subdivision 1 of section 140.20 of the criminal  
4 procedure law is relettered paragraph (f) and a new paragraph (e) is  
5 added to read as follows:

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

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

16 6. Upon arresting a juvenile offender without a warrant, the police  
17 officer shall immediately notify the parent or other person legally  
18 responsible for his or her care or the person with whom he or she is  
19 domiciled, that the juvenile offender has been arrested, and the  
20 location of the facility where he or she is being detained. If the offi-  
21 cer determines that it is necessary to question a juvenile offender or a  
22 child under eighteen years of age who fits within the definition of a  
23 juvenile offender as defined in section 30.00 of the penal law, the  
24 officer must take the juvenile to a facility designated by the chief  
25 administrator of the courts as a suitable place for the questioning of  
26 children or, upon the consent of a parent or other person legally  
27 responsible for the care of the juvenile, to the juvenile's residence  
28 and there question him or her for a reasonable period of time. A juve-

1 nile shall not be questioned pursuant to this section unless the juve-  
2 nile and a person required to be notified pursuant to this subdivision,  
3 if present, have been advised:

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

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

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

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

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

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

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

1 functions himself or he may enlist the aid of a police officer for the  
2 performance thereof in the manner provided in subdivision one of section  
3 140.20.

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

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

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

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



1 pursuant to this section unless the juvenile and a person required to be  
2 notified pursuant to this subdivision, 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 § 24. Subdivision 5 of section 140.40 of the criminal procedure law,  
16 as added by chapter 411 of the laws of 1979, is amended to read as  
17 follows:

18 5. If a police officer takes an arrested juvenile offender into  
19 custody, the police officer shall immediately notify the parent or other  
20 person legally responsible for his or her care or the person with whom  
21 he or she is domiciled, that the juvenile offender has been arrested,  
22 and the location of the facility where he or she is being detained. If  
23 the officer determines that it is necessary to question a juvenile  
24 offender or a child under eighteen years of age who fits within the  
25 definition of a juvenile offender as defined in section 30.00 of the  
26 penal law the officer must take the juvenile to a facility designated by  
27 the chief administrator of the courts as a suitable place for the ques-  
28 tioning of children or, upon the consent of a parent or other person

1 legally responsible for the care of the juvenile, to the juvenile's  
2 residence and there question him or her for a reasonable period of time.  
3 A juvenile shall not be questioned pursuant to this section unless the  
4 juvenile and a person required to be notified pursuant to this subdivi-  
5 sion, if present, have been advised:

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

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

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

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

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

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

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

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

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

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

14    § 28. Subdivisions (a) and (b) of section 190.71 of the criminal  
15    procedure law, subdivision (a) as amended by chapter 7 of the laws of  
16    2007 and subdivision (b) as added by chapter 481 of the laws of 1978,  
17    are amended to read as follows:

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

1 for which such person is criminally responsible; 135.25 (kidnapping in  
2 the first degree); 150.20 (arson in the first degree); subdivisions one  
3 and two of section 120.10 (assault in the first degree); 125.20  
4 (manslaughter in the first degree); subdivisions one and two of section  
5 130.35 (rape in the first degree); subdivisions one and two of section  
6 130.50 (criminal sexual act in the first degree); 130.70 (aggravated  
7 sexual abuse in the first degree); 140.30 (burglary in the first  
8 degree); subdivision one of section 140.25 (burglary in the second  
9 degree); 150.15 (arson in the second degree); 160.15 (robbery in the  
10 first degree); subdivision two of section 160.10 (robbery in the second  
11 degree) of the penal law; subdivision four of section 265.02 of the  
12 penal law, where such firearm is possessed on school grounds, as that  
13 phrase is defined in subdivision fourteen of section 220.00 of the penal  
14 law; or section 265.03 of the penal law, where such machine gun or such  
15 firearm is possessed on school grounds, as that phrase is defined in  
16 subdivision fourteen of section 220.00 of the penal law; or defined in  
17 the penal law as an attempt to commit murder in the second degree or  
18 kidnapping in the first degree, or such conduct as a sexually motivated  
19 felony, where authorized pursuant to section 130.91 of the penal law;  
20 (iii) a person sixteen or commencing January first, two thousand twenty,  
21 seventeen years of age for any conduct or crime other than conduct  
22 constituting an offense set forth in the vehicle and traffic law; a  
23 violent felony defined in section 70.02 of the penal law; a crime that  
24 is 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; a crime defined in the following sections of the  
27 penal law: section 120.03 (vehicular assault in the second degree);  
28 120.04 (vehicular assault in the first degree); 120.04-a (aggravated

1 vehicular assault); 125.10 (criminally negligent homicide); 125.11  
2 (aggravated criminally negligent homicide); 125.12 (vehicular  
3 manslaughter in the second degree); 125.13 (vehicular manslaughter in  
4 the first degree); 125.14 (aggravated vehicular homicide); 125.15  
5 (manslaughter in the second degree); 125.20 (manslaughter in the first  
6 degree); 125.21 (aggravated manslaughter in the second degree); 125.22  
7 (aggravated manslaughter in the first degree); 130.70 (aggravated sexual  
8 abuse in the first degree); 130.75 (course of sexual conduct against a  
9 child in the first degree); 215.11 (tampering with a witness in the  
10 third degree) provided that the criminal proceeding in which the person  
11 is tampering is one for which such person is criminally responsible;  
12 215.12 (tampering with a witness in the second degree) provided that the  
13 criminal proceeding in which the person is tampering is one for which  
14 such person is criminally responsible; 215.13 (tampering with a witness  
15 in the first degree) provided that the criminal proceeding in which the  
16 person is tampering is one for which such person is criminally responsi-  
17 ble; subdivision one of section 215.52 (aggravated criminal contempt);  
18 130.95 (predatory sexual assault); 220.18 (criminal possession of a  
19 controlled substance in the second degree); 220.21 (criminal possession  
20 of a controlled substance in the first degree); 220.41 (criminal sale of  
21 a controlled substance in the second degree); 220.43 (criminal sale of a  
22 controlled substance in the first degree); 220.77 (operating as a major  
23 trafficker); 460.22 (aggravated enterprise corruption); 490.45 (criminal  
24 possession of a chemical weapon or a biological weapon in the first  
25 degree); 490.50 (criminal use of a chemical weapon or a biological weap-  
26 on in the second degree); 490.55 (criminal use of a chemical weapon or a  
27 biological weapon in the first degree); acts constituting a specified  
28 offense defined in subdivision two of section 130.91 of the penal law

1 when committed as a sexually motivated felony; acts constituting a spec-  
2 ified offense defined in subdivision three of section 490.05 of the  
3 penal law when committed as an act of terrorism; acts constituting a  
4 felony defined in article four hundred ninety of the penal law; and acts  
5 constituting a crime set forth in subdivision one of section 105.10 and  
6 section 105.15 of the penal law provided that the underlying crime for  
7 the conspiracy charge is one for which such person is criminally respon-  
8 sible.

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

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

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

1 (a) the offense for which the defendant is criminally responsible and  
2 the one or more other offenses for which he or she would not have been  
3 criminally responsible by reason of infancy are based upon the same act  
4 or upon the same criminal transaction, as that term is defined in subdivi-  
5 sion two of section 40.10 of this chapter; or

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

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

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

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

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

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

1 (i) If the indictment charges a person fourteen [or], fifteen or  
2 sixteen, or commencing January first, two thousand twenty, seventeen  
3 years old with the crime of murder in the second degree any plea of  
4 guilty entered pursuant to subdivision three or four must be a plea of  
5 guilty of a crime for which the defendant is criminally responsible;

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



1 time of commission of the act, that the criminal act was not part of a  
2 pattern of criminal behavior and, in view of the history of the offen-  
3 der, is not likely to be repeated.

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

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

1 defendant before an alternate local criminal court, as provided in  
2 subdivision five of section 120.90 of this chapter. A court which issues  
3 such a warrant may attach thereto a summary of the basis for the  
4 warrant. In any case where a defendant arrested upon the warrant is  
5 brought before a local criminal court other than the court in which the  
6 warrant is returnable, such local criminal court shall consider such  
7 summary before issuing a securing order with respect to the defendant.

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

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

23 § 410.60 Appearance before court.

24 (a) A person who has been taken into custody pursuant to section  
25 410.40 or [section] 410.50 of this article for violation of a condition  
26 of a sentence of probation or a sentence of conditional discharge must  
27 forthwith be brought before the court that imposed the sentence. Where a  
28 violation of probation petition and report has been filed and the person

1 has not been taken into custody nor has a warrant been issued, an  
2 initial court appearance shall occur within ten business days of the  
3 court's issuance of a notice to appear. If the court has reasonable  
4 cause to believe that such person has violated a condition of the  
5 sentence, it may commit him or her to the custody of the sheriff or fix  
6 bail or release such person on his or her own recognizance for future  
7 appearance at a hearing to be held in accordance with section 410.70 of  
8 this article. If the court does not have reasonable cause to believe  
9 that such person has violated a condition of the sentence, it must  
10 direct that he or she be released.

11 (b) A juvenile offender who has been taken into custody pursuant to  
12 section 410.40 or 410.50 of this article for violation of a condition of  
13 a sentence of probation or a sentence of conditional discharge must  
14 forthwith be brought before the court that imposed the sentence. Where  
15 a violation of probation petition and report has been filed and the  
16 person has not been taken into custody nor has a warrant been issued, an  
17 initial court appearance shall occur within ten business days of the  
18 court's issuance of a notice to appear. If the court has reasonable  
19 cause to believe that such person has violated a condition of the  
20 sentence, it may commit him or her to the custody of the sheriff or fix  
21 bail or release such person on his or her own recognizance for future  
22 appearance at a hearing to be held in accordance with section 410.70 of  
23 this article. Provided, however, nothing herein shall authorize a juve-  
24 nile to be detained for a violation of a condition that would not  
25 constitute a crime if committed by an adult unless the court determines  
26 (i) that the juvenile poses a specific imminent threat to public safety  
27 and states the reasons for the finding on the record or (ii) the juve-  
28 nile is on probation for an act that would constitute a violent felony

1 as defined in section 70.02 of the penal law if committed by an adult  
2 and the use of graduated sanctions has been exhausted without success.  
3 If the court does not have reasonable cause to believe that such person  
4 has violated a condition of the sentence, it must direct that the juve-  
5 nile be released.

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

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

1 (b) Notwithstanding paragraph (a) of this subdivision, nothing in this  
2 section shall authorize the placement of a juvenile for a violation of a  
3 condition that would not constitute a crime if committed by an adult  
4 unless the court determines (i) that the juvenile poses a specific immi-  
5 nent threat to public safety and states the reasons for the finding on  
6 the record or (ii) the juvenile is on probation for an act that would  
7 constitute a violent felony as defined in section 70.02 of the penal law  
8 if committed by an adult and the use of graduated sanctions has been  
9 exhausted without success.

10 § 35. The criminal procedure law is amended by adding a new section  
11 410.90-a to read as follows:

12 § 410.90-a Superior court; youth part.

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

18 § 36. Section 510.15 of the criminal procedure law, as amended by  
19 chapter 411 of the laws of 1979, subdivision 1 as designated and subdi-  
20 vision 2 as added by chapter 359 of the laws of 1980, is amended to read  
21 as follows:

22 § 510.15 Commitment of principal under [sixteen] seventeen or eighteen.

23 1. When a principal who is (a) under the age of sixteen; or (b)  
24 commencing January first, two thousand nineteen a principal who is under  
25 the age of seventeen who committed an offense on or after January first,  
26 two thousand nineteen; or (c) commencing January first, two thousand  
27 twenty, a principal who is under the age of eighteen who committed an  
28 offense on or after January first, two thousand twenty, is committed to

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

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

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

26 1. "Youth" means a person charged with a crime alleged to have been  
27 committed when he or she was at least sixteen years old and less than  
28 [nineteen] twenty-one years old or a person charged with being a juve-

1 nile offender as defined in subdivision forty-two of section 1.20 of  
2 this chapter.

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

6 § 30.00 Infancy.

7 1. Except as provided in [subdivision] subdivisions two and three of  
8 this section, a person less than [sixteen] seventeen years old, or,  
9 commencing January first, two thousand twenty, a person less than eigh-  
10 teen years old is not criminally responsible for conduct.

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

1 (burglary in the second degree); 150.15 (arson in the second degree);  
2 160.15 (robbery in the first degree); subdivision two of section 160.10  
3 (robbery in the second degree) of this chapter; or section 265.03 of  
4 this chapter, where such machine gun or such firearm is possessed on  
5 school grounds, as that phrase is defined in subdivision fourteen of  
6 section 220.00 of this chapter; or defined in this chapter as an attempt  
7 to commit murder in the second degree or kidnapping in the first degree,  
8 or for such conduct as a sexually motivated felony, where authorized  
9 pursuant to section 130.91 of [the penal law] this chapter.

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



nal proceeding in which the person is tampering is one for which such person is criminally responsible; 215.12 (tampering with a witness in the second degree) provided that the criminal proceeding in which the person is tampering is one for which such person is criminally responsible; 215.13 (tampering with a witness in the first degree) provided that the criminal proceeding in which the person is tampering is one for which such person is criminally responsible; subdivision one of section 215.52 (aggravated criminal contempt); acts constituting a specified offense defined in subdivision two of section 130.91 of this chapter when committed as a sexually motivated felony; 130.95 (predatory sexual assault); 220.18 (criminal possession of a controlled substance in the second degree); 220.21 (criminal possession of a controlled substance in the first degree); 220.41 (criminal sale of a controlled substance in the second degree); 220.43 (criminal sale of a controlled substance in the first degree); 220.77 (operating as a major trafficker); 460.22 (aggravated enterprise corruption); 490.45 (criminal possession of a chemical weapon or a biological weapon in the first degree); 490.50 (criminal use of a chemical weapon or a biological weapon in the second degree); 490.55 (criminal use of a chemical weapon or a biological weapon in the first degree); acts constituting a specified offense defined in subdivision three of section 490.05 of this chapter when committed as an act of terrorism; acts constituting a felony defined in article 490 of this chapter; and acts constituting a crime set forth in subdivision one of section 105.10 and section 105.15 provided that the underlying crime for the conspiracy charge is one for which such person is criminally responsible.

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

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

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

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

1 § 60.10 Authorized disposition; juvenile offender.

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

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

26 § 40-a. Subdivision 5 of section 70.00 of the penal law, as amended by  
27 chapter 482 of the laws of 2009, is amended to read as follows:

1 5. Life imprisonment without parole. Notwithstanding any other  
2 provision of law, a defendant sentenced to life imprisonment without  
3 parole shall not be or become eligible for parole or conditional  
4 release. For purposes of commitment and custody, other than parole and  
5 conditional release, such sentence shall be deemed to be an indetermi-  
6 nate sentence. A defendant may be sentenced to life imprisonment without  
7 parole upon conviction for the crime of murder in the first degree as  
8 defined in section 125.27 of this chapter and in accordance with the  
9 procedures provided by law for imposing a sentence for such crime. A  
10 defendant who was eighteen years of age or older at the time of the  
11 commission of the crime must be sentenced to life imprisonment without  
12 parole upon conviction for the crime of terrorism as defined in section  
13 490.25 of this chapter, where the specified offense the defendant  
14 committed is a class A-I felony; the crime of criminal possession of a  
15 chemical weapon or biological weapon in the first degree as defined in  
16 section 490.45 of this chapter; or the crime of criminal use of a chemi-  
17 cal weapon or biological weapon in the first degree as defined in  
18 section 490.55 of this chapter; provided, however, that nothing in this  
19 subdivision shall preclude or prevent a sentence of death when the  
20 defendant is also convicted of the crime of murder in the first degree  
21 as defined in section 125.27 of this chapter. A defendant who was  
22 seventeen years of age or younger at the time of the commission of the  
23 crime may be sentenced to life imprisonment upon conviction for a crime  
24 of terrorism as defined in section 490.25 of this chapter, where the  
25 specified offense is a class A-I felony; the crime of criminal  
26 possession of a chemical weapon or biological weapon in the first degree  
27 as defined in section 490.45 of this chapter; or the crime of criminal  
28 use of a chemical weapon or biological weapon in the first degree as

1 defined in section 490.55 of this chapter. A defendant must be sentenced  
2 to life imprisonment without parole upon conviction for the crime of  
3 murder in the second degree as defined in subdivision five of section  
4 125.25 of this chapter or for the crime of aggravated murder as defined  
5 in subdivision one of section 125.26 of this chapter. A defendant may be  
6 sentenced to life imprisonment without parole upon conviction for the  
7 crime of aggravated murder as defined in subdivision two of section  
8 125.26 of this chapter.

9 § 41. Section 70.05 of the penal law, as added by chapter 481 of the  
10 laws of 1978, subdivision 1 as amended by chapter 615 of the laws of  
11 1984, paragraph (e) of subdivision 2 as added and paragraph (c) of  
12 subdivision 3 as amended by chapter 435 of the laws of 1998, paragraph  
13 (a) of subdivision 3 as amended by chapter 174 of the laws of 2003, is  
14 amended to read as follows:

15 § 70.05 Sentence of imprisonment for juvenile offender.

16 1. [Indeterminate sentence] Sentence. A sentence of imprisonment for a  
17 juvenile offender convicted of a class A felony other than murder in the  
18 second degree as defined by section 125.25, arson in the first degree as  
19 defined by section 150.20 or kidnapping in the first degree as defined  
20 by section 135.25 of this chapter, shall be imposed by the court pursu-  
21 ant to the provisions of section 70.00, 70.06, 70.07, 70.08, or 70.71 of  
22 this chapter, as applicable. A sentence of imprisonment for the class  
23 A-1 felony of murder in the second degree committed by a juvenile offen-  
24 der shall be an indeterminate sentence. When such a sentence is imposed,  
25 the court shall impose [a] the minimum period of imprisonment and maxi-  
26 mum term in accordance with the provisions of subdivision two of this  
27 section [and the minimum period of imprisonment shall be as provided in  
28 subdivision three of this section]. Except as provided herein, a

1 sentence of imprisonment for any other felony committed by a juvenile  
2 offender shall be a determinate sentence. When such a sentence is  
3 imposed, the court shall impose a term of imprisonment in whole or half  
4 years in accordance with the provisions of subdivision three of this  
5 section and a period of post-release supervision in accordance with the  
6 provisions of subdivision two-b of section 70.45 of this article. The  
7 court shall further provide that where a juvenile offender is under  
8 placement pursuant to article three of the family court act, any  
9 sentence imposed pursuant to this section which is to be served consec-  
10 utively with such placement shall be served in a facility designated  
11 pursuant to subdivision four of section 70.20 of this article prior to  
12 service of the placement in any previously designated facility.

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

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

19 (a) where the defendant was thirteen years old at the time of such  
20 offense, or was fourteen or fifteen at the time of such offense and the  
21 sentence is for an offense specified in subdivision three of section  
22 125.25 of this chapter, the minimum period of imprisonment shall be at  
23 least five years but shall not exceed nine years;

24 (b) except as specified in paragraph (a) of this subdivision where the  
25 defendant was at least fourteen years old but less than seventeen years  
26 old, and, commencing January first, two thousand twenty, where the  
27 defendant was at least fourteen years old but less than eighteen years  
28 old at the time of such offense, the minimum period of imprisonment

1 shall be at least seven and one half years but shall not exceed fifteen  
2 years.

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

7 [(c)] (b)(i) Except as provided for in subparagraph (ii) of this para-  
8 graph, for a class B felony, the determinate term shall be fixed by the  
9 court, and shall be at least one year but shall not exceed [ten] seven  
10 years;

11 (ii) For a class B violent felony as defined by section 70.02 of this  
12 article, where the defendant was sixteen years old, and commencing Janu-  
13 ary first, two thousand twenty, where the defendant was sixteen or  
14 seventeen years old at the time of such offense, the determinate term  
15 shall be fixed by the court, and shall be at least five years but shall  
16 not exceed twenty years; provided, however, that where the court, having  
17 regard to the nature and circumstances of the crime and to the history  
18 and character of the defendant, is of the opinion that it would be undu-  
19 ly harsh to impose a determinate sentence of no less than five years and  
20 no more than twenty-five years, the court may impose a determinate  
21 sentence of no less than one year and no more than seven years;

22 (iii) For a class B violent felony as defined by section 70.02 of this  
23 article, where the defendant was fourteen or fifteen years old at the  
24 time of such offense the determinate term shall be fixed by the court,  
25 and shall be at least one year but shall not exceed seven years;

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

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

4     ~~(e)~~ For a class E felony, where the defendant was sixteen years old,  
5 and commencing January first, two thousand twenty, where the defendant  
6 was sixteen or seventeen years old at the time of such offense, the  
7 determinate term shall be fixed by the court, and shall be at least one  
8 year but shall not exceed two years.

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

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

20     (b) For the class A felony of arson in the first degree, or for the  
21 class A felony of kidnapping in the first degree, the minimum period of  
22 imprisonment shall be fixed by the court and shall be not less than four  
23 years but shall not exceed six years; and

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

26     4. A sentence imposed for a misdemeanor or violation committed by a  
27 juvenile offender shall be in accordance with section 70.15 of this  
28 chapter.



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

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

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

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

25     (d) 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 department of corrections and community super-  
28 vision pursuant to article twenty-two of the civil practice law and

1 rules and section one hundred forty of the correction law, objecting to  
2 routine medical, dental or mental health services and treatment being  
3 provided to such inmate under the provisions of paragraph (b) of this  
4 subdivision.

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

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

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

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

21 (c) Nothing in this subdivision shall preclude a parent or legal guar-  
22 dian of an inmate who is not yet eighteen years of age from making a  
23 motion on notice to the local correction facility pursuant to article  
24 twenty-two of the civil practice law and rules and section one hundred  
25 forty of the correction law, objecting to routine medical, dental or  
26 mental health services and treatment being provided to such inmate under  
27 the provisions of paragraph (b) of this subdivision.]

1     § 44. Paragraph (a) of subdivision 4 of section 70.20 of the penal  
2 law, as amended by section 124 of subpart B of part C of chapter 62 of  
3 the laws of 2011, is amended and two new paragraphs (a-1) and (a-2) are  
4 added to read as follows:

5     (a) Notwithstanding any other provision of law to the contrary, a  
6 juvenile offender[, or a juvenile offender who is adjudicated a youth-  
7 ful offender [and], who is given an indeterminate or a definite  
8 sentence, and who is under the age of twenty-one at the time of sentenc-  
9 ing, shall be committed to the custody of the commissioner of the office  
10 of children and family services who shall arrange for the confinement of  
11 such offender in [secure] facilities of the office. The release or  
12 transfer of such offenders from the office of children and family  
13 services shall be governed by section five hundred eight of the execu-  
14 tive law. If the juvenile offender is convicted or, if the juvenile  
15 offender who is adjudicated a youthful offender is convicted and is  
16 twenty-one years of age or older at the time of sentencing, he or she  
17 shall be delivered to the department of corrections and community super-  
18 vision.

19     (a-1) Notwithstanding any other provision of law to the contrary, a  
20 person sixteen years of age who commits a vehicle and traffic law  
21 offense that does not constitute a juvenile offender offense on or after  
22 January first, two thousand nineteen and a person seventeen years of age  
23 who commits such an offense on or after January first, two thousand  
24 twenty who is sentenced to a term of imprisonment who is under the age  
25 of twenty-one at the time he or she is sentenced shall be committed to  
26 the custody of the commissioner of the office of children and family  
27 services who shall arrange confinement of such offender in facilities of  
28 the office.

1     (a-2) Notwithstanding any other provision of law to the contrary,  
2     commencing January first, two thousand twenty, a person who is in the  
3     custody of, or is committed to, the department of corrections and commu-  
4     nity supervision who is under the age of eighteen shall, within the  
5     discretion of the department of corrections and community supervision  
6     and the office of children and family services, subject to available  
7     capacity, and when consistent with the person's circumstances, be trans-  
8     ferred to the custody of the commissioner of the office of children and  
9     family services who shall arrange for the confinement of such offender  
10    in facilities of the office. The placement facility and release or  
11    transfer of such offenders from the office of children and family  
12    services shall be governed by section five hundred eight of the execu-  
13    tive law.

14    § 44-a. Paragraph (f) of subdivision 1 of section 70.30 of the penal  
15    law, as added by chapter 481 of the laws of 1978 and relettered by chap-  
16    ter 3 of the laws of 1995, is amended to read as follows:

17    (f) [The aggregate maximum term of consecutive sentences imposed upon  
18    a juvenile offender for two or more crimes, not including a class A  
19    felony, committed before he has reached the age of sixteen, shall, if it  
20    exceeds ten years, be deemed to be ten years. If consecutive indetermi-  
21    nate sentences imposed upon a juvenile offender include a sentence for  
22    the class A felony of arson in the first degree or for the class A felo-  
23    ny of kidnapping in the first degree, then the aggregate maximum term of  
24    such sentences shall, if it exceeds fifteen years, be deemed to be  
25    fifteen years. Where the aggregate maximum term of two or more consec-  
26    utive sentences is reduced by a calculation made pursuant to this para-  
27    graph, the aggregate minimum period of imprisonment, if it exceeds one-  
28    half of the aggregate maximum term as so reduced, shall be deemed to be

one-half of the aggregate maximum term as so reduced.] (i) The aggregate term or maximum term of consecutive sentences imposed upon a juvenile offender for two or more crimes committed prior to the time the person was imprisoned under any of such sentences, other than two or more sentences that include a sentence for a class A felony, or a sentence for a class B violent felony, shall, if it exceeds ten years, be deemed to be ten years, provided:

(A) Where all of such consecutive sentences are determinate and the aggregate term exceeds ten years, the juvenile offender shall be deemed to be serving a determinate term of ten years; and

(B) Where all of such consecutive sentences are indeterminate and the aggregate maximum term exceeds ten years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be ten years and the aggregate minimum period of which, if it exceeds five years, shall be deemed to be five years; and

(C) Where one or more of such consecutive sentences is a determinate sentence and one or more of which is an indeterminate sentence:

(1) if the aggregate term of the determinate sentences is equal to or exceeds ten years, the juvenile offender shall be deemed to be serving a determinate term of ten years; and

(2) if the term or aggregate term of the determinate sentence or sentences is less than ten years, the juvenile offender shall be deemed to be serving an indeterminate sentence, the maximum term of which shall be deemed to be ten years, and the minimum period of which shall be deemed to be five years or six-sevenths of the term or aggregate term of the determinate sentence or sentences, whichever is greater.

1     (ii) The aggregate maximum term of consecutive sentences imposed upon  
2 a juvenile offender for two or more crimes committed prior to the time  
3 the person was imprisoned under any of such sentences, at least one of  
4 which is the class A felony of arson in the first degree as defined by  
5 section 150.20 or kidnapping in the first degree as defined by section  
6 135.25 of this chapter but no other class A felony, and does not include  
7 a sentence imposed for a class B violent felony, shall, if it exceeds  
8 fifteen years, be deemed to be fifteen years, provided:

9     (A) Where all of such consecutive sentences are determinate and the  
10 aggregate term exceeds fifteen years, the juvenile offender shall be  
11 deemed to be serving a determinate term of fifteen years; and

12     (B) Where all of such consecutive sentences are indeterminate and the  
13 aggregate maximum term exceeds fifteen years, the juvenile offender  
14 shall be deemed to be serving an indeterminate sentence, the maximum  
15 term of which shall be deemed to be fifteen years and the aggregate  
16 minimum period of which, if it exceeds seven and one-half years, shall  
17 be deemed to be seven and one-half years; and

18     (C) Where one or more of such consecutive sentences is a determinate  
19 sentence and one or more of which is an indeterminate sentence:

20     (1) if the aggregate term of the determinate sentences is equal to or  
21 exceeds fifteen years, the juvenile offender shall be deemed to be serv-  
22 ing a determinate term of fifteen years; and

23     (2) if the term or aggregate term of the determinate sentence or  
24 sentences is less than fifteen years, the juvenile offender shall be  
25 deemed to be serving an indeterminate sentence, the maximum term of  
26 which shall be deemed to be fifteen years, and the minimum period of  
27 which shall be deemed to be seven and one-half years or six-sevenths of

1 the term or aggregate term of the determinate sentence or sentences,  
2 whichever is greater.

3 § 44-b. Section 70.45 of the penal law is amended by adding a new  
4 subdivision 2-b to read as follows:

5 2-b. Periods of post-release supervision for juvenile offenders and  
6 youthful offenders. (a) The period of post-release supervision for a  
7 determinate sentence imposed upon a youthful offender or a juvenile  
8 offender adjudicated a youthful offender must be fixed by the court at  
9 one year.

10 (b) The period of post-release supervision for a determinate sentence  
11 imposed upon a juvenile offender not adjudicated a youthful offender  
12 must be fixed by the court in whole or half years as follows:

13 (i) such period shall be one year whenever a determinate sentence of  
14 imprisonment is imposed upon a conviction of a class D or class E felony  
15 offense;

16 (ii) such period shall be not less than one year nor more than two  
17 years whenever a determinate sentence of imprisonment is imposed upon a  
18 conviction of a class C felony offense;

19 (iii) such period shall be not less than one year nor more than three  
20 years whenever a determinate sentence of imprisonment is imposed upon a  
21 conviction of a class B felony offense; provided, however, that such  
22 period shall be not less than one year nor more than four years whenever  
23 a determinate sentence of imprisonment is imposed upon a conviction of a  
24 class B violent felony offense where the defendant was sixteen, and  
25 commencing January first, two thousand twenty, seventeen years old at  
26 the time of the offense; and

27 (iv) such period shall be not less than one year nor more than five  
28 years whenever a determinate sentence of imprisonment is imposed upon a

1 conviction of the class A felony offense of arson in the first degree as  
2 defined by section 150.20 or kidnapping in the first degree as defined  
3 by section 135.25 of this chapter, and a five-year period shall be  
4 imposed pursuant to subdivision two of this section whenever a determi-  
5 nate sentence imposed upon a juvenile offender for any other class A  
6 felony.

7 § 45. Subdivision 18 of section 10.00 of the penal law, as amended by  
8 chapter 7 of the laws of 2007, is amended to read as follows:

9 18. "Juvenile offender" means (1) a person thirteen years old who is  
10 criminally responsible for acts constituting murder in the second degree  
11 as defined in subdivisions one and two of section 125.25 of this chapter  
12 or such conduct as a sexually motivated felony, where authorized pursu-  
13 ant to section 130.91 of [the penal law; and] this chapter;

14 (2) a person fourteen [or], fifteen or sixteen years old or commencing  
15 January first, two thousand twenty, seventeen years old who is criminal-  
16 ly responsible for acts constituting the crimes defined in subdivisions  
17 one and two of section 125.25 (murder in the second degree) and in  
18 subdivision three of such section provided that the underlying crime for  
19 the murder charge is one for which such person is criminally responsi-  
20 ble; section 135.25 (kidnapping in the first degree); 150.20 (arson in  
21 the first degree); subdivisions one and two of section 120.10 (assault  
22 in the first degree); 125.20 (manslaughter in the first degree); subdi-  
23 visions one and two of section 130.35 (rape in the first degree); subdi-  
24 visions 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 such conduct as a sexually motivated felony, where authorized pursu-  
7 ant to section 130.91 of [the penal law] this chapter; and

8 (3) a person sixteen or, commencing January first, two thousand twen-  
9 ty, seventeen years old who is criminally responsible for acts consti-  
10 tuting an offense set forth in the vehicle and traffic law; acts consti-  
11 tuting 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; subdivision one of section  
6 215.52 (aggravated criminal contempt); 130.95 (predatory sexual  
7 assault); 220.41 (criminal sale of a controlled substance in the second  
8 degree); 220.43 (criminal sale of a controlled substance in the first  
9 degree); 220.77 (operating as a major trafficker); 460.22 (aggravated  
10 enterprise corruption); 490.45 (criminal possession of a chemical weapon  
11 or a biological weapon in the first degree); 490.50 (criminal use of a  
12 chemical weapon or a biological weapon in the second degree); 490.55  
13 (criminal use of a chemical weapon or a biological weapon in the first  
14 degree); acts constituting a specified offense defined in subdivision  
15 two of section 130.91 of this chapter when committed as a sexually moti-  
16 vated felony; acts constituting a specified offense defined in subdivi-  
17 sion three of section 490.05 of this chapter when committed as an act of  
18 terrorism; acts constituting a felony defined in article four hundred  
19 ninety of this chapter; and acts constituting a crime set forth in  
20 subdivision one of section 105.10 and section 105.15 provided that the  
21 underlying crime for the conspiracy charge is one for which such person  
22 is criminally responsible.

23 § 46. Subdivision 42 of section 1.20 of the criminal procedure law, as  
24 amended by chapter 7 of the laws of 2007, is amended to read as follows:

25 42. "Juvenile offender" means (1) a person, thirteen years old who is  
26 criminally responsible for acts constituting murder in the second degree  
27 as defined in subdivisions one and two of section 125.25 of the penal  
28 law, or such conduct as a sexually motivated felony, where authorized

1 pursuant to section 130.91 of the penal law; [and] (2) a person fourteen  
2 [or], fifteen or sixteen years old, or commencing January first, two  
3 thousand twenty, seventeen years old who is criminally responsible for  
4 acts constituting the crimes defined in subdivisions one and two of  
5 section 125.25 (murder in the second degree) and in subdivision three of  
6 such section provided that the underlying crime for the murder charge is  
7 one for which such person is criminally responsible; section 135.25  
8 (kidnapping in the first degree); 150.20 (arson in the first degree);  
9 subdivisions one and two of section 120.10 (assault in the first  
10 degree); 125.20 (manslaughter in the first degree); subdivisions one and  
11 two of section 130.35 (rape in the first degree); subdivisions one and  
12 two of section 130.50 (criminal sexual act in the first degree); 130.70  
13 (aggravated sexual abuse in the first degree); 140.30 (burglary in the  
14 first degree); subdivision one of section 140.25 (burglary in the second  
15 degree); 150.15 (arson in the second degree); 160.15 (robbery in the  
16 first degree); subdivision two of section 160.10 (robbery in the second  
17 degree) of the penal law; or section 265.03 of the penal law, where such  
18 machine gun or such firearm is possessed on school grounds, as that  
19 phrase is defined in subdivision fourteen of section 220.00 of the penal  
20 law; or defined in the penal law as an attempt to commit murder in the  
21 second degree or kidnapping in the first degree, or such conduct as a  
22 sexually motivated felony, where authorized pursuant to section 130.91  
23 of the penal law; and (3) a person sixteen or, commencing January first,  
24 two thousand twenty, a person sixteen or seventeen years old who is  
25 criminally responsible for acts constituting an offense set forth in the  
26 vehicle and traffic law; a violent felony defined in section 70.02 of  
27 the penal law; acts constituting any crime in the penal law that is  
28 classified as a class A felony excepting those class A felonies which

1 require, as an element of the offense, that the defendant be eighteen  
2 years of age or older; acts constituting the crimes defined in section  
3 120.03 (vehicular assault in the second degree); 120.04 (vehicular  
4 assault in the first degree); 120.04-a (aggravated vehicular assault);  
5 125.10 (criminally negligent homicide); 125.11 (aggravated criminally  
6 negligent homicide); 125.12 (vehicular manslaughter in the second  
7 degree); 125.13 (vehicular manslaughter in the first degree); 125.14  
8 (aggravated vehicular homicide); 125.15 (manslaughter in the second  
9 degree); 125.20 (manslaughter in the first degree); 125.21 (aggravated  
10 manslaughter in the second degree); 125.22 (aggravated manslaughter in  
11 the first degree); 130.70 (aggravated sexual abuse in the first degree);  
12 130.75 (course of sexual conduct against a child in the first degree);  
13 215.11 (tampering with a witness in the third degree) provided that the  
14 criminal proceeding in which the person is tampering is one for which  
15 such person is criminally responsible; 215.12 (tampering with a witness  
16 in the second degree) provided that the criminal proceeding in which the  
17 person is tampering is one for which such person is criminally responsi-  
18 ble; 215.13 (tampering with a witness in the first degree) provided that  
19 the criminal proceeding in which the person is tampering is one for  
20 which such person is criminally responsible; subdivision one of section  
21 215.52 (aggravated criminal contempt); 130.95 (predatory sexual  
22 assault); 220.18 (criminal possession of a controlled substance in the  
23 second degree); 220.21 (criminal possession of a controlled substance in  
24 the first degree); 220.41 (criminal sale of a controlled substance in  
25 the second degree); 220.43 (criminal sale of a controlled substance in  
26 the first degree); 220.77 (operating as a major trafficker); 460.22  
27 (aggravated enterprise corruption); 490.45 (criminal possession of a  
28 chemical weapon or a biological weapon in the first degree); 490.50

1 (criminal use of a chemical weapon or a biological weapon in the second  
2 degree); 490.55 (criminal use of a chemical weapon or a biological weap-  
3 on in the first degree); acts constituting a specified offense defined  
4 in subdivision two of section 130.91 of the penal law when committed as  
5 a sexually motivated felony; acts constituting a specified offense  
6 defined in subdivision three of section 490.05 of the penal law when  
7 committed as an act of terrorism; acts constituting a felony defined in  
8 article four hundred ninety of the penal law; and acts constituting a  
9 crime set forth in subdivision one of section 105.10 and section 105.15  
10 of the penal law provided that the underlying crime for the conspiracy  
11 charge is one for which such person is criminally responsible.

12 § 47. Subdivision 1 of section 500-a of the correction law is amended  
13 by adding a new paragraph (h) to read as follows:

14 (h) Notwithstanding any other provision of law commencing January  
15 first, two thousand nineteen, no county jail shall be used for the  
16 confinement of any person under the age of seventeen who is sentenced  
17 for an offense committed on or after January first, two thousand nine-  
18 teen, and, commencing January first, two thousand twenty, no county jail  
19 shall be used for the confinement of any person under the age of eigh-  
20 teen who is sentenced for an offense committed on or after January  
21 first, two thousand twenty. Placement of any person who may not be  
22 confined to a county jail pursuant to this subdivision shall be deter-  
23 mined by the office of children and family services.

24 § 48. The criminal procedure law is amended by adding a new section  
25 160.59 to read as follows:

26 § 160.59 Sealing of certain convictions.

27 1. Definitions: As used in this section, the following terms shall  
28 have the following meanings;

1     (a) "Eligible offense" shall mean any crime defined in the laws of  
2 this state other than a sex offense defined in article one hundred thir-  
3 ty of the penal law, an offense defined in article two hundred sixty-  
4 three of the penal law, a felony offense defined in article one hundred  
5 twenty-five of the penal law, a violent felony offense defined in  
6 section 70.02 of the penal law, a class A felony offense defined in the  
7 penal law, a felony offense defined in article one hundred five of the  
8 penal law where the underlying offense is not an eligible offense, an  
9 attempt to commit an offense that is not an eligible offense if the  
10 attempt is a felony, or an offense for which registration as a sex  
11 offender is required pursuant to article six-C of the correction law.

12     (b) "Sentencing judge" shall mean the judge who pronounced sentence  
13 upon the conviction under consideration, or if that judge is no longer  
14 sitting in a court in the jurisdiction in which the conviction was  
15 obtained, any other judge who is sitting in the criminal court where the  
16 judgment of conviction was entered.

17     2. (a) A defendant who has been convicted of up to two eligible  
18 offenses but not more than one felony offense may apply to the court in  
19 which he or she was convicted of the most serious offense to have such  
20 conviction sealed. If all offenses are offenses with the same classi-  
21 fication, the application shall be made to the court in which the  
22 defendant was last convicted.

23     (b) An application shall contain (i) a copy of a certificate of dispo-  
24 sition or other similar documentation for any offense for which the  
25 defendant has been convicted, or an explanation of why such certificate  
26 or other documentation is not available; (ii) a sworn statement of the  
27 defendant as to whether he or she has filed, or then intends to file,  
28 any application for sealing of any other eligible offense; (iii) a copy

1 of any other such application that has been filed; (iv) a sworn state-  
2 ment as to the conviction or convictions for which relief is being  
3 sought; and (v) a sworn statement of the reason or reasons why the court  
4 should, in its discretion, grant such sealing, along with any supporting  
5 documentation.

6 (c) A copy of any application for such sealing shall be served upon  
7 the district attorney of the county in which the conviction, or, if more  
8 than one, the convictions, was or were obtained. The district attorney  
9 shall notify the court within forty-five days if he or she objects to  
10 the application for sealing.

11 (d) When such application is filed with the court, it shall be  
12 assigned to the sentencing judge unless more than one application is  
13 filed in which case the application shall be assigned to the county  
14 court or the supreme court of the county in which the criminal court is  
15 located, who shall request and receive from the division of criminal  
16 justice services a fingerprint based criminal history record of the  
17 defendant, including any sealed or suppressed records. The division of  
18 criminal justice services also shall include a criminal history report,  
19 if any, from the federal bureau of investigation regarding any criminal  
20 history information that occurred in other jurisdictions. The division  
21 is hereby authorized to receive such information from the federal bureau  
22 of investigation for this purpose, and to make such information avail-  
23 able to the court, which may make this information available to the  
24 district attorney and the defendant.

25 3. The sentencing judge, or county or supreme court shall summarily  
26 deny the defendant's application when:

27 (a) the defendant is required to register as a sex offender pursuant  
28 to article six-C of the correction law; or

1 (b) the defendant has previously obtained sealing of the maximum  
2 number of convictions allowable under section 160.58 of the criminal  
3 procedure law; or

4 (c) the defendant has previously obtained sealing of the maximum  
5 number of convictions allowable under subdivision four of this section;  
6 or

7 (d) the time period specified in subdivision five of this section has  
8 not yet been satisfied; or

9 (e) the defendant has an undisposed arrest or charge pending; or

10 (f) the defendant was convicted of any crime after the date of the  
11 entry of judgement of the last conviction for which sealing is sought;  
12 or

13 (g) the defendant has failed to provide the court with the required  
14 sworn statement of the reasons why the court should grant the relief  
15 requested; or

16 (h) the defendant has been convicted of two or more felonies or more  
17 than two crimes.

18 4. Provided that the application is not summarily denied for the  
19 reasons set forth in subdivision three of this section, a defendant who  
20 stands convicted of up to two eligible offenses, may obtain sealing of  
21 no more than two eligible offenses but not more than one felony offense.

22 5. Any eligible offense may be sealed only after at least ten years  
23 have passed since the imposition of the sentence on the defendant's  
24 latest conviction or, if the defendant was sentenced to a period of  
25 incarceration, including a period of incarceration imposed in conjunc-  
26 tion with a sentence of probation, the defendant's latest release from  
27 incarceration. In calculating the ten year period under this subdivi-  
28 sion, any period of time the defendant spent incarcerated after the



1 conviction for which the application for sealing is sought, shall be  
2 excluded and such ten year period shall be extended by a period or peri-  
3 ods equal to the time served under such incarceration.

4 6. Upon determining that the application is not subject to mandatory  
5 denial pursuant to subdivision three of this section and that the appli-  
6 cation is opposed by the district attorney, the sentencing judge or  
7 county or supreme court shall conduct a hearing on the application in  
8 order to consider any evidence offered by either party that would aid  
9 the sentencing judge in his or her decision whether to seal the records  
10 of the defendant's convictions. No hearing is required if the district  
11 attorney does not oppose the application, however the court may hold a  
12 hearing at its discretion.

13 7. In considering any such application, the sentencing judge or county  
14 or supreme court shall consider any relevant factors, including but not  
15 limited to:

16 (a) the amount of time that has elapsed since the defendant's last  
17 conviction;

18 (b) the circumstances and seriousness of the offense for which the  
19 defendant is seeking relief, including whether the arrest charge was not  
20 an eligible offense;

21 (c) the circumstances and seriousness of any other offenses for which  
22 the defendant stands convicted;

23 (d) the character of the defendant, including any measures that the  
24 defendant has taken toward rehabilitation, such as participating in  
25 treatment programs, work, or schooling, and participating in community  
26 service or other volunteer programs;

27 (e) any statements made by the victim of the offense for which the  
28 defendant is seeking relief;

1 (f) the impact of sealing the defendant's record upon his or her reha-  
2 bilitation and upon his or her successful and productive reentry and  
3 reintegration into society; and

4 (g) the impact of sealing the defendant's record on public safety and  
5 upon the public's confidence in and respect for the law.

6 8. When a sentencing judge or county or supreme court orders sealing  
7 pursuant to this section, all official records and papers relating to  
8 the arrests, prosecutions, and convictions, including all duplicates and  
9 copies thereof, on file with the division of criminal justice services  
10 or any court shall be sealed and not made available to any person or  
11 public or private agency except as provided for in subdivision nine of  
12 this section; provided, however, the division shall retain any finger-  
13 prints, palmprints and photographs, or digital images of the same. The  
14 clerk of such court shall immediately notify the commissioner of the  
15 division of criminal justice services regarding the records that shall  
16 be sealed pursuant to this section. The clerk also shall notify any  
17 court in which the defendant has stated, pursuant to paragraph (b) of  
18 subdivision two of this section, that he or she has filed or intends to  
19 file an application for sealing of any other eligible offense.

20 9. Records sealed pursuant to this section shall be made available to:

21 (a) the defendant or the defendant's designated agent;

22 (b) qualified agencies, as defined in subdivision nine of section  
23 eight hundred thirty-five of the executive law, and federal and state  
24 law enforcement agencies, when acting within the scope of their law  
25 enforcement duties; or

26 (c) any state or local officer or agency with responsibility for the  
27 issuance of licenses to possess guns, when the person has made applica-  
28 tion for such a license; or

1 (d) any prospective employer of a police officer or peace officer as  
2 those terms are defined in subdivisions thirty-three and thirty-four of  
3 section 1.20 of this chapter, in relation to an application for employ-  
4 ment as a police officer or peace officer; provided, however, that every  
5 person who is an applicant for the position of police officer or peace  
6 officer shall be furnished with a copy of all records obtained under  
7 this paragraph and afforded an opportunity to make an explanation there-  
8 to; or

9 (e) the criminal justice information services division of the federal  
10 bureau of investigation, for the purposes of responding to queries to  
11 the national instant criminal background check system regarding attempts  
12 to purchase or otherwise take possession of firearms, as defined in 18  
13 USC 921 (a) (3).

14 10. A conviction which is sealed pursuant to this section is included  
15 within the definition of a conviction for the purposes of any criminal  
16 proceeding in which the fact of a prior conviction would enhance a  
17 penalty or is an element of the offense charged.

18 11. No defendant shall be required or permitted to waive eligibility  
19 for sealing pursuant to this section as part of a plea of guilty,  
20 sentence or any agreement related to a conviction for an eligible  
21 offense and any such waiver shall be deemed void and wholly enforceable.

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 two hundred sixty-three of the penal law. [The provisions of  
16 subdivision one requiring the accusatory instrument filed against a  
17 youth to be sealed shall not apply where such youth has previously been  
18 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 twenty, 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 twenty, 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 twenty, seventeen years of age; or such conduct committed as a sexually  
10 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 twenty, 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 twenty, 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 twenty 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 sixteen but less than seventeen years of age, or

1 commencing January first, two thousand twenty, at least sixteen but less  
2 than eighteen years of 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 of this part and shall forthwith serve a copy  
24    of the application upon the appropriate presentment agency. Nothing in  
25    this subdivision shall preclude the adjustment of suitable cases pursu-  
26    ant to section 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 of this  
2 part in any manner other than the filing of a petition for juvenile  
3 delinquency for an act which, if committed by an adult, would constitute  
4 a felony, provided, however, in the case of a child [eleven or] twelve  
5 years of age, such certification shall be made only if the act would  
6 constitute a class A or B felony, or, in the case of a child eleven  
7 years of age, such certification shall be made only if the act would  
8 constitute a 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 37 of the laws of  
18    2016 and paragraph (b) as added by chapter 920 of the laws of 1982, are  
19    amended to read as follows:

20    (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 the office for persons with developmental disabilities for an  
24    initial period not to exceed one year from the date of such order. Such  
25    period may be extended annually upon further application to the court by  
26    the commissioner having custody or his or her designee. Such application  
27    must be made not more than sixty days prior to the expiration of such  
28    period on forms that have been prescribed by the chief administrator of

1 the courts. At that time, the commissioner must give written notice of  
2 the application to the respondent, the counsel representing the respond-  
3 ent and the mental hygiene legal service if the respondent is at a resi-  
4 dential facility. Upon receipt of such application, the court must  
5 conduct a hearing to determine the issue of capacity. If, at the conclu-  
6 sion of a hearing conducted pursuant to this subdivision, the court  
7 finds that the respondent is no longer incapacitated, he or she shall be  
8 returned to the family court for further proceedings pursuant to this  
9 article. If the court is satisfied that the respondent continues to be  
10 incapacitated, the court shall authorize continued custody of the  
11 respondent by the commissioner for a period not to exceed one year. Such  
12 extensions shall not continue beyond a reasonable period of time neces-  
13 sary to determine whether the respondent will attain the capacity to  
14 proceed to a fact finding hearing in the foreseeable future but in no  
15 event shall continue beyond the respondent's eighteenth birthday or, if  
16 the respondent was at least sixteen years of age when the act was  
17 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 of section [180.75] 722.20 of such law [for a  
12 reason other than his waiver thereof pursuant to subdivision two of  
13 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

enumerated in subdivision one of this section which is consistent with the needs and best interests of the respondent and the need for protection of the community; provided, however, that the court shall not direct the placement of a respondent with a commissioner of social services or the office of children and family services if:

(i) the respondent only committed acts that would constitute no more than a violation if committed by an adult; or

(ii) the respondent only committed acts that would constitute more than a violation but no more than a misdemeanor if committed by an adult if:

(1) the acts did not result in any physical injury as defined in subdivision nine of section 10.00 of the penal law to another person;

(2) the respondent does not have any prior adjudications for an act that would constitute a felony if committed by an adult;

(3) the respondent has no more than one prior adjudication for an act that would constitute a misdemeanor if committed by an adult and that act did not result in any physical harm to another person; and

(4) the respondent was assessed at a low risk on the applicable pre-dispositional risk assessment instrument approved by the office of children and family services unless the court determines that such a placement is necessary because the respondent otherwise poses an imminent risk to public safety and states the reasons for such determination in the court order.

§ 72. The opening paragraph of subparagraph (iii) of paragraph (a) and paragraph (d) of subdivision 4 of section 353.5 of the family court act, as amended by section 6 of subpart A of part G of chapter 57 of the laws 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. Subdivisions 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 of this part.

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, ungovernable  
23 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 twenty. Only alleged or  
16 convicted juvenile offenders who have not attained their eighteenth or,  
17 commencing January first, two thousand nineteen, 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 nineteen, 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 amended by chapter 37 of the laws of 2016, are amended and a  
14 new 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 nineteen, 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 nineteen, 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 the office for persons with developmental disa-  
9 bilities, as appropriate; a case review panel; and the attorney general;  
10 in accordance with the provisions of article ten of the mental hygiene  
11 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  
16 this title to provide community-based supportive services to children  
17 and families with the goal of preventing a child from being adjudicated  
18 a 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 munici-  
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 twenty, 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 twenty, 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 twenty, temporary care, main-  
6 tenance and supervision provided youth detained in foster care facili-  
7 ties or certified or approved family boarding homes pursuant to article  
8 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-one and ther-  
6 eafter 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 nineteen, 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 twenty,  
26 a superintendent shall refer the pupil under the age of eighteen who has  
27 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 twenty, 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 of this  
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 nineteen 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 twenty, shall be detained in a juvenile detention facility.

7     § 102. Subdivision 4 of section 246 of the executive law, as amended  
8     by section 10 of part D of chapter 56 of the laws of 2010, is amended to  
9     read as follows:

10    4. An approved plan and compliance with standards relating to the  
11    administration of probation services promulgated by the commissioner of  
12    the division of criminal justice services shall be a prerequisite to  
13    eligibility for state aid.

14    The commissioner of the division of criminal justice services may take  
15    into consideration granting additional state aid from an appropriation  
16    made for state aid for county probation services for counties or the  
17    city of New York when a county or the city of New York demonstrates that  
18    additional probation services were dedicated to intensive supervision  
19    programs[,] and intensive programs for sex offenders [or programs  
20    defined as juvenile risk intervention services]. The commissioner shall  
21    grant additional state aid from an appropriation dedicated to juvenile  
22    risk intervention services coordination by probation departments which  
23    shall include, but not be limited to, probation services performed under  
24    article three of the family court act. The administration of such addi-  
25    tional grants shall be made according to rules and regulations promul-  
26    gated by the commissioner of the division of criminal justice services.  
27    Each county and the city of New York shall certify the total amount  
28    collected pursuant to section two hundred fifty-seven-c of this chapter.

1 The commissioner of the division of criminal justice services shall  
2 thereupon certify to the comptroller for payment by the state out of  
3 funds appropriated for that purpose, the amount to which the county or  
4 the city of New York shall be entitled under this section. The commis-  
5 sioner shall, subject to an appropriation made available for such  
6 purpose, establish and provide funding to probation departments for a  
7 continuum of evidence-based intervention services for youth alleged or  
8 adjudicated juvenile delinquents pursuant to article three of the family  
9 court act or for eligible youth before or sentenced under the youth part  
10 in accordance with the criminal procedure law. Such additional state  
11 aid shall be made in an amount necessary to pay one hundred percent of  
12 the expenditures for evidence-based practices and juvenile risk and  
13 evidence-based intervention services provided to youth sixteen years of  
14 age or older when such services would not otherwise have been provided  
15 absent the provisions of a chapter of the laws of two thousand seventeen  
16 that increased the age of juvenile jurisdiction.

17 § 103. The second undesignated paragraph of subdivision 4 of section  
18 246 of the executive law, as added by chapter 479 of the laws of 1970,  
19 is amended to read as follows:

20 [The director shall thereupon certify to the comptroller for payment  
21 by the state out of funds appropriated for that purpose, the amount to  
22 which the county or the city of New York shall be entitled under this  
23 section.]

24 The commissioner of the division of criminal justice services may take  
25 into consideration granting additional state aid from an appropriation  
26 made for state aid for county probation services for counties or the  
27 city of New York when a county or the city of New York demonstrates that  
28 additional probation services were dedicated to intensive supervision

1 programs and intensive programs for sex offenders. The commissioner  
2 shall grant additional state aid from an appropriation dedicated to  
3 juvenile risk intervention services coordination by probation depart-  
4 ments which shall include, but not be limited to, probation services  
5 performed under article three of the family court act. The adminis-  
6 tration of such additional grants shall be made according to rules and  
7 regulations promulgated by the commissioner of the division of criminal  
8 justice services. Each county and the city of New York shall certify the  
9 total amount collected pursuant to section two hundred fifty-seven-c of  
10 this chapter. The commissioner of the division of criminal justice  
11 services shall thereupon certify to the comptroller for payment by the  
12 state out of funds appropriated for that purpose, the amount to which  
13 the county or the city of New York shall be entitled under this section.  
14 The commissioner shall, subject to an appropriation made available for  
15 such purpose, establish and provide funding to probation departments for  
16 a continuum of evidence-based intervention services for youth alleged or  
17 adjudicated juvenile delinquents pursuant to article three of the family  
18 court act or for eligible youth before or sentenced under the youth part  
19 in accordance with the criminal procedure law.

20 § 104. The state finance law is amended by adding a new section 54-m  
21 to read as follows:

22 § 54-m. Waiver of local share requirements associated with increasing  
23 the age of juvenile jurisdiction above fifteen years. 1. Notwithstand-  
24 ing any other provision of law to the contrary, a county that is subject  
25 to section three-c of the general municipal law may apply to the New  
26 York state division of budget to request a waiver of the local share  
27 requirement of any expense that it would not have otherwise incurred  
28 absent the provisions of a chapter of the laws of two thousand seventeen



1 that increased the age of juvenile jurisdiction above fifteen years of  
2 age.

3 2. Request for a waiver pursuant to this section shall be made in the  
4 time and manner as required by the division of budget, and must contain,  
5 at minimum:

6 (a) a demonstration of fiscal hardship;

7 (b) a certification from the chief executive officer or budget officer  
8 of such county to the state budget director that the county's most  
9 recently adopted budget does not exceed the tax levy limit prescribed in  
10 section three-c of the general municipal law and, if the governing body  
11 of the county did enact a local law to override the tax levy limit, that  
12 such local law was subsequently repealed; such certification shall be  
13 made in a form and manner prescribed by the state budget director;

14 (c) a plan developed by the county that shows how the county will  
15 appropriately implement the requirements of the chapter of the laws of  
16 two thousand seventeen that increased the age of juvenile jurisdiction  
17 above fifteen years of age;

18 (d) the specific expenses and associated local share of such expenses  
19 that the county is seeking a waiver for; and

20 (e) any other information that may be required by the division of  
21 budget.

22 3. In deciding whether to grant approval of a waiver request made  
23 pursuant to this section, the division of budget shall consult with the  
24 applicable state agency or agencies that oversee the services for which  
25 the county is seeking a waiver of its local share.

26 4. Notwithstanding any other provision of law to the contrary, any  
27 state assistance granted in association with a waiver issued pursuant to

1 this section shall be subject to an appropriation and shall only be made  
2 to the extent that funds are available specifically therefor.

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

13 § 106. This act shall take effect immediately; provided that:

14 a. sections forty-eight and forty-eight-a of this act shall take  
15 effect on the one hundred and eightieth day after this act shall have  
16 become a law and shall be deemed to apply to offenses committed prior  
17 to, on, or after such effective date;

18 b. sections one through forty-one, forty-four through forty-seven,  
19 forty-nine, fifty-four through seventy-two, seventy-four through eighty,  
20 one hundred-a, one hundred-b and one hundred one of this act shall take  
21 effect January 1, 2019; provided, however, that when the applicability  
22 of such provision is dependent on the age of the youth that is alleged  
23 or adjudicated to have been committed or is convicted of a crime or an  
24 act that would constitute a crime if committed by an adult:

25 (i) effective January 1, 2019, such provisions shall be deemed to  
26 apply to youth who have been alleged to have committed, adjudicated for,  
27 or convicted of, an offense that occurred on or after such effective  
28 date and who were 16 years of age at the time the offense occurred, and

1 (ii) effective January 1, 2020, 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 seventeen years of age at the time such offense  
5 occurred;

6 c. sections ninety-eight-a and one hundred two and one hundred four  
7 shall take effect April 1, 2018;

8 d. sections eighty-three through ninety-eight and sections ninety-  
9 eight-b through one hundred of this act shall take effect January 1,  
10 2020 and shall be deemed to be applicable to the detention or placement  
11 of youth pursuant to petitions filed pursuant to article seven of the  
12 family court act on or after such effective date;

13 e. sections forty-two and forty-three of this act shall take effect  
14 January 1, 2021;

15 f. the amendments to subdivision 1 of section 70.20 of the penal law  
16 made by section forty-two of this act shall not affect the expiration of  
17 such subdivision and shall be deemed to expire therewith;

18 g. the amendments to paragraph d of subdivision 3 of section 3214 of  
19 the education law made by section one hundred-a of this act shall not  
20 affect the expiration of such paragraph and shall be deemed to expire  
21 therewith;

22 h. the amendments to subdivision 4 of section 353.5 of the family  
23 court act made by section seventy-two of this act shall be subject to  
24 the expiration and reversion of such subdivision pursuant to section 11  
25 of subpart A of part G of chapter 57 of the laws of 2012, as amended,  
26 when upon such date the provisions of section seventy-three of this act  
27 shall take effect; provided, however if such date of reversion is prior

1 to January 1, 2019, section seventy-three of this act shall take effect  
2 on January 1, 2019;

3 i. the amendments to subdivision 3-a of section 398 of the social  
4 services law made by section ninety-eight-b of this act shall not affect  
5 the expiration of such subdivision and shall be deemed repealed there-  
6 with;

7 j. the amendments to subparagraph (ii) of paragraph (a) of subdivision  
8 1 of section 409-a of the social services law made by section ninety-  
9 eight-c of this act shall not affect the expiration of such subparagraph  
10 and shall be deemed to expire therewith;

11 k. the amendments to the second undesignated paragraph of subdivision  
12 4 of section 246 of the executive law made by section one hundred two of  
13 this act shall be subject to the expiration and reversion of such undes-  
14 ignated paragraph as provided in subdivision (aa) of section 427 of  
15 chapter 55 of the laws of 1992, as amended, when upon such date section  
16 one hundred three of this act shall take effect; provided, however if  
17 such date of reversion is prior to April 1, 2018, section one hundred  
18 three of this act shall take effect on April 1, 2018;

19 l. the amendments to paragraph (f) of subdivision 1 of section 70.30  
20 of the penal law made by section forty-four-a of this act shall not  
21 affect the expiration and reversion of such paragraph and shall expire  
22 and be deemed repealed therewith; and

23 m. if chapter 492 of the laws of 2016 shall not have taken effect on  
24 or before such date then section sixteen of this act shall take effect  
25 on the same date and in the same manner as such chapter of the laws of  
26 2016, takes effect.

1       Section 1. This part enacts into law major components of legislation  
2 which are necessary for the financing of various child welfare services.  
3 Each component is wholly contained within a subpart identified as  
4 subparts A through B. The effective date for each particular provision  
5 contained within a subpart is set forth in the last section of such  
6 subpart. Any provision in any section contained within a subpart,  
7 including the effective date of the subpart, which makes reference to a  
8 section "of this act", when used in connection with that particular  
9 component, shall be deemed to mean and refer to the corresponding  
10 section of the subpart in which it is found. Section three of this part  
11 sets forth the general effective date of this part.

12 SUBPART A

13       Section 1. Section 28 of part C of chapter 83 of the laws of 2002,  
14 amending the executive law and other laws relating to funding for chil-  
15 dren and family services, as amended by section 1 of part F of chapter  
16 57 of the laws of 2012, is amended to read as follows:

17 § 28. This act shall take effect immediately; provided that sections  
18 nine through eighteen and twenty through twenty-seven of this act shall  
19 be deemed to have been in full force and effect on and after April 1,  
20 2002; provided, however, that section fifteen of this act shall apply to  
21 claims that are otherwise reimbursable by the state on or after April 1,  
22 2002 except as provided in subdivision 9 of section 153-k of the social  
23 services law as added by section fifteen of this act; provided further  
24 however, that nothing in this act shall authorize the office of children  
25 and family services to deny state reimbursement to a social services  
26 district for violations of the provisions of section 153-d of the social

1 services law for services provided from January 1, 1994 through March  
2 31, 2002; provided that section nineteen of this act shall take effect  
3 September 13, 2002 and shall expire and be deemed repealed June 30,  
4 2012; and, provided further, however, that notwithstanding any law to  
5 the contrary, the office of children and family services shall have the  
6 authority to promulgate, on an emergency basis, any rules and regu-  
7 lations necessary to implement the requirements established pursuant to  
8 this act; provided further, however, that the regulations to be devel-  
9 oped pursuant to section one of this act shall not be adopted by emer-  
10 gency rule; and provided further that the provisions of sections nine  
11 through eighteen and twenty through twenty-seven of this act shall  
12 expire and be deemed repealed on June 30, [2017] 2022.

13 § 2. This act shall take effect immediately.

14 SUBPART B

15 Section 1. Subdivision 10 of section 153 of the social services law,  
16 as amended by section 2 of part 0 of chapter 58 of the laws of 2011, is  
17 amended to read as follows:

18 10. Expenditures made by a social services district for the mainte-  
19 nance of children with disabilities, placed by school districts, pursu-  
20 ant to section forty-four hundred five of the education law shall, if  
21 approved by the office of children and family services, be subject to  
22 eighteen and four hundred twenty-four thousandths percent reimbursement  
23 by the state and thirty-eight and four hundred twenty-four thousandths  
24 percent reimbursement by school districts, except for social services  
25 districts located within a city with a population of one million or  
26 more, where such expenditures shall be subject to fifty-six and eight

1 hundred forty-eight thousandths percent reimbursement by the school  
2 district, in accordance with paragraph c of subdivision one of section  
3 forty-four hundred five of the education law, after first deducting  
4 therefrom any federal funds received or to be received on account of  
5 such expenditures, except that in the case of a student attending a  
6 state-operated school for the deaf or blind pursuant to article eighty-  
7 seven or eighty-eight of the education law who was not placed in such  
8 school by a school district such expenditures shall be subject to fifty  
9 percent reimbursement by the state after first deducting therefrom any  
10 federal funds received or to be received on account of such expenditures  
11 and there shall be no reimbursement by school districts. Such expendi-  
12 tures shall not be subject to the limitations on state reimbursement  
13 contained in subdivision two of section one hundred fifty-three-k of  
14 this title. In the event of the failure of the school district to make  
15 the maintenance payment pursuant to the provisions of this subdivision,  
16 the state comptroller shall withhold state reimbursement to any such  
17 school district in an amount equal to the unpaid obligation for mainte-  
18 nance and pay over such sum to the social services district upon certifi-  
19 cation of the commissioner of the office of children and family  
20 services and the commissioner of education that such funds are overdue  
21 and owed by such school district. The commissioner of the office of  
22 children and family services, in consultation with the commissioner of  
23 education, shall promulgate regulations to implement the provisions of  
24 this subdivision.

25 § 2. Paragraph (a) of subdivision 2 of section 153-k of the social  
26 services law, as added by section 15 of part C of chapter 83 of the laws  
27 of 2002, is amended to read as follows:

1 (a) Notwithstanding the provisions of this chapter or of any other law  
2 to the contrary, eligible expenditures by a social services district for  
3 foster care services shall be subject to reimbursement with state funds  
4 only to the extent of annual appropriations to the state foster care  
5 block grant. Such foster care services shall include expenditures for  
6 the provision and administration of: care, maintenance, supervision and  
7 tuition; supervision of foster children placed in federally funded job  
8 corps programs; and care, maintenance, supervision and tuition for adju-  
9 dicated juvenile delinquents and persons in need of supervision placed  
10 in residential programs operated by authorized agencies and in out-of-  
11 state residential programs; except that, notwithstanding any other  
12 provision of law to the contrary, reimbursement with state funds pursu-  
13 ant to the state foster care block grant shall not be available for  
14 tuition expenditures for foster children, including persons in need of  
15 supervision and adjudicated juvenile delinquents, made by a social  
16 services district located within a city having a population of one  
17 million or more. Social services districts must develop and implement  
18 children and family services delivery systems that are designed to  
19 reduce the need for and the length of foster care placements and must  
20 document their efforts in the multi-year consolidated services plan and  
21 the annual implementation reports submitted pursuant to section thirty-  
22 four-a of this chapter.

23 § 3. Paragraph c of subdivision 1 of section 4405 of the education  
24 law, as amended by section 1 of part 0 of chapter 58 of the laws of  
25 2011, is amended to read as follows:

26 c. Expenditures made by a social services district for the maintenance  
27 of a child with a disability placed in a residential school under the  
28 provisions of this article, including a child with a disability placed



1 by a school district committee on special education pursuant to this  
2 article in a special act school district, or a state school subject to  
3 the provisions of articles eighty-seven and eighty-eight of this chap-  
4 ter, shall be subject to [thirty-eight and four hundred twenty-four  
5 thousandths percent] reimbursement by the child's school district of  
6 residence pursuant to the provisions of subdivision ten of section one  
7 hundred fifty-three of the social services law. The amount of such  
8 reimbursement shall be a charge upon such school district of residence.

9 § 4. This act shall take effect immediately; provided, however, that  
10 the amendments to subdivision 10 of section 153 of the social services  
11 law made by section one of this act shall not affect the expiration of  
12 such subdivision and shall expire therewith; and the amendments made to  
13 paragraph (a) of subdivision 2 of section 153-k of the social services  
14 law made by section two of this act shall not affect the repeal of such  
15 section and shall be deemed repealed therewith.

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

25 § 3. This act shall take effect immediately; provided, however, that  
26 the applicable effective date of subparts A and B of this part shall be  
27 as specifically set forth in the last section of such subparts.

1

## PART L

2 Section 1. Paragraph (iii) of subdivision (e) of section 1012 of the  
3 family court act, as amended by chapter 320 of the laws of 2006, is  
4 amended to read as follows:

5 (iii) (A) commits, or allows to be committed an offense against such  
6 child defined in article one hundred thirty of the penal law; (B)  
7 allows, permits or encourages such child to engage in any act described  
8 in sections 230.25, 230.30 and 230.32 of the penal law; (C) commits any  
9 of the acts described in sections 255.25, 255.26 and 255.27 of the penal  
10 law; [or] (D) allows such child to engage in acts or conduct described  
11 in article two hundred sixty-three of the penal law; or (E) permits or  
12 encourages such child to engage in any act or commits or allows to be  
13 committed against such child any offense that would render such child  
14 either a victim of sex trafficking or a victim of severe forms of traf-  
15 ficking in persons pursuant to 22 U.S.C. 7102 as enacted by public law  
16 106-386 or any successor federal statute; (F) provided, however, that  
17 [(a)] (1) the corroboration requirements contained in the penal law and  
18 [(b)] (2) the age requirement for the application of article two hundred  
19 sixty-three of such law shall not apply to proceedings under this arti-  
20 cle.

21 § 2. This act shall take effect immediately.

22

## PART M

23 Section 1. Paragraph a of subdivision 2 of section 420 of the execu-  
24 tive law, as amended by section 3 of part G of chapter 57 of the laws of  
25 2013, is amended to read as follows:

1     a.   (1) A municipality may submit to the office of children and family  
2   services a plan for the providing of services for runaway and homeless  
3   youth, as defined in article nineteen-H of this chapter. Where such  
4   municipality is receiving state aid pursuant to paragraph a of subdivi-  
5   sion one of this section, such runaway and homeless youth plan shall be  
6   submitted as part of the comprehensive plan and shall be consistent with  
7   the goals and objectives therein.

8     (2) A runaway and homeless youth plan shall be developed in consulta-  
9   tion with the municipal youth bureau and the county or city department  
10  of social services, shall be in accordance with the regulations of the  
11  office of children and family services, shall provide for a coordinated  
12  range of services for runaway and homeless youth and their families  
13  including preventive, temporary shelter, transportation, counseling, and  
14  other necessary assistance, and shall provide for the coordination of  
15  all available county resources for runaway and homeless youth and their  
16  families including services available through the municipal youth  
17  bureau, the county or city department of social services, local boards  
18  of education, local drug and alcohol programs and organizations or  
19  programs which have past experience dealing with runaway and homeless  
20  youth. [Such]

21   (3) In its plan a municipality may:

22   (i) include provisions for transitional independent living support  
23   programs [for homeless youth between the ages of sixteen and twenty-one]  
24   and runaway and homeless youth crisis services programs as provided in  
25   article nineteen-H of this chapter;

26   (ii) authorize services under article nineteen-H of this chapter to be  
27   provided to homeless young adults, as such term is defined in section  
28   five hundred thirty-two-a of this chapter;

1     (iii) authorize runaway and homeless youth to be served for additional  
2 periods of time in accordance with any of the following provisions of  
3 this chapter:

4     (A) paragraph (a) of subdivision two of section five hundred thirty-  
5 two-b;

6     (B) paragraph (b) of subdivision two of section five hundred thirty-  
7 two-b; or

8     (C) paragraph (b) of subdivision one of section five hundred thirty-  
9 two-d; and

10    (iv) require that another designated person or entity, in addition to  
11 the applicable runaway and homeless youth service coordinator, approve  
12 any exigent circumstance request as such term is defined in section five  
13 hundred thirty-two-a of this chapter, made to the office of children and  
14 family services.

15    (4) Such plan shall also provide for the designation and duties of the  
16 runaway and homeless youth service coordinator defined in section five  
17 hundred thirty-two-a of this chapter who is available on a twenty-four  
18 hour basis and maintains information concerning available shelter space,  
19 transportation and services.

20    (5) Such plan may include provision for the per diem reimbursement for  
21 residential care of runaway and homeless youth in [approved] certified  
22 residential runaway and homeless youth programs which are authorized  
23 agencies[, provided that such per diem reimbursement shall not exceed a  
24 total of thirty days for any one youth].

25    § 2. Subdivisions 1, 2, 4 and 6 of section 532-a of the executive law,  
26 subdivisions 1 and 2 as amended by chapter 800 of the laws of 1985,  
27 subdivisions 4 and 6 as amended by section 6 of part G of chapter 57 of

1 the laws of 2013, are amended, and two new subdivisions 9 and 10 are  
2 added, to read as follows:

3 1. "Runaway youth" shall mean a person under the age of eighteen years  
4 who is absent from his or her legal residence without the consent of his  
5 or her parent, legal guardian or custodian.

6 2. "Homeless youth" shall mean:

7 (a) a person under the age of [twenty-one] eighteen who is in need of  
8 services and is without a place of shelter where supervision and care  
9 are available; or

10 (b) a person who is under the age of twenty-one but is at least age  
11 eighteen and who is in need of services and is without a place of shel-  
12 ter.

13 (c) Provided however, when a municipality's approved comprehensive  
14 plan authorizes that services pursuant to this article be provided to  
15 "homeless young adults" as such term is defined in this section, then  
16 for purposes related to the provisions of that municipality's approved  
17 comprehensive plan that include "homeless young adults", the term "home-  
18 less youth" as used in this article shall be deemed to include "homeless  
19 young adults".

20 4. "[Approved runaway] Runaway and homeless youth crisis services  
21 program" shall mean:

22 (a) any non-residential program approved by the office of children and  
23 family services, after submission by the municipality[, ] as part of its  
24 comprehensive plan, that provides services to runaway youth and homeless  
25 youth that are in crisis, in accordance with the regulations of the  
26 office of children and family services; or

27 (b) any residential [facility] program which is operated by an author-  
28 ized agency as defined in subdivision ten of section three hundred

1 seventy-one of the social services law, and [approved] certified by the  
2 office of children and family services [after submission by the munici-  
3 pality as part of its comprehensive plan, established and operated] to  
4 provide short-term residential services to runaway youth and homeless  
5 youth that are in crisis, in accordance with the applicable regulations  
6 of the office of temporary and disability assistance and the office of  
7 children and family services. [Such]

8 (c) Runaway and homeless youth crisis services programs may also  
9 provide non-residential crisis intervention and, if certified, residen-  
10 tial respite services to youth in need of crisis intervention or respite  
11 services, as such term is defined in this section. Residential respite  
12 services in [an approved] a certified runaway and homeless youth crisis  
13 services program may be provided to such youth for no more than twenty-  
14 one days, in accordance with the regulations of the office of children  
15 and family services and section seven hundred thirty-five of the family  
16 court act.

17 6. "Transitional independent living support program" shall mean:

18 (a) any non-residential program approved by the office of children and  
19 family services, after submission by the municipality as part of its  
20 comprehensive plan, [or] that provides supportive services to enable  
21 homeless youth to progress from crisis care and transitional care to  
22 independent living, in accordance with the applicable regulations of the  
23 office of children and family services; or

24 (b) any residential [facility approved by the office of children and  
25 family services after submission by the municipality as part of its  
26 comprehensive plan to offer youth development programs,] program estab-  
27 lished and operated to provide supportive services, [for a period of up  
28 to eighteen months] in accordance with the regulations of the office of

1 children and family services, to enable homeless youth [between the ages  
2 of sixteen and twenty-one] to progress from crisis care and transitional  
3 care to independent living.

4 [Such] (c) A transitional independent living support program may also  
5 provide services to youth in need of crisis intervention or respite  
6 services. Notwithstanding the time limitation in paragraph (i) of subdi-  
7 vision (d) of section seven hundred thirty-five of the family court act,  
8 residential respite services may be provided in a transitional independ-  
9 ent living support program for a period of more than twenty-one days.

10 9. "Homeless young adult" shall mean a person who is age twenty-four  
11 or younger but is at least age twenty-one and who is in need of services  
12 and is without a place of shelter.

13 10. "Exigent circumstance request" shall mean a request made by a  
14 municipality to the office of children and family services to approve:

15 (a) an additional length of stay in:

16 (i) a runaway and homeless youth crisis program pursuant to paragraph  
17 (c) of subdivision two of section five hundred thirty-two-b of this  
18 article; or

19 (ii) a transitional independent living program pursuant to paragraph  
20 (c) of subdivision one of section five hundred thirty-two-d of this  
21 article; or

22 (b) to allow a youth under the age of sixteen to be served in a tran-  
23 sitional independent living program pursuant to subparagraph (ii) of  
24 paragraph (a) of subdivision one of section five hundred thirty-two-d of  
25 this article.

26 § 3. Section 532-b of the executive law, as added by chapter 722 of  
27 the laws of 1978, the opening paragraph of subdivision 1 as amended by  
28 chapter 182 of the laws of 2002, paragraph (a) of subdivision 1 as

1 amended by section 15 of part E of chapter 57 of the laws of 2005, para-  
2 graph (e) of subdivision 1 as amended by chapter 569 of the laws of  
3 1994, and subdivision 2 as amended by section 7 of part G of chapter 57  
4 of the laws of 2013, is amended to read as follows:

5 § 532-b. Powers and duties of [approved] runaway [program] and home-  
6 less youth crisis services programs. 1. Notwithstanding any other  
7 provision of law, pursuant to regulations of the office of children and  
8 family services [an approved] a runaway and homeless youth crisis  
9 services program is authorized to and shall:

10 (a) provide assistance to any runaway or homeless youth or youth in  
11 need of crisis intervention or respite services as defined in this arti-  
12 cle;

13 (b) attempt to determine the cause for the youth's runaway or homeless  
14 status;

15 (c) explain to the runaway [and] or homeless youth his or her legal  
16 rights and options of service or other assistance available to the  
17 youth;

18 (d) work towards reuniting such youth with his or her parent or guard-  
19 ian as soon as practicable in accordance with section five hundred thir-  
20 ty-two-c of this article;

21 (e) assist in arranging for necessary services for runaway or homeless  
22 youth, and where appropriate, their families, including but not limited  
23 to food, shelter, clothing, medical care, education and individual and  
24 family counseling. Where the [approved] runaway and homeless youth  
25 crisis services program concludes that such runaway or homeless youth  
26 would be eligible for assistance, care or services from a local social  
27 services district, it shall assist the youth in securing such assist-  
28 ance, care or services as the youth is entitled to; [and]



1 (f) immediately report to the [local child protective service] state-  
2 wide central register of child abuse and maltreatment or vulnerable  
3 persons' central register, as appropriate, where it has reasonable cause  
4 to suspect that the runaway or homeless youth has been abused or  
5 neglected or when such youth maintains such to be the case[.];

6 (g) contact the appropriate local social services district if it is  
7 believed that the youth may be a destitute child, as such term is  
8 defined in section one thousand ninety-two of the family court act; and

9 (h) provide information to eligible youth about their ability to  
10 re-enter foster care in accordance with article ten-B of the family  
11 court act, and in appropriate cases, refer any such youth who may be  
12 interested in re-entering foster care to the applicable local social  
13 services district.

14 2. [The] (a) A runaway youth may remain in [the] a certified residen-  
15 tial runaway and homeless youth crisis services program on a voluntary  
16 basis for a period not to exceed thirty days, or for a youth age four-  
17 teen or older for a period up to sixty days when authorized in the  
18 applicable municipality's approved comprehensive plan, from the date of  
19 admission where the filing of a petition pursuant to article ten of the  
20 family court act is not contemplated, in order that arrangements can be  
21 made for the runaway youth's return home, alternative residential place-  
22 ment pursuant to section three hundred ninety-eight of the social  
23 services law, or any other suitable plan.

24 (b) If the runaway youth and the parent, guardian or custodian  
25 agree[,] in writing, the runaway youth may remain in [the runaway] such  
26 program up to sixty days, or up to one hundred twenty days when author-  
27 ized in the applicable municipality's approved county comprehensive  
28 plan, without the filing of a petition pursuant to article ten of the

1 family court act, provided that in any such case the facility shall  
2 first have obtained the approval of the applicable municipal runaway and  
3 homeless youth services coordinator, who shall notify the municipality's  
4 youth bureau of his or her approval together with a statement as to the  
5 reason why such additional residential stay is necessary and a  
6 description of the efforts being made to find suitable alternative  
7 living arrangements for such youth.

8 (c) A runaway youth may remain in a certified residential runaway and  
9 homeless youth crisis services program beyond the applicable period  
10 authorized by paragraph (a) or (b) of this subdivision upon the approval  
11 of the commissioner of the office of children and family services or his  
12 or her designee upon written documentation of: the exigent circumstances  
13 that make the additional length of stay necessary; the diligent efforts  
14 that have been made by the program to find suitable alternative living  
15 arrangements for such youth; and the approval for the additional length  
16 of stay from the applicable municipal runaway and homeless youth  
17 services coordinator and any other individual or entity designated in  
18 the municipality's approved comprehensive plan.

19 § 4. Section 532-c of the executive law, as added by chapter 722 of  
20 the laws of 1978, is amended to read as follows:

21 § 532-c. Notice to parent; return of runaway youth to parent; alterna-  
22 tive living arrangements. 1. The staff of [the] a residential runaway  
23 and homeless youth crisis services program shall, to the maximum extent  
24 possible, preferably within twenty-four hours but within no more than  
25 seventy-two hours following the youth's admission into the program,  
26 notify such runaway youth's parent, guardian or custodian of his or her  
27 physical and emotional condition, and the circumstances surrounding the  
28 runaway youth's presence at the program, unless there are compelling

1 circumstances why the parent, guardian or custodian should not be so  
2 notified. Where such circumstances exist, the [runaway] program director  
3 or his or her designee shall either file an appropriate petition in the  
4 family court, refer the youth to the local social services district, or  
5 in instances where abuse or neglect is suspected, report such case  
6 pursuant to title six of article six of the social services law.

7 2. Where custody of the youth upon leaving the [approved] program is  
8 assumed by a relative or other person, other than the parent or guardi-  
9 an, the staff of the program shall so notify the parent or guardian as  
10 soon as practicable after the release of the youth. The officers, direc-  
11 tors or employees of [an approved runaway] the program shall be immune  
12 from any civil or criminal liability for or arising out of the release  
13 of a runaway or homeless youth to a relative or other responsible person  
14 other than a parent or guardian.

15 § 5. Section 532-d of the executive law, as amended by chapter 182 of  
16 the laws of 2002, subdivisions (e) and (g) as amended and subdivision  
17 (f) as added by section 16 of part E of chapter 57 of the laws of 2005,  
18 is amended to read as follows:

19 § 532-d. Residential [facilities operated as] transitional independent  
20 living support programs. Notwithstanding any inconsistent provision of  
21 law, pursuant to regulations of the office of children and family  
22 services, residential facilities operating as transitional independent  
23 living support programs are authorized to and shall:

24 [(a)] 1. (a) (i) provide shelter to homeless youth [between the ages  
25 of sixteen and twenty-one as defined in this article] who are at least  
26 age sixteen.

27 (ii) Provided, however, that shelter may be provided to a homeless  
28 youth under the age of sixteen upon the approval of the commissioner of

1 the office of children and family services or his or her designee upon  
2 written documentation of: the exigent circumstances that warrant shelter  
3 being provided to the youth based on consideration of the youth's age;  
4 the diligent efforts that have been made by the program to find suitable  
5 alternative living arrangements for such youth; and approval for the  
6 youth to be sheltered in the program from the applicable municipal runa-  
7 way and homeless youth coordinator and any other individual or entity  
8 designated in the municipality's approved comprehensive plan.

9 (b) Shelter may be provided to a homeless youth in a transitional  
10 independent living program for a period of up to eighteen months, or up  
11 to twenty-four months when authorized in the applicable municipality's  
12 approved comprehensive plan;

13 (c) A homeless youth who entered a transitional independent living  
14 program under the age of twenty-one may continue to receive shelter  
15 services in such program beyond the applicable period authorized by  
16 paragraph (b) of this subdivision, upon approval of the commissioner of  
17 the office of children and family services or his or her designee upon  
18 written documentation of: the exigent circumstances that make the addi-  
19 tional length of stay necessary; the diligent efforts that have been  
20 made by the program to find suitable alternative living arrangements for  
21 such youth; and approval from the applicable municipal runaway and home-  
22 less youth services coordinator, and any other individual or entity  
23 designated in the municipality's approved comprehensive plan;

24 [(b)] 2. work toward reuniting such homeless youth with his or her  
25 parent, guardian or custodian, where possible;

26 [(c)] 3. provide or assist in securing necessary services for such  
27 homeless youth, and where appropriate, his or her family, including but  
28 not limited to housing, educational, medical care, legal, mental health,

1 and substance and alcohol abuse services. Where such program concludes  
2 that such homeless youth would be eligible for assistance, care or  
3 services from a local social services district, it shall assist such  
4 youth in securing such assistance, care or services;

5 [(d)] 4. for a homeless youth whose service plan involves independent  
6 living, provide practical assistance in achieving independence, either  
7 through direct provision of services or through written agreements with  
8 other community and public agencies for the provision of services in the  
9 following areas; high school education or high school equivalency educa-  
10 tion; higher education assessment; job training and job placement; coun-  
11 seling; assistance in the development of socialization skills; guidance  
12 and assistance in securing housing appropriate to needs and income; and  
13 training in the development of skills necessary for responsible inde-  
14 pendent living, including but not limited to money and home management,  
15 personal care, and health maintenance; and

16 [(e)] 5. provide residential services to a youth in need of crisis  
17 intervention or respite services, as defined in this article; [and]

18 [(f)] 6. continue to provide services to a homeless youth who is not  
19 yet eighteen years of age but who has reached the [eighteen month] maxi-  
20 mum time period provided by paragraph (b) of subdivision [six] one of  
21 this section [five hundred thirty-two-a of this article], until he or  
22 she is eighteen years of age or for an additional six months if he or  
23 she is still under the age of eighteen; and

24 [(g)] 7. contact the appropriate local social services district if it  
25 is believed that the youth may be a destitute child, as such term is  
26 defined in section one thousand ninety-two of the family court act;

27 8. provide information to eligible youth about their ability to re-en-  
28 ter foster care in accordance with article ten-B of the family court

1 act, and in appropriate cases, refer any such youth who may be inter-  
2 ested in re-entering foster care to the applicable local social services  
3 district; and

4 9. provide such reports and data as specified by the office of chil-  
5 dren and family services.

6 § 6. The executive law is amended by adding a new section 532-f to  
7 read as follows:

8 § 532-f. Required certification for residential programs. Notwith-  
9 standing any other provision of law to the contrary, any residential  
10 program established for the purpose of serving runaway and homeless  
11 youth that serves any youth under the age of eighteen or that is  
12 contained in a municipality's approved comprehensive plan, must be  
13 certified by the office of children and family services and must be  
14 operated by an authorized agency as such term is defined in subdivision  
15 ten of section three hundred seventy-one of the social services law.

16 § 7. Paragraph (iii) of subdivision (b) of section 724 of the family  
17 court act, as amended by section 4 of part E of chapter 57 of the laws  
18 of 2005, is amended to read as follows:

19 (iii) take a youth in need of crisis intervention or respite services  
20 to [an approved] a runaway and homeless youth crisis services program or  
21 other approved respite or crisis program; or

22 § 8. Subdivision 2 of section 447-a of the social services law, as  
23 added by chapter 569 of the laws of 2008, is amended to read as follows:

24 2. The term "short-term safe house" means a residential facility oper-  
25 ated by an authorized agency as defined in subdivision ten of section  
26 three hundred seventy-one of this article including a residential facil-  
27 ity operating as part of [an approved] a runaway and homeless youth  
28 crisis services program as defined in subdivision four of section five

1 hundred thirty-two-a of the executive law or a not-for-profit agency  
2 with experience in providing services to sexually exploited youth and  
3 approved in accordance with the regulations of the office of children  
4 and family services that provides emergency shelter, services and care  
5 to sexually exploited children including food, shelter, clothing,  
6 medical care, counseling and appropriate crisis intervention services at  
7 the time they are taken into custody by law enforcement and for the  
8 duration of any legal proceeding or proceedings in which they are either  
9 the complaining witness or the subject child. The short-term safe house  
10 shall also be available at the point in time that a child under the age  
11 of eighteen has first come into the custody of juvenile detention offi-  
12 cials, law enforcement, local jails or the local commissioner of social  
13 services or is residing with the local runaway and homeless youth  
14 authority.

15 § 9. This act shall take effect January 1, 2018; provided however,  
16 that:

17 (a) the office of children and family services is authorized to  
18 promulgate regulations regarding any of the provisions of this act on or  
19 before the effective date of such act;

20 (b) the amendments to article 19-H of the executive law made by  
21 section six of this act that require that certain residential runaway  
22 and homeless youth programs be operated by authorized agencies shall be  
23 deemed to apply to such programs that are certified by the office of  
24 children and family services on or after the effective date of this act;

25 (c) the amendments to:

26 (i) paragraph a of subdivision 2 of section 420 of the executive law,  
27 made by section one of this act, shall not affect the expiration and  
28 reversion of such subdivision pursuant to section 9 of part G of chapter

1 57 of the laws of 2013 and shall expire and be deemed repealed there-  
2 with; and

3 (ii) subdivisions 4 and 6 of section 532-a of the executive law, made  
4 by section two of this act, shall not affect the expiration and rever-  
5 sion of such subdivisions pursuant to section 9 of part G of chapter 57  
6 of the laws of 2013 and shall expire and be deemed repealed therewith;

7 (iii) subdivision 2 of section 532-b of the executive law made by  
8 section three of this act, shall not affect the expiration and reversion  
9 of such subdivision pursuant to section 9 of part G of chapter 57 of the  
10 laws of 2013 and shall expire and be deemed repealed therewith.

11 PART N

12 Section 1. The public health law is amended by adding a new article  
13 29-I to read as follows:

14 ARTICLE 29-I

15 MEDICAL SERVICES FOR FOSTER CHILDREN

16 Section 2999-gg. Voluntary foster care agency health facilities.

17 § 2999-gg. Voluntary foster care agency health facilities. 1. In  
18 order for an authorized agency that is approved by the office of chil-  
19 dren and family services to care for or board out children to provide  
20 limited health-related services as defined in regulations of the depart-  
21 ment either directly or through a contract arrangement, such agency must  
22 obtain, in accordance with a schedule developed by the department in  
23 conjunction with the office of children and family services, a license  
24 issued by the commissioner in conjunction with the office of children  
25 and family services to provide such services. Such schedule shall



1 require that all such authorized agencies operating on January first,  
2 two thousand nineteen obtain the license required by this section no  
3 later than January first, two thousand nineteen. Such licenses shall be  
4 issued in accordance with the standards set forth in this article and  
5 the regulations of the department. Provided however, that a license  
6 pursuant to this section shall not be required if such authorized agency  
7 is otherwise authorized to provide limited-health-related services under  
8 a license issued pursuant to article twenty-eight of this chapter or  
9 article thirty-one of the mental hygiene law. For the purposes of this  
10 section, the term authorized agency shall be an authorized agency as  
11 defined in paragraph (a) of subdivision ten of section three hundred  
12 seventy-one of the social services law.

13 2. Such license shall not be issued unless it is determined that the  
14 equipment, personnel, rules, standards of care and services are fit and  
15 adequate, and that the health-related services will be provided in the  
16 manner required by this article and the rules and regulations there-  
17 under.

18 3. The commissioner and the commissioner of the office of children and  
19 family services shall enter into a memorandum of agreement for the  
20 purposes of administering the requirements of this section.

21 4. Proceedings involving the issuance of licenses for health-related  
22 services to authorized agencies:

23 (a) A license for health-related services under this article may be  
24 revoked, suspended, limited, annulled or denied by the commissioner, in  
25 consultation with the office of children and family services, if an  
26 authorized agency is determined to have failed to comply with the  
27 provisions of this article or the rules and regulations promulgated  
28 thereunder.

1     (b) No such license shall be revoked, suspended, limited, annulled or  
2     denied without a hearing. However, a license may be temporarily  
3     suspended or limited without a hearing for a period not in excess of  
4     thirty days upon written notice that the continuation of health-related  
5     services places the public health or safety of the recipients in immi-  
6     nent danger.

7     (c) The commissioner shall fix a time and place for the hearing. A  
8     copy of the charges, together with the notice of the time and place of  
9     the hearing, shall be served in person or mailed by registered or certi-  
10    fied mail to the authorized agency at least twenty-one days before the  
11    date fixed for the hearing. The authorized agency shall file with the  
12    department not less than eight days prior to the hearing, a written  
13    answer to the charges.

14    (d) All orders or determinations hereunder shall be subject to review  
15    as provided in article seventy-eight of the civil practice law and  
16    rules. Application for such review must be made within sixty days after  
17    service in person or by registered or certified mail of a copy of the  
18    order or determination upon the applicant or agency.

19    § 2. This act shall take effect immediately, provided, however, that  
20    the department of health, in consultation with the office of children  
21    and family services, shall issue any regulations necessary for the  
22    implementation of this act.

23                                   PART O

24    Section 1. Subdivision 1 of section 131-r of the social services law,  
25    as added by chapter 81 of the laws of 1995 and as designated by chapter  
26    340 of the laws of 2003, is amended to read as follows:

1     1. Any person who is receiving or has received, within the previous  
2     ten years, public assistance pursuant to the provisions of this article,  
3     and who wins a lottery prize of six hundred dollars or more shall reim-  
4     burse the department from the winnings, for all such public assistance  
5     benefits paid to such person during the previous ten years[; provided,  
6     however, that such crediting to the department shall in no event exceed  
7     fifty percent of the amount of the lottery prize]. The commissioner  
8     shall enter into an agreement with the director of the lottery, pursuant  
9     to section sixteen hundred thirteen-b of the tax law, for the crediting  
10    of lottery prizes against public assistance benefits. Nothing herein  
11    shall limit the ability of a social services district to make recoveries  
12    pursuant to section [104] one hundred four or section [106-b] one  
13    hundred six-b of this chapter.

14    § 2. Subdivisions 1 and 3 of section 1613-b of the tax law, as amended  
15    by chapter 601 of the laws of 2007, are amended to read as follows:

16    (1) Notwithstanding any limitations in section one hundred four of the  
17    social services law, the director of the lottery, on behalf of the divi-  
18    sion of the lottery, shall enter into a written agreement with the  
19    commissioner of the office of temporary and disability assistance, on  
20    behalf of the office of temporary and disability assistance, which shall  
21    set forth the procedures for crediting any lottery prize of six hundred  
22    dollars or more awarded to an individual against any and all public  
23    assistance benefits which were given to or on behalf of such individual  
24    within a period of up to ten years prior to the issuance of such prize  
25    of which the director of the lottery has been notified by the commis-  
26    sioner of the office of temporary and disability assistance pursuant to  
27    the provisions of such agreement[; provided, however, that in no event  
28    shall such credit to the office of temporary and disability assistance

1 exceed fifty percent of any such lottery prize and provided further]  
2 that, unless otherwise determined cost effective by the commissioner of  
3 the office of temporary and disability assistance and the director of  
4 the lottery such procedure shall be required only to the extent that and  
5 with respect to periods for which it can be effected through automated  
6 type match.

7 (3) Prior to awarding any lottery prize of six hundred dollars or  
8 more, the division of the lottery shall review the notice of liability  
9 of public assistance benefits paid provided by the office of temporary  
10 and disability assistance. For each lottery prize winner identified on  
11 such notice as an individual, who is receiving or has received, within  
12 the last ten years, public assistance benefits, the lottery division  
13 shall credit to the office of temporary and disability assistance such  
14 amount of the prize to satisfy the amount of public assistance benefits  
15 indicated as received within the previous ten years, and any remainder  
16 shall be awarded to the prize winner[; provided, however, that in no  
17 event shall such credit to the office of temporary and disability  
18 assistance exceed fifty percent of any such lottery prize].

19 § 3. This act shall take effect July 1, 2017.

20 PART P

21 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of  
22 section 131-o of the social services law, as amended by section 1 of  
23 part 0 of chapter 54 of the laws of 2016, are amended to read as  
24 follows:

1 (a) in the case of each individual receiving family care, an amount  
2 equal to at least \$141.00 for each month beginning on or after January  
3 first, two thousand [sixteen] seventeen.

4 (b) in the case of each individual receiving residential care, an  
5 amount equal to at least \$163.00 for each month beginning on or after  
6 January first, two thousand [sixteen] seventeen.

7 (c) in the case of each individual receiving enhanced residential  
8 care, an amount equal to at least [\$193.00] \$194.00 for each month  
9 beginning on or after January first, two thousand [sixteen] seventeen.

10 (d) for the period commencing January first, two thousand [seventeen]  
11 eighteen, the monthly personal needs allowance shall be an amount equal  
12 to the sum of the amounts set forth in subparagraphs one and two of this  
13 paragraph:

14 (1) the amounts specified in paragraphs (a), (b) and (c) of this  
15 subdivision; and

16 (2) the amount in subparagraph one of this paragraph, multiplied by  
17 the percentage of any federal supplemental security income cost of  
18 living adjustment which becomes effective on or after January first, two  
19 thousand [seventeen] eighteen, but prior to June thirtieth, two thousand  
20 [seventeen] eighteen, rounded to the nearest whole dollar.

21 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of  
22 section 209 of the social services law, as amended by section 2 of part  
23 O of chapter 54 of the laws of 2016, are amended to read as follows:

24 (a) On and after January first, two thousand [sixteen] seventeen, for  
25 an eligible individual living alone, [\$820.00] \$822.00; and for an  
26 eligible couple living alone, [\$1204.00] \$1,207.00.

27 (b) On and after January first, two thousand [sixteen] seventeen, for  
28 an eligible individual living with others with or without in-kind

1 income, [\$756.00] \$758.00; and for an eligible couple living with others  
2 with or without in-kind income, [\$1146.00] \$1,149.00.

3 (c) On and after January first, two thousand [sixteen] seventeen, (i)  
4 for an eligible individual receiving family care, [\$999.48] \$1,001.48 if  
5 he or she is receiving such care in the city of New York or the county  
6 of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible  
7 couple receiving family care in the city of New York or the county of  
8 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth  
9 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-  
10 ual receiving such care in any other county in the state, [\$961.48]  
11 \$963.48; and (iv) for an eligible couple receiving such care in any  
12 other county in the state, two times the amount set forth in subpara-  
13 graph (iii) of this paragraph.

14 (d) On and after January first, two thousand [sixteen] seventeen, (i)  
15 for an eligible individual receiving residential care, [\$1168.00]  
16 \$1,170.00 if he or she is receiving such care in the city of New York or  
17 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an  
18 eligible couple receiving residential care in the city of New York or  
19 the county of Nassau, Suffolk, Westchester or Rockland, two times the  
20 amount set forth in subparagraph (i) of this paragraph; or (iii) for an  
21 eligible individual receiving such care in any other county in the  
22 state, [\$1138.00] \$1,140.00; and (iv) for an eligible couple receiving  
23 such care in any other county in the state, two times the amount set  
24 forth in subparagraph (iii) of this paragraph.

25 (e) (i) On and after January first, two thousand [sixteen] seventeen,  
26 for an eligible individual receiving enhanced residential care,  
27 [\$1427.00] \$1,429.00; and (ii) for an eligible couple receiving enhanced

1 residential care, two times the amount set forth in subparagraph (i) of  
2 this paragraph.

3 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-  
4 vision shall be increased to reflect any increases in federal supple-  
5 mental security income benefits for individuals or couples which become  
6 effective on or after January first, two thousand [seventeen] eighteen  
7 but prior to June thirtieth, two thousand [seventeen] eighteen.

8 § 3. This act shall take effect December 31, 2017.

9 PART Q

10 Section 1. Section 412 of the social services law is amended by adding  
11 a new subdivision 9 to read as follows:

12 9. A "publicly-funded emergency shelter for families with children"  
13 means any facility with overnight sleeping accommodations and that is  
14 used to house recipients of temporary housing assistance and which hous-  
15 es or may house children and families with children.

16 § 2. Paragraph (a) of subdivision 1 of section 413 of the social  
17 services law, as separately amended by chapters 126 and 205 of the laws  
18 of 2014, is amended to read as follows:

19 (a) The following persons and officials are required to report or  
20 cause a report to be made in accordance with this title when they have  
21 reasonable cause to suspect that a child coming before them in their  
22 professional or official capacity is an abused or maltreated child, or  
23 when they have reasonable cause to suspect that a child is an abused or  
24 maltreated child where the parent, guardian, custodian or other person  
25 legally responsible for such child comes before them in their profes-  
26 sional or official capacity and states from personal knowledge facts,

1 conditions or circumstances which, if correct, would render the child an  
2 abused or maltreated child: any physician; registered physician assist-  
3 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
4 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
5 psychologist; registered nurse; social worker; emergency medical techni-  
6 cian; licensed creative arts therapist; licensed marriage and family  
7 therapist; licensed mental health counselor; licensed psychoanalyst;  
8 licensed behavior analyst; certified behavior analyst assistant; hospi-  
9 tal personnel engaged in the admission, examination, care or treatment  
10 of persons; a Christian Science practitioner; school official, which  
11 includes but is not limited to school teacher, school guidance counse-  
12 lor, school psychologist, school social worker, school nurse, school  
13 administrator or other school personnel required to hold a teaching or  
14 administrative license or certificate; full or part-time compensated  
15 school employee required to hold a temporary coaching license or profes-  
16 sional coaching certificate; social services worker; employee of a publ-  
17 icly-funded emergency shelter for families with children; director of a  
18 children's overnight camp, summer day camp or traveling summer day camp,  
19 as such camps are defined in section thirteen hundred ninety-two of the  
20 public health law; day care center worker; school-age child care worker;  
21 provider of family or group family day care; employee or volunteer in a  
22 residential care facility for children that is licensed, certified or  
23 operated by the office of children and family services; or any other  
24 child care or foster care worker; mental health professional; substance  
25 abuse counselor; alcoholism counselor; all persons credentialed by the  
26 office of alcoholism and substance abuse services; peace officer; police  
27 officer; district attorney or assistant district attorney; investigator



1 employed in the office of a district attorney; or other law enforcement  
2 official.

3 § 3. Subdivision 3 of section 424-a of the social services law, as  
4 amended by section 8 of part D of chapter 501 of the laws of 2012, is  
5 amended to read as follows:

6 3. For purposes of this section, the term "provider" or "provider  
7 agency" shall mean: an authorized agency[,]; the office of children and  
8 family services[,]; juvenile detention facilities subject to the certif-  
9 ication of [such] the office[,] of children and family services;  
10 programs established pursuant to article nineteen-H of the executive  
11 law[,]; non-residential or residential programs or facilities licensed  
12 or operated by the office of mental health or the office for people with  
13 developmental disabilities except family care homes[,]; licensed child  
14 day care centers, including head start programs which are funded pursu-  
15 ant to title V of the federal economic opportunity act of nineteen  
16 hundred sixty-four, as amended[,]; early intervention service estab-  
17 lished pursuant to section twenty-five hundred forty of the public  
18 health law[,]; preschool services established pursuant to section  
19 forty-four hundred ten of the education law[,]; school-age child care  
20 programs[,]; special act school districts as enumerated in chapter five  
21 hundred sixty-six of the laws of nineteen hundred sixty-seven, as  
22 amended[,]; programs and facilities licensed by the office of alcoholism  
23 and substance abuse services[,]; residential schools which are operated,  
24 supervised or approved by the education department[,]; publicly-funded  
25 emergency shelters for families with children, provided, however, for  
26 purposes of this section, when the provider or provider agency is a  
27 publicly-funded emergency shelter for families with children, then all  
28 references in this section to the "potential for regular and substantial

1 contact with individuals who are cared for by the agency" shall mean the  
2 potential for regular and substantial contact with children who are  
3 served by such shelter; and any other facility or provider agency, as  
4 defined in subdivision four of section four hundred eighty-eight of this  
5 chapter, in regard to the employment of staff, or use of providers of  
6 goods and services and staff of such providers, consultants, interns and  
7 volunteers.

8 § 4. The social services law is amended by adding a new section 460-h  
9 to read as follows:

10 § 460-h. Review of criminal history information concerning prospective  
11 employees, consultants, assistants and volunteers of publicly-funded  
12 emergency shelters for families with children. 1. Every provider of  
13 services to publicly-funded emergency shelters for families with chil-  
14 dren, as such phrase is defined in subdivision nine of section four  
15 hundred twelve of this chapter, shall request from the division of crim-  
16 inal justice services criminal history information, as such phrase is  
17 defined in paragraph (c) of subdivision one of section eight hundred  
18 forty-five-b of the executive law, concerning each prospective employee,  
19 consultant, assistant or volunteer of such provider who will have the  
20 potential for regular and substantial contact with children who are  
21 served by the publicly-funded emergency shelter for families with chil-  
22 dren.

23 (a) Prior to requesting criminal history information concerning any  
24 prospective employee, consultant, assistant or volunteer, a provider  
25 shall:

26 (1) inform the prospective employee, consultant, assistant or volun-  
27 teer in writing that the provider is required to request his or her

1 criminal history information from the division of criminal justice  
2 services and review such information pursuant to this section; and

3 (2) obtain the signed informed consent of the prospective employee,  
4 consultant, assistant or volunteer on a form supplied by the division of  
5 criminal justice services which indicates that such person has:

6 (i) been informed of the right and procedures necessary to obtain,  
7 review and seek correction of his or her criminal history information;

8 (ii) been informed of the reason for the request for his or her crimi-  
9 nal history information;

10 (iii) consented to such request; and

11 (iv) supplied on the form a current mailing or home address.

12 (b) Upon receiving such written consent, the provider shall obtain a  
13 set of fingerprints of such prospective employee, consultant, assistant,  
14 or volunteer and provide such fingerprints to the division of criminal  
15 justice services pursuant to regulations established by the division of  
16 criminal justice services.

17 2. A provider shall designate one or two persons in its employ who  
18 shall be authorized to request, receive and review the criminal history  
19 information, and only such persons and the prospective employee,  
20 consultant, assistant or volunteer to which the criminal history infor-  
21 mation relates shall have access to such information; provided, however,  
22 the criminal history information may be disclosed to other personnel  
23 authorized by the provider who are empowered to make decisions concern-  
24 ing prospective employees, consultants, assistants or volunteers and  
25 provided further that such other personnel shall also be subject to the  
26 confidentiality requirements and all other provisions of this section. A  
27 provider shall notify each person authorized to have access to criminal  
28 history information pursuant to this section.

1     3. A provider requesting criminal history information pursuant to this  
2 section shall also complete a form developed for such purpose by the  
3 division of criminal justice services. Such form shall include a sworn  
4 statement of the person designated by such provider to request, receive  
5 and review criminal history information pursuant to subdivision two of  
6 this section certifying that:

7     (a) such criminal history information will be used by the provider  
8 solely for purposes authorized by this section;

9     (b) the provider and its staff are aware of and will abide by the  
10 confidentiality requirements and all other provisions of this section;  
11 and

12     (c) the persons designated by the provider to receive criminal history  
13 information pursuant to subdivision two of this section shall upon  
14 receipt immediately mark such criminal history information "confiden-  
15 tial," and shall at all times maintain such criminal history information  
16 in a secure place.

17     4. Upon receipt of the fingerprints and sworn statement required by  
18 this section, the provider shall promptly submit the fingerprints to the  
19 division of criminal justice services.

20     5. The division of criminal justice services shall promptly provide  
21 the requested criminal history information, if any, to the provider that  
22 transmitted the fingerprints to it. Criminal history information  
23 provided by the division of criminal justice services pursuant to this  
24 section shall be furnished only by mail or other method of secure and  
25 confidential delivery, addressed to the requesting provider. Such infor-  
26 mation and the envelope in which it is enclosed shall be prominently  
27 marked "confidential," and shall at all times be maintained by the  
28 provider in a secure place.

1     6. Upon receipt of criminal history information from the division of  
2 criminal justice services, the provider may request, and is entitled to  
3 receive, information pertaining to any crime identified on such criminal  
4 history information from any state or local law enforcement agency,  
5 district attorney, parole officer, probation officer or court for the  
6 purposes of determining whether any grounds relating to such crime exist  
7 for denying an application, renewal, or employment.

8     7. After receiving criminal history information pursuant to subdivi-  
9 sions five and six of this section and before making a determination,  
10 the provider shall provide the prospective employee, consultant, assist-  
11 ant or volunteer with a copy of such criminal history information and a  
12 copy of article twenty-three-A of the correction law and inform such  
13 prospective employee, consultant, assistant and volunteer of his or her  
14 right to seek correction of any incorrect information contained in such  
15 criminal history information provided by the division of criminal  
16 justice services pursuant to the regulations and procedures established  
17 by the division of criminal justice services and the right of the  
18 prospective employee, consultant, assistant or volunteer to provide  
19 information relevant to such analysis.

20     8. Criminal history information obtained pursuant to subdivisions five  
21 and six of this section shall be considered by the provider in accord-  
22 ance with the provisions of article twenty-three-A of the correction law  
23 and subdivisions fifteen and sixteen of section two hundred ninety-six  
24 of the executive law.

25     9. A prospective employee, consultant, assistant or volunteer may  
26 withdraw from the application process, without prejudice, at any time  
27 regardless of whether he or she, or the provider, has reviewed his or  
28 her criminal history information. Where a prospective employee, consult-

1 ant, assistant or volunteer withdraws from the application process, any  
2 fingerprints and criminal history information concerning such prospec-  
3 tive employee, consultant, assistant or volunteer received by the  
4 provider shall, within ninety days, be returned to such prospective  
5 employee, consultant, assistant or volunteer by the person designated  
6 for receipt of criminal history information pursuant to subdivision two  
7 of this section.

8 10. Any person who willfully permits the release of any confidential  
9 criminal history information contained in the report to persons not  
10 permitted by this section to receive such information shall be guilty of  
11 a misdemeanor.

12 11. The commissioner of the division of criminal justice services, in  
13 consultation with the office of temporary and disability assistance,  
14 shall promulgate all rules and regulations necessary to implement the  
15 provisions of this section, which shall include convenient procedures  
16 for the provider to promptly verify the accuracy of the reviewed crimi-  
17 nal history information and, to the extent authorized by law, to have  
18 access to relevant documents related thereto.

19 § 5. Severability. If any clause, sentence, paragraph, subdivision, or  
20 section contained in this act shall be adjudged by any court of compe-  
21 tent jurisdiction to be invalid, such judgement shall not affect,  
22 impair, or invalidate the remainder thereof, but shall be confined in  
23 its operation to the clause, sentence, paragraph, subdivision, or  
24 section directly involved in the controversy in which such judgment  
25 shall have been rendered. It is hereby declared to be the intent of the  
26 legislature that this act would have been enacted even if such invalid  
27 provision had not been included herein.

1       § 6. This act shall take effect on the ninetieth day after it shall  
2 have become a law; provided however that: the commissioner of the office  
3 of children and family services, in consultation with the office of  
4 temporary and disability assistance, shall promulgate all rules and  
5 regulations necessary to implement the provisions of section two of this  
6 act; the commissioner of the office of temporary and disability assist-  
7 ance, in consultation with the office of children and family services,  
8 shall promulgate all rules and regulations necessary to implement the  
9 provisions of sections one and three of this act; and the commissioner  
10 of the division of criminal justice services, in consultation with the  
11 office of temporary and disability assistance, shall promulgate all  
12 rules and regulations necessary to implement the provisions of section  
13 four of this act; and provided further, the aforementioned rules or  
14 regulations may be promulgated on an emergency basis.

## PART R

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program, a sum not to exceed twenty-two million nine hundred sixty thousand dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed twenty-two million nine hundred sixty thousand dollars, such transfer to be made from (i) the

1 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 2016-2017 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 June 30, 2017.

14 § 2. Notwithstanding any other provision of law, the housing finance  
15 agency may provide, for costs associated with the rehabilitation of  
16 Mitchell Lama housing projects, a sum not to exceed forty-one million  
17 dollars for the fiscal year ending March 31, 2018. Notwithstanding any  
18 other provision of law, and subject to the approval of the New York  
19 state director of the budget, the board of directors of the state of New  
20 York mortgage agency shall authorize the transfer to the housing finance  
21 agency, for the purposes of reimbursing any costs associated with Mitc-  
22 hell Lama housing projects authorized by this section, a total sum not  
23 to exceed forty-one million dollars, such transfer to be made from (i)  
24 the special account of the mortgage insurance fund created pursuant to  
25 section 2429-b of the public authorities law, in an amount not to exceed  
26 the actual excess balance in the special account of the mortgage insur-  
27 ance fund, as determined and certified by the state of New York mortgage  
28 agency for the fiscal year 2016-2017 in accordance with section 2429-b



1 of the public authorities law, if any, and/or (ii) provided that the  
2 reserves in the project pool insurance account of the mortgage insurance  
3 fund created pursuant to section 2429-b of the public authorities law  
4 are sufficient to attain and maintain the credit rating (as determined  
5 by the state of New York mortgage agency) required to accomplish the  
6 purposes of such account, the project pool insurance account of the  
7 mortgage insurance fund, such transfer to be made as soon as practicable  
8 but no later than March 31, 2018.

9 § 3. Notwithstanding any other provision of law, the housing trust  
10 fund corporation may provide, for purposes of the neighborhood preserva-  
11 tion program, a sum not to exceed eight million four hundred seventy-  
12 nine thousand dollars for the fiscal year ending March 31, 2018.  
13 Notwithstanding any other provision of law, and subject to the approval  
14 of the New York state director of the budget, the board of directors of  
15 the state of New York mortgage agency shall authorize the transfer to  
16 the housing trust fund corporation, for the purposes of reimbursing any  
17 costs associated with neighborhood preservation program contracts  
18 authorized by this section, a total sum not to exceed eight million four  
19 hundred seventy-nine thousand dollars, such transfer to be made from (i)  
20 the special account of the mortgage insurance fund created pursuant to  
21 section 2429-b of the public authorities law, in an amount not to exceed  
22 the actual excess balance in the special account of the mortgage insur-  
23 ance fund, as determined and certified by the state of New York mortgage  
24 agency for the fiscal year 2016-2017 in accordance with section 2429-b  
25 of the public authorities law, if any, and/or (ii) provided that the  
26 reserves in the project pool insurance account of the mortgage insurance  
27 fund created pursuant to section 2429-b of the public authorities law  
28 are sufficient to attain and maintain the credit rating (as determined

1 by the state of New York mortgage agency) required to accomplish the  
2 purposes of such account, the project pool insurance account of the  
3 mortgage insurance fund, such transfer to be made as soon as practicable  
4 but no later than June 30, 2017.

5 § 4. Notwithstanding any other provision of law, the housing trust  
6 fund corporation may provide, for purposes of the rural preservation  
7 program, a sum not to exceed three million five hundred thirty-nine  
8 thousand dollars for the fiscal year ending March 31, 2018. Notwith-  
9 standing any other provision of law, and subject to the approval of the  
10 New York state director of the budget, the board of directors of the  
11 state of New York mortgage agency shall authorize the transfer to the  
12 housing trust fund corporation, for the purposes of reimbursing any  
13 costs associated with rural preservation program contracts authorized by  
14 this section, a total sum not to exceed three million five hundred thir-  
15 ty-nine 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 2016-2017 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 June 30, 2017.

1     § 5. Notwithstanding any other provision of law, the housing trust  
2 fund corporation may provide, for purposes of the rural and urban commu-  
3 nity investment fund program created pursuant to article XXVII of the  
4 private housing finance law, a sum not to exceed thirty-six million  
5 dollars for the fiscal year ending March 31, 2018. Notwithstanding any  
6 other provision of law, and subject to the approval of the New York  
7 state director of the budget, the board of directors of the state of New  
8 York mortgage agency shall authorize the transfer to the housing trust  
9 fund corporation, for the purposes of reimbursing any costs associated  
10 with rural and urban community investment fund program contracts author-  
11 ized by this section, a total sum not to exceed thirty-six million  
12 dollars, such transfer to be made from (i) the special account of the  
13 mortgage insurance fund created pursuant to section 2429-b of the public  
14 authorities law, in an amount not to exceed the actual excess balance in  
15 the special account of the mortgage insurance fund, as determined and  
16 certified by the state of New York mortgage agency for the fiscal year  
17 2016-2017 in accordance with section 2429-b of the public authorities  
18 law, if any, and/or (ii) provided that the reserves in the project pool  
19 insurance account of the mortgage insurance fund created pursuant to  
20 section 2429-b of the public authorities law are sufficient to attain  
21 and maintain the credit rating (as determined by the state of New York  
22 mortgage agency) required to accomplish the purposes of such account,  
23 the project pool insurance account of the mortgage insurance fund, such  
24 transfer to be made as soon as practicable but no later than March 31,  
25 2018.

26     § 6. Notwithstanding any other provision of law, the housing trust  
27 fund corporation may provide, for the purposes of carrying out the  
28 provisions of the low income housing trust fund program created pursuant

1 to article XVIII of the private housing finance law, a sum not to exceed  
2 twenty-one million dollars for the fiscal year ending March 31, 2018.  
3 Notwithstanding any other provision of law, and subject to the approval  
4 of the New York state director of the budget, the board of directors of  
5 the state of New York mortgage agency shall authorize the transfer to  
6 the housing trust fund corporation, for the purposes of carrying out the  
7 provisions of the low income housing trust fund program created pursuant  
8 to article XVIII of the private housing finance law authorized by this  
9 section, a total sum not to exceed twenty-one million dollars, such  
10 transfer to be made from (i) the special account of the mortgage insur-  
11 ance fund created pursuant to section 2429-b of the public authorities  
12 law, in an amount not to exceed the actual excess balance in the special  
13 account of the mortgage insurance fund, as determined and certified by  
14 the state of New York mortgage agency for the fiscal year 2016-2017 in  
15 accordance with section 2429-b of the public authorities law, if any,  
16 and/or (ii) provided that the reserves in the project pool insurance  
17 account of the mortgage insurance fund created pursuant to section  
18 2429-b of the public authorities law are sufficient to attain and main-  
19 tain the credit rating (as determined by the state of New York mortgage  
20 agency) required to accomplish the purposes of such account, the project  
21 pool insurance account of the mortgage insurance fund, such transfer to  
22 be made as soon as practicable but no later than March 31, 2018.

23 § 7. Notwithstanding any other provision of law, the housing trust  
24 fund corporation may provide, for purposes of the homes for working  
25 families program for deposit in the housing trust fund created pursuant  
26 to section 59-a of the private housing finance law and subject to the  
27 provisions of article XVIII of the private housing finance law, a sum  
28 not to exceed two million dollars for the fiscal year ending March 31,

1 2018. Notwithstanding any other provision of law, and subject to the  
2 approval of the New York state director of the budget, the board of  
3 directors of the state of New York mortgage agency shall authorize the  
4 transfer to the housing trust fund corporation, for the purposes of  
5 reimbursing any costs associated with homes for working families program  
6 contracts authorized by this section, a total sum not to exceed two  
7 million dollars, such transfer to be made from (i) the special account  
8 of the mortgage insurance fund created pursuant to section 2429-b of the  
9 public authorities law, in an amount not to exceed the actual excess  
10 balance in the special account of the mortgage insurance fund, as deter-  
11 mined and certified by the state of New York mortgage agency for the  
12 fiscal year 2016-2017 in accordance with section 2429-b of the public  
13 authorities law, if any, and/or (ii) provided that the reserves in the  
14 project pool insurance account of the mortgage insurance fund created  
15 pursuant to section 2429-b of the public authorities law are sufficient  
16 to attain and maintain the credit rating (as determined by the state of  
17 New York mortgage agency) required to accomplish the purposes of such  
18 account, the project pool insurance account of the mortgage insurance  
19 fund, such transfer to be made as soon as practicable but no later than  
20 March 31, 2018.

21 § 8. Notwithstanding any other provision of law, the homeless housing  
22 and assistance corporation may provide, for purposes of the New York  
23 state supportive housing program, the solutions to end homelessness  
24 program or the operational support for AIDS housing program, or to qual-  
25 ified grantees under those programs, in accordance with the requirements  
26 of those programs, a sum not to exceed six million five hundred twenty-  
27 two thousand dollars for the fiscal year ending March 31, 2018. The  
28 homeless housing and assistance corporation may enter into an agreement

1 with the office of temporary and disability assistance to administer  
2 such sum in accordance with the requirements of the programs. Notwith-  
3 standing any other provision of law, and subject to the approval of the  
4 New York state director of the budget, the board of directors of the  
5 state of New York mortgage agency shall authorize the transfer to the  
6 homeless housing and assistance corporation, a total sum not to exceed  
7 six million five hundred twenty-two thousand dollars, such transfer to  
8 be made from (i) the special account of the mortgage insurance fund  
9 created pursuant to section 2429-b of the public authorities law, in an  
10 amount not to exceed the actual excess balance in the special account of  
11 the mortgage insurance fund, as determined and certified by the state of  
12 New York mortgage agency for the fiscal year 2016-2017 in accordance  
13 with section 2429-b of the public authorities law, if any, and/or (ii)  
14 provided that the reserves in the project pool insurance account of the  
15 mortgage insurance fund created pursuant to section 2429-b of the public  
16 authorities law are sufficient to attain and maintain the credit rating  
17 (as determined by the state of New York mortgage agency) required to  
18 accomplish the purposes of such account, the project pool insurance  
19 account of the mortgage insurance fund, such transfer to be made as soon  
20 as practicable but no later than March 31, 2018.

21 § 9. This act shall take effect immediately.

22 PART S

23 Section 1. The section heading of section 421-a of the real property  
24 tax law, as amended by chapter 857 of the laws of 1975 and such section  
25 as renumbered by chapter 110 of the laws of 1977, is amended to read as  
26 follows:

1 [Exemption of new multiple dwellings from local taxation.] Affordable  
2 New York Housing Program.

3 § 2. Subparagraphs (i) and (iii) of paragraph (a) of subdivision 10 of  
4 section 421-a of the real property tax law, as amended by chapter 15 of  
5 the laws of 2008, are amended to read as follows:

6 (i) all rent stabilization registrations required to be filed on or  
7 after January first, two thousand eight shall contain a designation  
8 which identifies all units that are subject to the provisions of this  
9 section as "[421-a] Affordable New York Housing Program units" and  
10 specifically identifies affordable units created pursuant to this  
11 section and units which are required to be occupied by persons or fami-  
12 lies who meet specified income limits pursuant to the provisions of a  
13 local law enacted pursuant to this section as "[421-a] Affordable New  
14 York Housing Program affordable units" and shall contain an explanation  
15 of the requirements that apply to all such units. The owner of a unit  
16 that is subject to the provisions of this section shall, in addition to  
17 complying with the requirements of section 26-517 of the rent stabiliza-  
18 tion law, file a copy of the rent registration for each such unit with  
19 the local housing agency;

20 (iii) the local housing agency shall create a report which, at a mini-  
21 mum, contains the following information for every building which  
22 receives benefits pursuant to this section: address, commencement and  
23 termination date of the benefits, total number of residential units,  
24 number of "[421-a] Affordable New York Housing Program units" and number  
25 of "[421-a] Affordable New York Housing Program affordable units",  
26 apartment number or other designation of such units and the rent for  
27 each of such units. The local housing agency with the cooperation of the  
28 division of housing and community renewal shall maintain, and update

1 such report no less than annually, with information secured from annual  
2 registrations. Such reports shall be available for public inspection in  
3 a form that assigns a unique designation to each unit other than its  
4 actual apartment number to maintain the privacy of such information; and

5 § 3. Subdivision 16 of section 421-a of the real property tax law, as  
6 added by section 63-c of part A of chapter 20 of the laws of 2015, is  
7 amended to read as follows:

8 16. (a) Definitions. For the purposes of this subdivision:

9 (i) "[421-a] Affordable New York Housing Program benefits" shall mean  
10 exemption from real property taxation pursuant to this subdivision.

11 (ii) "Affordability option A" shall mean that, within any eligible  
12 site: (A) not less than ten percent of the dwelling units are affor-  
13 ble housing forty percent units; (B) not less than an additional ten  
14 percent of the dwelling units are affordable housing sixty percent  
15 units; (C) not less than an additional five percent of the dwelling  
16 units are affordable housing one hundred thirty percent units; and (D)  
17 such eligible site is developed without the substantial assistance of  
18 grants, loans or subsidies provided by a federal, state or local govern-  
19 mental agency or instrumentality pursuant to a program for the develop-  
20 ment of affordable housing, except that such eligible site may receive  
21 tax exempt bond proceeds and four percent tax credits.

22 (iii) "Affordability option B" shall mean that, within any eligible  
23 site, (A) not less than ten percent of the dwelling units are affordable  
24 housing seventy percent units, and (B) not less than an additional twen-  
25 ty percent of the dwelling units are affordable housing one hundred  
26 thirty percent units.

27 (iv) "Affordability option C" shall mean that, within any eligible  
28 site excluding the geographic area south of ninety-sixth street in the



1 borough of Manhattan, and all other geographic areas in the city of New  
2 York excluded pursuant to local law, (A) not less than thirty percent of  
3 the dwelling units are affordable housing one hundred thirty percent  
4 units, and (B) such eligible site is developed without the substantial  
5 assistance of grants, loans or subsidies provided by a federal, state or  
6 local governmental agency or instrumentality pursuant to a program for  
7 the development of affordable housing.

8 (v) "Affordability option D" shall only apply to a homeownership  
9 project, of which one hundred percent of the units shall have an average  
10 assessed value not to exceed sixty-five thousand dollars upon the first  
11 assessment following the completion date and where each owner of any  
12 such unit shall agree, in writing, to maintain such unit as their prima-  
13 ry residence for no less than five years from the acquisition of such  
14 unit.

15 (vi) "Affordability option E" shall mean that, within any eligible  
16 site within the enhanced affordability area, such site must consist of  
17 no less than three hundred rental dwelling units of which (A) not less  
18 than ten percent of the rental dwelling units are affordable housing  
19 forty percent units; (B) not less than an additional ten percent of the  
20 rental dwelling units are affordable housing sixty percent units; (C)  
21 not less than an additional five percent of the rental dwelling units  
22 are affordable housing one hundred twenty percent units; and (D) such  
23 eligible site is developed without the substantial assistance of grants,  
24 loans or subsidies provided by a federal, state or local governmental  
25 agency or instrumentality pursuant to a program for the development of  
26 affordable housing, except that such eligible site may receive tax  
27 exempt bond proceeds and four percent tax credits.

1 (vii) "Affordability option F" shall mean that, within any eligible  
2 site within the enhanced affordability area, such site must consist of  
3 no less than three hundred rental dwelling units of which (A) not less  
4 than ten percent of the rental dwelling units are affordable housing  
5 seventy percent units; and (B) not less than an additional twenty  
6 percent of the rental dwelling units are affordable housing one hundred  
7 thirty percent units.

8 (viii) "Affordability option G" shall mean that, within any eligible  
9 site located within the Brooklyn enhanced affordability area or the  
10 Queens enhanced affordability area, such site must consist of no less  
11 than three hundred rental dwelling units of which (A) not less than  
12 thirty percent of the rental dwelling units are affordable housing one-  
13 hundred thirty percent units; and (B) such eligible site is developed  
14 without the substantial assistance of grants, loans or subsidies  
15 provided by a federal, state or local governmental agency or instrumen-  
16 tality pursuant to a program for the development of affordable housing.

17 [(vi)] (ix) "Affordability percentage" shall mean a fraction, the  
18 numerator of which is the number of affordable housing units in an  
19 eligible site and the denominator of which is the total number of dwell-  
20 ing units in such eligible site.

21 [(vii)] (x) "Affordable housing forty percent unit" shall mean a  
22 dwelling unit that: (A) is situated within the eligible site for which  
23 [421-a] Affordable New York Housing Program benefits are granted; and  
24 (B) upon initial rental and upon each subsequent rental following a  
25 vacancy during the restriction period, is affordable to and restricted  
26 to occupancy by individuals or families whose household income does not  
27 exceed forty percent of the area median income, adjusted for family

1 size, at the time that such household initially occupies such dwelling  
2 unit.

3 [(viii)] (xi) "Affordable housing sixty percent unit" shall mean a  
4 dwelling unit that: (A) is situated within the eligible site for which  
5 [421-a] Affordable New York Housing Program benefits are granted; and  
6 (B) upon initial rental and upon each subsequent rental following a  
7 vacancy during the restriction period, is affordable to and restricted  
8 to occupancy by individuals or families whose household income does not  
9 exceed sixty percent of the area median income, adjusted for family  
10 size, at the time that such household initially occupies such dwelling  
11 unit.

12 [(ix)] (xii) "Affordable housing seventy percent unit" shall mean a  
13 dwelling unit that: (A) is situated within the eligible site for which  
14 [421-a] Affordable New York Housing Program benefits are granted; and  
15 (B) upon initial rental and upon each subsequent rental following a  
16 vacancy during the restriction period, is affordable to and restricted  
17 to occupancy by individuals or families whose household income does not  
18 exceed seventy percent of the area median income, adjusted for family  
19 size, at the time that such household initially occupies such dwelling  
20 unit.

21 (xiii) "Affordable housing one hundred twenty percent unit" shall mean  
22 a dwelling unit that: (A) is situated within the eligible site for which  
23 Affordable New York Housing Program benefits are granted; and (B) upon  
24 initial rental and upon each subsequent rental following a vacancy  
25 during the restriction period, is affordable to and restricted to occu-  
26 pancy by individuals or families whose household income does not exceed  
27 one hundred twenty percent of the area median income, adjusted for fami-

1 ly size, at the time that such household initially occupies such dwell-  
2 ing unit.

3 [(x)] (xiv) "Affordable housing one hundred thirty percent unit" shall  
4 mean a dwelling unit that: (A) is situated within the eligible site for  
5 which [421-a] Affordable New York Housing Program benefits are granted;  
6 and (B) upon initial rental and upon each subsequent rental following a  
7 vacancy during the restriction period, is affordable to and restricted  
8 to occupancy by individuals or families whose household income does not  
9 exceed one hundred thirty percent of the area median income, adjusted  
10 for family size, at the time that such household initially occupies such  
11 dwelling unit.

12 [(xi)] (xv) "Affordable housing unit" shall mean, collectively and  
13 individually, affordable housing forty percent units, affordable housing  
14 sixty percent units, affordable housing seventy percent units, afforda-  
15 ble housing one hundred twenty percent units and affordable housing one  
16 hundred thirty percent units.

17 [(xii)] (xvi) "Agency" shall mean the department of housing preserva-  
18 tion and development.

19 [(xiii)] (xvii) "Application" shall mean an application for [421-a]  
20 Affordable New York Housing Program benefits.

21 [(xiv)] (xviii) "Average hourly wage" shall mean the amount equal to  
22 the aggregate amount of all wages and all employee benefits paid to, or  
23 on behalf of, construction workers for construction work divided by the  
24 aggregate number of hours of construction work.

25 (xix) "Brooklyn enhanced affordability area" shall mean any tax lots  
26 now existing or hereafter created which are located entirely within  
27 community boards one and two of the borough of Brooklyn bounded and  
28 described as follows: All that piece or parcel of land situate and being

1 in the boroughs of Queens and Brooklyn, New York. Beginning at the point  
2 of intersection of the centerline of Newtown Creek and the westerly  
3 bounds of the East River; Thence southeasterly along the centerline of  
4 Newtown Creek, said centerline also being the boundary between Queens  
5 County to the northeast and Kings County to the southwest, to the point  
6 of intersection with Greenpoint Avenue; Thence southwesterly along  
7 Greenpoint Avenue, to the intersection with Kings Land Avenue; Thence  
8 southerly along Kingsland Avenue to the intersection with Meeker Avenue;  
9 Thence southwesterly along Meeker Avenue to the intersection with  
10 Leonard Street; Thence southerly along Leonard Street to the inter-  
11 section with Metropolitan Avenue; Thence westerly along Metropolitan  
12 Avenue to the intersection with Lorimer Street; Thence southerly along  
13 Lorimer Street to the intersection with Montrose Avenue; Thence westerly  
14 along Montrose Avenue to the intersection with Union Avenue; Thence  
15 southerly along Union Avenue to the intersection with Johnson Avenue;  
16 Thence westerly along Johnson Avenue to the intersection with Broadway;  
17 Thence northwesterly along Broadway to the intersection with Rutledge  
18 Street; Thence southwesterly along Rutledge Street to the intersection  
19 with Kent Avenue and Classon Avenue; Thence southwesterly and southerly  
20 along Classon Avenue to the intersection with Dekalb Avenue; Thence  
21 westerly along Dekalb Avenue to the intersection with Bond Street;  
22 Thence southwesterly along Bond Street to the intersection with Wyckoff  
23 Street; Thence northwesterly along Wyckoff Street to the intersection  
24 with Hoyt Street; Thence southwesterly along Hoyt Street to the inter-  
25 section with Warren Street; Thence northwesterly along Warren Street to  
26 the intersection with Court Street; Thence northeasterly along Court  
27 Street to the intersection with Atlantic Avenue; Thence northwesterly  
28 along Atlantic Avenue, crossing under The Brooklyn Queens Expressway

1 (aka Interstate 278), to the terminus of Atlantic Avenue at the Brooklyn  
2 Bridge Park/Pier 6; Thence northwesterly passing through the Brooklyn  
3 Bridge Park to the bulkhead of the East River at Pier 6; Thence in a  
4 general northeasterly direction along the easterly bulkhead or shoreline  
5 of the East River to the intersection with the centerline of Newtown  
6 Creek, and the point or place of Beginning.

7 (xx) "Building service employee" shall mean any person who is regular-  
8 ly employed at, and performs work in connection with the care or mainte-  
9 nance of, an eligible site, including, but not limited to, a watchman,  
10 guard, doorman, building cleaner, porter, handyman, janitor, gardener,  
11 groundskeeper, elevator operator and starter, and window cleaner, but  
12 not including persons regularly scheduled to work fewer than eight hours  
13 per week at the eligible site.

14 [(xv)] (xxi) "Commencement date" shall mean, with respect to any  
15 eligible multiple dwelling, the date upon which excavation and  
16 construction of initial footings and foundations lawfully begins in good  
17 faith or, for an eligible conversion, the date upon which the actual  
18 construction of the conversion, alteration or improvement of the pre-ex-  
19 isting building or structure lawfully begins in good faith.

20 [(xvi)] (xxii) "Completion date" shall mean, with respect to any  
21 eligible multiple dwelling, the date upon which the local department of  
22 buildings issues the first temporary or permanent certificate of occu-  
23 pancy covering all residential areas of an eligible multiple dwelling.

24 [(xvii)] (xxiii) "Construction period" shall mean, with respect to any  
25 eligible multiple dwelling, a period: (A) beginning on the later of the  
26 commencement date of such eligible multiple dwelling or three years  
27 before the completion date of such eligible multiple dwelling; and (B)

1 ending on the day preceding the completion date of such eligible multi-  
2 ple dwelling.

3 (xxiv) "Construction work" shall mean the provision of labor performed  
4 on an eligible site between the commencement date and the completion  
5 date, whereby materials and constituent parts are combined to initially  
6 form, make or build an eligible multiple dwelling, including without  
7 limitation, painting, or providing of material, articles, supplies or  
8 equipment in the eligible multiple dwelling, but excluding security  
9 personnel and work related to the fit-out of commercial spaces.

10 (xxv) "Construction workers" shall mean all persons performing  
11 construction work who (A) are paid on an hourly basis and (B) are not in  
12 a management or executive role or position.

13 (xxvi) "Contractor certified payroll report" shall mean an original  
14 payroll report submitted by a contractor or sub-contractor to the inde-  
15 pendent monitor setting forth to the best of the contractor's or sub-  
16 contractor's knowledge, the total number of hours of construction work  
17 performed by construction workers, the amount of wages and employee  
18 benefits paid to construction workers for construction work.

19 [(xviii)] (xxvii) "Eligible conversion" shall mean the conversion,  
20 alteration or improvement of a pre-existing building or structure  
21 resulting in a multiple dwelling in which no more than forty-nine  
22 percent of the floor area consists of such pre-existing building or  
23 structure.

24 [(xix)] (xxviii) "Eligible multiple dwelling" shall mean a multiple  
25 dwelling, including a portion of a multiple dwelling, or homeownership  
26 project containing six or more dwelling units created through new  
27 construction or eligible conversion for which the commencement date is  
28 after December thirty-first, two thousand fifteen and on or before June

1 fifteenth, two thousand [nineteen] twenty-two, and for which the  
2 completion date is on or before June fifteenth, two thousand [twenty-  
3 three] twenty-six.

4 [(xx)] (xxix) "Eligible site" shall mean either: (A) a tax lot  
5 containing an eligible multiple dwelling; or (B) a zoning lot containing  
6 two or more eligible multiple dwellings that are part of a single appli-  
7 cation.

8 (xxx) "Employee benefits" shall mean all supplemental compensation  
9 paid by the employer, on behalf of construction workers, other than  
10 wages, including, without limitation, any premiums or contributions made  
11 into plans or funds that provide health, welfare, non-occupational disa-  
12 bility coverage, retirement, vacation benefits, holiday pay, life insur-  
13 ance and apprenticeship training. The value of any employee benefits  
14 received shall be determined based on the prorated hourly cost to the  
15 employer of the employee benefits received by construction workers.

16 (xxxi) "Enhanced affordability area" shall mean the Manhattan enhanced  
17 affordability area, the Brooklyn enhanced affordability area and the  
18 Queens enhanced affordability area.

19 (xxxii) "Enhanced thirty-five year benefit" shall mean: (A) for the  
20 construction period, a one hundred percent exemption from real property  
21 taxation, other than assessments for local improvements; and (B) for the  
22 next thirty-five years of the extended restriction period, a one hundred  
23 percent exemption from real property taxation, other than assessments  
24 for local improvements.

25 (xxxiii) "Extended restriction period" shall mean a period commencing  
26 on the completion date and expiring on the fortieth anniversary of the  
27 completion date, notwithstanding any earlier termination or revocation  
28 of Affordable New York Housing Program benefits.



1 [(xxi)] (xxxiv) "Fiscal officer" shall mean the comptroller or other  
2 analogous officer in a city having a population of one million or more.

3 [(xxii)] (xxxv) "Floor area" shall mean the horizontal areas of the  
4 several floors, or any portion thereof, of a dwelling or dwellings, and  
5 accessory structures on a lot measured from the exterior faces of exte-  
6 rior walls, or from the center line of party walls.

7 [(xxiii)] (xxxvi) "Four percent tax credits" shall mean federal low  
8 income housing tax credits computed in accordance with clause (ii) of  
9 subparagraph (B) of paragraph (1) of subsection (b) of section forty-two  
10 of the internal revenue code of nineteen hundred eighty-six, as amended.

11 [(xxiv)] (xxxvii) "Homeownership project" shall mean a multiple dwell-  
12 ing or portion thereof operated as condominium or cooperative housing,  
13 however, it shall not include a multiple dwelling or portion thereof  
14 operated as cooperative or condominium housing located within the  
15 borough of Manhattan, and shall not include a multiple dwelling that  
16 contains more than thirty-five units.

17 [(xxv)] (xxxviii) "Independent monitor" shall mean an accountant  
18 licensed and in good standing pursuant to article one hundred forty-nine  
19 of the education law.

20 (xxxix) "Job action" shall mean any delay, interruption or interfer-  
21 ence with the construction work caused by the actions of any labor  
22 organization or concerted action of any employees at the eligible site,  
23 including without limitation, strikes, sympathy strikes, work stoppages,  
24 walk outs, slowdowns, picketing, bannering, hand billing, demon-  
25 strations, sickouts, refusals to cross a picket line, refusals to handle  
26 struck business, and use of the rat or other inflatable balloons or  
27 similar displays.

1     ~~(xl)~~ "Market unit" shall mean a dwelling unit in an eligible multiple  
2 dwelling other than an affordable housing unit.

3     ~~[(xxvi)]~~ ~~(xli)~~ "Multiple dwelling" shall have the meaning set forth in  
4 the multiple dwelling law.

5     ~~[(xxvii)]~~ ~~(xlii)~~ "Non-residential tax lot" shall mean a tax lot that  
6 does not contain any dwelling units.

7     ~~[(xxviii)]~~ ~~(xlili)~~ "Manhattan enhanced affordability area" shall mean  
8 any tax lots now existing or hereafter created located entirely south of  
9 96th street in the borough of Manhattan.

10    ~~(xliv)~~ "Project labor agreement" shall mean a pre-hire collective  
11 bargaining agreement setting forth the terms and conditions of employ-  
12 ment for the construction workers on an eligible site.

13    ~~(xlv)~~ "Project-wide certified payroll report" shall mean a certified  
14 payroll report submitted by the independent monitor to the agency based  
15 on each contractor certified payroll report which sets forth the total  
16 number of hours of construction work performed by construction workers,  
17 the aggregate amount of wages and employee benefits paid to construction  
18 workers for construction work and the average hourly wage.

19    ~~(xlvi)~~ "Queens enhanced affordability area" shall mean any tax lots  
20 now existing or hereafter created which are located entirely within  
21 community boards one and two of the borough of Queens bounded and  
22 described as follows: All that piece or parcel of land situate and being  
23 in the boroughs of Queens and Brooklyn, New York. Beginning at the point  
24 being the intersection of the easterly shore of the East River with a  
25 line of prolongation of 20th Avenue projected northwesterly; Thence  
26 southeasterly on the line of prolongation of 20th Avenue and along 20th  
27 Avenue to the intersection with 31st Street; Thence southwesterly along  
28 31st Street to the intersection with Northern Boulevard; Thence south-

1 westerly along Northern Boulevard to the intersection with Queens Boule-  
2 vard (aka Route 25); Thence southeasterly along Queens Boulevard to the  
3 intersection with Van Dam Street; Thence southerly along Van Dam Street  
4 to the intersection with Borden Avenue; Thence southwesterly along Van  
5 Dam Street to the intersection with Greenpoint Avenue and Review Avenue;  
6 Thence southwesterly along Greenpoint Avenue to the point of inter-  
7 section with the centerline of Newtown Creek, said centerline of Newtown  
8 Creek also being the boundary between Queens County to the north and  
9 Kings County to the south; Thence northwesterly along the centerline of  
10 Newtown Creek, also being the boundary between Queens County and Kings  
11 County to its intersection with the easterly bounds of the East River;  
12 Thence in a general northeasterly direction along the easterly bulkhead  
13 or shoreline of the East River to the point or place of Beginning.

14 (xlvii) "Rent stabilization" shall mean, collectively, the rent  
15 stabilization law of nineteen hundred sixty-nine, the rent stabilization  
16 code, and the emergency tenant protection act of nineteen seventy-four,  
17 all as in effect as of the effective date of the chapter of the laws of  
18 two thousand fifteen that added this subdivision or as amended thereaft-  
19 er, together with any successor statutes or regulations addressing  
20 substantially the same subject matter.

21 [(xxix)] (xlviii) "Rental project" shall mean an eligible site in  
22 which all dwelling units included in any application are operated as  
23 rental housing.

24 [(xxx)] (xlix) "Residential tax lot" shall mean a tax lot that  
25 contains dwelling units.

26 [(xxxi)] (1) "Restriction period" shall mean a period commencing on  
27 the completion date and expiring on the thirty-fifth anniversary of the

1 completion date, notwithstanding any earlier termination or revocation  
2 of [421-a] Affordable New York Housing Program benefits.

3 [(xxxii)] (li) "Tax exempt bond proceeds" shall mean the proceeds of  
4 an exempt facility bond, as defined in paragraph (7) of subsection (a)  
5 of section one hundred forty-two of the internal revenue code of nine-  
6 teen hundred eighty-six, as amended, the interest upon which is exempt  
7 from taxation under section one hundred three of the internal revenue  
8 code of nineteen hundred eighty-six, as amended.

9 (lii) "Third party fund administrator" shall be a person or entity  
10 that receives funds pursuant to paragraph (c) of this subdivision and  
11 oversees and manages the disbursement of such funds to construction work-  
12 ers. The third party fund administrator shall be a person or entity  
13 approved by the agency, and recommended by one, or more, representative  
14 or representatives of the largest trade association of residential real  
15 estate developers, either for profit or not-for-profit, in New York city  
16 and one, or more, representative or representatives of the largest trade  
17 labor association representing building and construction workers, with  
18 membership in New York city. The third party fund administrator shall  
19 be appointed for a term of three years, provided, however, that the  
20 administrator in place at the end of a three year term shall continue to  
21 serve beyond the end of the term until a replacement administrator is  
22 appointed. The agency, after providing notice and after meeting with the  
23 third party fund administrator, may remove such administrator for cause  
24 upon an agency determination that the administrator has been ineffective  
25 at overseeing or managing the disbursement of funds to the construction  
26 workers. The third party fund administrator shall, at the request of the  
27 agency, submit reports to the agency.

1 [(xxxiii)] (liii) "Thirty-five year benefit" shall mean: (A) for the  
2 construction period, a one hundred percent exemption from real property  
3 taxation, other than assessments for local improvements; (B) for the  
4 first twenty-five years of the restriction period, a one hundred percent  
5 exemption from real property taxation, other than assessments for local  
6 improvements; and (C) for the final ten years of the restriction period,  
7 an exemption from real property taxation, other than assessments for  
8 local improvements, equal to the affordability percentage.

9 [(xxxiv)] (liv) "Twenty year benefit" shall mean: (A) for the  
10 construction period, a one hundred percent exemption from real property  
11 taxation, other than assessments for local improvements; (B) for the  
12 first fourteen years of the restriction period, a one hundred percent  
13 exemption from real property taxation, other than assessments for local  
14 improvements, provided, however, that no exemption shall be given for  
15 any portion of a unit's assessed value that exceeds \$65,000; and (C) for  
16 the final six years of the restriction period, a twenty-five percent  
17 exemption from real property taxation, other than assessments for local  
18 improvements, provided, however, that no exemption shall be given for  
19 any portion of a unit's assessed value that exceeds \$65,000.

20 (lv) "Wages" shall mean all compensation, remuneration or payments of  
21 any kind paid to, or on behalf of, construction workers, including,  
22 without limitation, any hourly compensation paid directly to the  
23 construction worker, together with employee benefits, such as health,  
24 welfare, non-occupational disability coverage, retirement, vacation  
25 benefits, holiday pay, life insurance and apprenticeship training, and  
26 payroll taxes, including, to the extent permissible by law, all amounts  
27 paid for New York state unemployment insurance, New York state disabili-  
28 ty insurance, metropolitan commuter transportation mobility tax, federal

1 unemployment insurance and pursuant to the federal insurance contrib-  
2 utions act or any other payroll tax that is paid by the employer.

3 (b) Benefit. In cities having a population of one million or more,  
4 notwithstanding the provisions of any other subdivision of this section  
5 or of any general, special or local law to the contrary, new eligible  
6 sites, except hotels, that comply with the provisions of this subdivi-  
7 sion shall be exempt from real property taxation, other than assessments  
8 for local improvements, in the amounts and for the periods specified in  
9 this paragraph. A rental project that meets all of the requirements of  
10 this subdivision shall receive a thirty-five year benefit and a homeown-  
11 ership project that meets all of the requirements of this subdivision  
12 shall receive a twenty year benefit. A rental project that also meets  
13 all of the requirements of paragraph (c) of this subdivision shall  
14 receive an enhanced thirty-five year benefit.

15 (c) In addition to all other requirements set forth in this subdivi-  
16 sion, rental projects containing three hundred or more rental dwelling  
17 units located within the enhanced affordability area shall comply with  
18 the requirements set forth in this paragraph. For purposes of this para-  
19 graph, "contractor" shall mean any entity which by agreement with anoth-  
20 er party (including subcontractors) undertakes to perform construction  
21 work at an eligible site and "applicant" shall mean an applicant for  
22 Affordable New York Housing Program benefits and any successor thereto.

23 (i) Such rental project shall comply with either affordability option  
24 E, affordability option F or affordability option G.

25 (ii) The minimum average hourly wage paid to construction workers on  
26 an eligible site within the Manhattan enhanced affordability area shall  
27 be no less than sixty dollars per hour. Three years from the effective  
28 date of the chapter of the laws of two thousand seventeen that added

1 this paragraph and every three years thereafter, the minimum average  
2 hourly wage shall be increased by five percent; provided, however, that  
3 any building with a commencement date prior to the date of such increase  
4 shall be required to pay the minimum average hourly wage as required on  
5 its commencement date.

6 (iii) The minimum average hourly wage paid to construction workers on  
7 an eligible site within the Brooklyn enhanced affordability area or the  
8 Queens enhanced affordability area shall be no less than forty-five  
9 dollars per hour. Three years from the effective date of the chapter of  
10 the laws of two thousand seventeen that added this paragraph and every  
11 three years thereafter, the minimum average hourly wage shall be  
12 increased by five percent; provided, however, that any building with a  
13 commencement date prior to the date of such increase shall be required  
14 to pay the minimum average hourly wage as required on its commencement  
15 date.

16 (iv) The requirements of subparagraphs (ii) and (iii) of this para-  
17 graph shall not be applicable to:

18 (A) an eligible multiple dwelling in which at least fifty percent of  
19 the dwelling units upon initial rental and upon each subsequent rental  
20 following a vacancy during the restriction period, are affordable to and  
21 restricted to occupancy by individuals or families whose household  
22 income does not exceed one hundred twenty-five percent of the area medi-  
23 an income, adjusted for family size, at the time that such household  
24 initially occupies such dwelling unit;

25 (B) any portion of an eligible multiple dwelling which is owned and  
26 operated as a condominium or cooperative; or

27 (C) at the option of the applicant, to an eligible site subject to a  
28 project labor agreement.

1     (v) The applicant shall contract with an independent monitor. Such  
2     independent monitor shall submit to the agency within one year of the  
3     completion date a project-wide certified payroll report. In the event  
4     such project-wide certified payroll report is not submitted to the agen-  
5     cy within the requisite time, the applicant shall be subject to a fine  
6     of one thousand dollars per week, or any portion thereof; provided that  
7     the maximum fine shall be seventy-five thousand dollars. In the event  
8     that the average hourly wage is less than the minimum average hourly  
9     wage set forth in subparagraph (ii) or (iii) of this paragraph as appli-  
10    cable, the project-wide certified report shall also set forth the aggre-  
11    gate amount of such deficiency.

12    (vi) The contractor certified payroll report shall be submitted by  
13    each contractor and sub-contractor no later than ninety days after the  
14    completion of construction work by such contractor or sub-contractor. In  
15    the event that a contractor or sub-contractor fails or refuses to submit  
16    the contractor certified payroll report within the time prescribed in  
17    this subparagraph, the independent monitor shall notify the agency and  
18    the agency shall be authorized to fine such contractor or sub-contractor  
19    in the amount of one thousand dollars per week, or any portion thereof,  
20    provided that the maximum fine shall be seventy-five thousand dollars.

21    (vii) In the event that the project-wide certified payroll report  
22    shows that the average hourly wage as required by subparagraph (ii) or  
23    (iii) of this paragraph, as applicable, was not paid, (A) if the average  
24    hourly wage is within fifteen percent of the average hourly wage  
25    required by subparagraph (i) or (ii) of this paragraph, as applicable,  
26    then no later than one hundred twenty days from the date of submission  
27    of such project-wide certified payroll report, the applicant shall pay  
28    to the third party fund administrator an amount equal to the amount of



1 the deficiency set forth in the project-wide certified payroll report.  
2 The third party fund administrator shall distribute such payment to the  
3 construction workers who performed construction work on such eligible  
4 site. Prior to making such repayment, the third party fund administrator  
5 shall submit to the agency a plan subject to the agency's approval  
6 setting forth the manner in which the third party fund administrator  
7 will reach the required average wage within one hundred fifty days of  
8 receiving the payment from the applicant and how any remaining funds  
9 will be disbursed in the event that the third party fund administrator  
10 cannot distribute the funds to the construction workers within one year  
11 of receiving agency approval. In the event that the applicant fails to  
12 make such payment within the time period prescribed in this subpara-  
13 graph, the applicant shall be subject to a fine of one thousand dollars  
14 per week provided that the maximum fine shall be seventy-five thousand  
15 dollars; or (B) if the average hourly wage is more than fifteen percent  
16 below the minimum average hourly wage required by subparagraph (i) or  
17 (ii) of this paragraph, as applicable, then no later than one hundred  
18 twenty days from the date of submission of such project-wide certified  
19 payroll report, the applicant shall pay to the third party fund adminis-  
20 trator an amount equal to the amount of the deficiency set forth in the  
21 project-wide payroll report. The third party fund administrator shall  
22 distribute such payment to the construction workers who performed  
23 construction work on such eligible site. Prior to making such repayment,  
24 the third party fund administrator shall submit to the agency a plan  
25 subject to the agency's approval setting forth the manner in which the  
26 third party fund administrator will reach the required average wage  
27 within one hundred fifty days of receiving the payment from the appli-  
28 cant and how any remaining funds will be disbursed in the event that the

1 third party fund administrator cannot distribute the funds to the  
2 construction workers within one year of receiving agency approval. In  
3 addition, the agency shall impose a penalty on the applicant in an  
4 amount equal to twenty-five percent of the amount of the deficiency,  
5 provided, however, that the agency shall not impose such penalty where  
6 the eligible multiple dwelling has been the subject of a job action  
7 which results in a work delay. Any payments received by the agency  
8 pursuant to this subparagraph shall be used to provide affordable hous-  
9 ing. In the event that the applicant fails to make such payment within  
10 the time period prescribed in this subparagraph, the applicant shall be  
11 subject to a fine of one thousand dollars per week, provided that the  
12 maximum fine shall be seventy-five thousand dollars. Notwithstanding any  
13 provision of this paragraph, the applicant shall not be liable in any  
14 respect whatsoever for any payments, fines or penalties related to or  
15 resulting from contractor fraud, mistake, or negligence or for fraudu-  
16 lent or inaccurate contractor certified payroll reports or for fraudu-  
17 lent or inaccurate project-wide certified payroll reports, provided,  
18 however, that payment to the third party fund administrator in the  
19 amount set forth in the project-wide certified payroll report as  
20 described in this subparagraph shall still be made by the contractor or  
21 sub-contractor in the event of underpayment resulting from or caused by  
22 the contractor or sub-contractor, and that the applicant will be liable  
23 for underpayment to the third party administrator unless the agency  
24 determines, in its sole discretion, that the underpayment was the result  
25 of, or caused by, contractor fraud, mistake or negligence and/or for  
26 fraudulent or inaccurate contractor certified payroll reports and/or  
27 project-wide certified payroll reports. The applicant shall otherwise  
28 not be liable in any way whatsoever once the payment to the third party

1 fund administrator has been made in the amount set forth in the  
2 project-wide certified payroll report.

3 (viii) Nothing in this paragraph shall be construed to confer a  
4 private right of action to enforce the provisions of this paragraph,  
5 provided, however, that this sentence shall not be construed as a waiver  
6 of any existing rights of construction workers or their representatives  
7 related to wage and benefit collection, wage theft or other labor  
8 protections or rights and provided, further, that nothing in this para-  
9 graph relieves any obligations pursuant to a collective bargaining  
10 agreement.

11 (ix) A rental project containing three hundred or more residential  
12 dwelling units not located within the enhanced affordability area may  
13 elect to comply with the requirements of this paragraph. Such election  
14 shall be made in the application and shall not thereafter be changed.  
15 Such rental project shall comply with all of the requirements of this  
16 paragraph and shall be deemed to be located within the Brooklyn enhanced  
17 affordability area or the Queens enhanced affordability area for the  
18 purposes of this paragraph.

19 [(c)] (d) Tax payments. In addition to any other amounts payable  
20 pursuant to this subdivision, the owner of any eligible site receiving  
21 [421-a] Affordable New York Housing Program benefits shall pay, in each  
22 tax year in which such [421-a] Affordable New York Housing Program bene-  
23 fits are in effect, real property taxes and assessments as follows:

24 (i) with respect to each eligible multiple dwelling constructed on  
25 such eligible site, real property taxes on the assessed valuation of  
26 such land and any improvements thereon in effect during the tax year  
27 prior to the commencement date of such eligible multiple dwelling, with-  
28 out regard to any exemption from or abatement of real property taxation

1 in effect during such tax year, which real property taxes shall be  
2 calculated using the tax rate in effect at the time such taxes are due;  
3 and

4 (ii) all assessments for local improvements.

5 [(d)] (e) Limitation on benefits for non-residential space. If the  
6 aggregate floor area of commercial, community facility and accessory use  
7 space in an eligible site, other than parking which is located not more  
8 than twenty-three feet above the curb level, exceeds twelve percent of  
9 the aggregate floor area in such eligible site, any [421-a] Affordable  
10 New York Housing Program benefits shall be reduced by a percentage equal  
11 to such excess. If an eligible site contains multiple tax lots, the tax  
12 arising out of such reduction in [421-a] Affordable New York Housing  
13 Program benefits shall first be apportioned pro rata among any non-resi-  
14 dential tax lots. After any such non-residential tax lots are fully  
15 taxable, the remainder of the tax arising out of such reduction in  
16 [421-a] Affordable New York Housing Program benefits, if any, shall be  
17 apportioned pro rata among the remaining residential tax lots.

18 [(e)] (f) Calculation of benefit. Based on the certification of the  
19 agency certifying the applicant's eligibility for [421-a] Affordable New  
20 York Housing Program benefits, the assessors shall certify to the  
21 collecting officer the amount of taxes to be exempted.

22 [(f)] (g) Affordability requirements. During the restriction period, a  
23 rental project shall comply with either affordability option A, affor-  
24 dability option B, or affordability option C or for purposes of a homeown-  
25 ership project, such project shall comply with affordability option D.  
26 Such election shall be made in the application and shall not thereafter  
27 be changed. The rental project shall also comply with all provisions of  
28 this paragraph during the restriction period and with subparagraph (iii)

1 of this paragraph both during and after the restriction period to the  
2 extent provided in such subparagraph. A rental project containing three  
3 hundred or more rental dwelling units located in the enhanced affor-  
4 bility area or a rental project containing three hundred or more rental  
5 dwelling units not located within the enhanced affordability area which  
6 elects to comply with the requirements of paragraph (c) of this subdivi-  
7 sion shall comply with either affordability option E, affordability  
8 option F, or affordability option G. Such election shall be made in the  
9 application and shall not thereafter be changed. Such rental project  
10 shall also comply with all provisions of this paragraph during the  
11 extended restriction period and with subparagraph (iii) of this para-  
12 graph both during and after the extended restriction period to the  
13 extent provided in such paragraph.

14 (i) Affordable units located in a rental project shall share the same  
15 common entrances and common areas as market rate units in such rental  
16 project, and shall not be isolated to a specific floor or area of [a  
17 building] the rental project. Common entrances shall mean any area  
18 regularly used by any resident of the rental project for ingress and  
19 egress from [a multiple dwelling] the rental project; and

20 (ii) Unless preempted by the requirements of a federal, state or local  
21 housing program, either (A) the affordable housing units in an eligible  
22 site shall have a unit mix proportional to the market units, or (B) at  
23 least fifty percent of the affordable housing units in an eligible site  
24 shall have two or more bedrooms and no more than twenty-five percent of  
25 the affordable housing units shall have less than one bedroom.

26 (iii) Notwithstanding any provision of rent stabilization to the  
27 contrary, all affordable housing units shall be fully subject to rent  
28 stabilization during the restriction period, provided that tenants hold-

1 ing a lease and in occupancy of such affordable housing units at the  
2 expiration of the restriction period shall have the right to remain as  
3 rent stabilized tenants for the duration of their occupancy.

4 (iv) All rent stabilization registrations required to be filed pursu-  
5 ant to subparagraph (iii) of this paragraph shall contain a designation  
6 that specifically identifies affordable housing units created pursuant  
7 to this subdivision as "[421-a] Affordable New York Housing Program  
8 affordable housing units" and shall contain an explanation of the  
9 requirements that apply to all such affordable housing units.

10 (v) Failure to comply with the provisions of this paragraph that  
11 require the creation, maintenance, rent stabilization compliance and  
12 occupancy of affordable housing units or for purposes of a homeownership  
13 project the failure to comply with affordability option D shall result  
14 in revocation of any [421-a] Affordable New York Housing Program bene-  
15 fits for the period of such non-compliance.

16 (vi) Nothing in this subdivision shall (A) prohibit the occupancy of  
17 an affordable housing unit by individuals or families whose income at  
18 any time is less than the maximum percentage of the area median income,  
19 adjusted for family size, specified for such affordable housing unit  
20 pursuant to this subdivision, or (B) prohibit the owner of an eligible  
21 site from requiring, upon initial rental or upon any rental following a  
22 vacancy, the occupancy of any affordable housing unit by such lower  
23 income individuals or families.

24 (vii) Following issuance of a temporary certificate of occupancy and  
25 upon each vacancy thereafter, an affordable housing unit shall promptly  
26 be offered for rental by individuals or families whose income does not  
27 exceed the maximum percentage of the area median income, adjusted for  
28 family size, specified for such affordable housing unit pursuant to this

1 subdivision and who intend to occupy such affordable housing unit as  
2 their primary residence. An affordable housing unit shall not be (A)  
3 rented to a corporation, partnership or other entity, or (B) held off  
4 the market for a period longer than is reasonably necessary to perform  
5 repairs needed to make such affordable housing unit available for occu-  
6 pancy.

7 (viii) An affordable housing unit shall not be rented on a temporary,  
8 transient or short-term basis. Every lease and renewal thereof for an  
9 affordable housing unit shall be for a term of one or two years, at the  
10 option of the tenant.

11 (ix) An affordable housing unit shall not be converted to cooperative  
12 or condominium ownership.

13 (x) The agency may establish by rule such requirements as the agency  
14 deems necessary or appropriate for (A) the marketing of affordable hous-  
15 ing units, both upon initial occupancy and upon any vacancy, (B) moni-  
16 toring compliance with the provisions of this paragraph and (C) the  
17 marketing and monitoring of any homeownership project that is granted an  
18 exemption pursuant to this subdivision. Such requirements may include,  
19 but need not be limited to, retaining a monitor approved by the agency  
20 and paid for by the owner.

21 (xi) Notwithstanding any provision of this subdivision to the contra-  
22 ry, a market unit shall be subject to rent stabilization unless, in the  
23 absence of [421-a] Affordable New York Housing Program benefits, the  
24 owner would be entitled to remove such market unit from rent stabiliza-  
25 tion upon vacancy by reason of the monthly rent exceeding any limit  
26 established thereunder.

27 [(g)] (h) Building service employees. (i) For the purposes of this  
28 paragraph, "applicant" shall mean an applicant for [421-a] Affordable

1 New York Housing Program benefits, any successor to such applicant, or  
2 any employer of building service employees for such applicant, includ-  
3 ing, but not limited to, a property management company or contractor.

4 (ii) All building service employees employed by the applicant at the  
5 eligible site shall receive the applicable prevailing wage for the  
6 entire restriction period.

7 (iii) The fiscal officer shall have the power to enforce the  
8 provisions of this paragraph. In enforcing such provisions, the fiscal  
9 officer shall have the power:

10 (A) to investigate or cause an investigation to be made to determine  
11 the prevailing wages for building service employees; in making such  
12 investigation, the fiscal officer may utilize wage and fringe benefit  
13 data from various sources, including, but not limited to, data and  
14 determinations of federal, state or other governmental agencies;

15 (B) to institute and conduct inspections at the site of the work or  
16 elsewhere;

17 (C) to examine the books, documents and records pertaining to the  
18 wages paid to, and the hours of work performed by, building service  
19 employees;

20 (D) to hold hearings and, in connection therewith, to issue subpoenas,  
21 administer oaths and examine witnesses; the enforcement of a subpoena  
22 issued under this paragraph shall be regulated by the civil practice law  
23 and rules;

24 (E) to make a classification by craft, trade or other generally recog-  
25 nized occupational category of the building service employees and to  
26 determine whether such work has been performed by the building service  
27 employees in such classification;



1 (F) to require the applicant to file with the fiscal officer a record  
2 of the wages actually paid by such applicant to the building service  
3 employees and of their hours of work;

4 (G) to delegate any of the foregoing powers to his or her deputy or  
5 other authorized representative; and

6 (H) to promulgate rules as he or she shall consider necessary for the  
7 proper execution of the duties, responsibilities and powers conferred  
8 upon him or her by the provisions of this subparagraph.

9 (iv) If the fiscal officer finds that the applicant has failed to  
10 comply with the provisions of this paragraph, he or she shall present  
11 evidence of such noncompliance to the agency.

12 (v) Subparagraph (ii) of this paragraph shall not be applicable to:

13 (A) an eligible multiple dwelling containing less than thirty dwelling  
14 units; or

15 (B) an eligible multiple dwelling in which all of the dwelling units  
16 are affordable housing units and not less than fifty percent of such  
17 affordable housing units, upon initial rental and upon each subsequent  
18 rental following a vacancy during the restriction period, are affordable  
19 to and restricted to occupancy by individuals or families whose house-  
20 hold income does not exceed one hundred twenty-five percent of the area  
21 median income, adjusted for family size, at the time that such household  
22 initially occupies such dwelling unit.

23 [(h)] (i) Replacement ratio. If the land on which an eligible site is  
24 located contained any dwelling units three years prior to the commence-  
25 ment date of the first eligible multiple dwelling thereon, then such  
26 eligible site shall contain at least one affordable housing unit for  
27 each dwelling unit that existed on such date and was thereafter demol-  
28 ished, removed or reconfigured.

1 [(i)] (j) Concurrent exemptions or abatements. An eligible [multiple  
2 dwelling] site receiving [421-a] Affordable New York Housing Program  
3 benefits shall not receive any exemption from or abatement of real prop-  
4 erty taxation under any other law.

5 [(j)] (k) Voluntary renunciation or termination. Notwithstanding the  
6 provisions of any general, special or local law to the contrary, an  
7 owner shall not be entitled to voluntarily renounce or terminate any  
8 [421-a] Affordable New York Housing Program benefits unless the agency  
9 authorizes such renunciation or termination in connection with the  
10 commencement of a new tax exemption pursuant to either the private hous-  
11 ing finance law or section four hundred twenty-c of this title.

12 [(k)] (l) Termination or revocation. The agency may terminate or  
13 revoke [421-a] Affordable New York Housing Program benefits for noncom-  
14 pliance with this subdivision, provided, however, that the agency shall  
15 not terminate or revoke Affordable New York Housing Program benefits for  
16 a failure to comply with paragraph (c) of this subdivision. If [421-a]  
17 Affordable New York Housing Program benefits are terminated or revoked  
18 for noncompliance with this subdivision, [all of the affordable housing  
19 units shall remain subject to rent stabilization or for a homeownership  
20 project such project shall continue to comply with affordability option  
21 D of this subdivision and all other requirements of this subdivision for  
22 the restriction period and any additional period expressly provided in  
23 this subdivision, as if the 421-a benefits had not been terminated or  
24 revoked] (i) all of the affordable housing units shall remain subject to  
25 rent stabilization and all other requirements of this subdivision for  
26 the restriction period and any additional period expressly provided in  
27 this subdivision, as if the Affordable New York Housing Program benefits  
28 had not been terminated or revoked; (ii) all of the market rate housing

1 units shall remain subject to rent stabilization and all other require-  
2 ments of this subdivision for the restriction period and any additional  
3 period expressly provided in this subdivision, as if the Affordable New  
4 York Housing Program benefits had not been terminated or revoked,  
5 provided, however, that the owner shall still be entitled to remove such  
6 market unit from rent stabilization upon vacancy by reason of the month-  
7 ly rent exceeding any limit established thereunder; (iii) or for a  
8 homeownership project such project shall continue to comply with afford-  
9 ability option D of this subdivision and all other requirements of this  
10 subdivision for the restriction period and any additional period  
11 expressly provided in this subdivision, as if the Affordable New York  
12 Housing Program benefits had not been terminated or revoked.

13 [(1)] (m) Powers cumulative. The enforcement provisions of this subdi-  
14 vision shall not be exclusive, and are in addition to any other rights,  
15 remedies, or enforcement powers set forth in any other law or available  
16 at law or in equity.

17 [(m)] (n) Multiple tax lots. If an eligible site contains multiple tax  
18 lots, an application may be submitted with respect to one or more of  
19 such tax lots. The agency shall determine eligibility for [421-a]  
20 Affordable New York Housing Program benefits based upon the tax lots  
21 included in such application and benefits for each multiple dwelling  
22 shall commence upon commencement of construction of such multiple dwell-  
23 ing.

24 [(n)] (o) Applications. (i) The application with respect to any eligi-  
25 ble multiple dwelling shall be filed with the agency not later than one  
26 year after the completion date of such eligible multiple dwelling.

(ii) Notwithstanding the provisions of any general, special or local law to the contrary, the agency may require by rule that applications be filed electronically.

(iii) The agency may rely on certification by an architect or engineer submitted by an applicant in connection with the filing of an application. A false certification by such architect or engineer shall be deemed to be professional misconduct pursuant to section sixty-five hundred nine of the education law. Any licensee found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of the education law shall be subject to the penalties prescribed in section sixty-five hundred eleven of the education law, and shall thereafter be ineligible to submit a certification pursuant to this subdivision.

(iv) The agency shall not require that the applicant demonstrate compliance with the requirements of paragraph (c) of this subdivision as a condition to approval of the application.

~~[(o)]~~ (p) Filing fee. The agency may require a filing fee of three thousand dollars per dwelling unit in connection with any application. However, the agency may promulgate rules imposing a lesser fee for eligible sites containing eligible multiple dwellings constructed with the substantial assistance of grants, loans or subsidies provided by a federal, state or local governmental agency or instrumentality pursuant to a program for the development of affordable housing.

~~[(p)]~~ (q) Rules. The agency shall have the sole authority to enforce the provisions of this subdivision. The agency [may] shall promulgate rules to carry out the provisions of this subdivision, including, but not limited to, provisions related to the calculation of the average hourly wage.

1 [(q) Authority of city to enact local law. Except as otherwise speci-  
2 fied in this subdivision, a city to which this subdivision is applicable  
3 may enact a local law to restrict, limit or condition the eligibility  
4 for or the scope or amount of 421-a benefits in any manner, provided  
5 that such local law may not grant 421-a benefits beyond those provided  
6 in this subdivision and provided further that such local law shall not  
7 take effect sooner than one year after it is enacted. The provisions of  
8 sections 11-245 and 11-245.1 of the administrative code of the city of  
9 New York or of any other local law of the city of New York that were  
10 enacted on or before the effective date of the chapter of the laws of  
11 two thousand fifteen which added this paragraph shall not restrict,  
12 limit or condition the eligibility for or the scope or amount of 421-a  
13 benefits pursuant to this subdivision.]

14 (r) Election. Notwithstanding anything in this subdivision to the  
15 contrary, [if a memorandum of understanding pursuant to subdivision  
16 sixteen-a of this section has been executed and noticed,] a rental  
17 project or homeownership project with a commencement date on or before  
18 December thirty-first, two thousand fifteen that has not received bene-  
19 fits pursuant to this section prior to the effective date of the chapter  
20 of the laws of two thousand fifteen that added this subdivision may  
21 elect to comply with this subdivision and receive [421-a] Affordable New  
22 York Housing Program benefits pursuant to this subdivision.

23 § 4. Subdivision 16-a of section 421-a of the real property tax law is  
24 REPEALED.

25 § 5. Severability clause. If any clause, sentence, paragraph, subdivi-  
26 sion, section or part of this act shall be adjudged by any court of  
27 competent jurisdiction to be invalid, such judgment shall not affect,  
28 impair, or invalidate the remainder thereof, but shall be confined in

1 its operation to the clause, sentence, paragraph, subdivision, section  
2 or part thereof directly involved in the controversy in which such judg-  
3 ment shall have been rendered. It is hereby declared to be the intent of  
4 the legislature that this act would have been enacted even if such  
5 invalid provisions had not been included herein.

6 § 6. This act shall take effect immediately; and provided, however,  
7 that sections one, two, and three of this act shall be deemed to have  
8 been in full force and effect on and after January 1, 2016.

9 PART T

10 Section 1. Subdivision 4 of section 170.15 of the criminal procedure  
11 law, as amended by chapter 67 of the laws of 2000, is amended to read as  
12 follows:

13 4. Notwithstanding any provision of this section to the contrary, in  
14 any county outside a city having a population of one million or more,  
15 upon or after arraignment of a defendant on an information, a simplified  
16 information, a prosecutor's information or a misdemeanor complaint pend-  
17 ing in a local criminal court, such court may, upon motion of the  
18 defendant and with the consent of the district attorney, order that the  
19 action be removed from the court in which the matter is pending to  
20 another local criminal court in the same county which has been desig-  
21 nated a drug court by the chief administrator of the courts, or to  
22 another local criminal court in the same county or an adjoining county  
23 that has been designated a veterans treatment court by the chief admin-  
24 istrator of the courts, and such drug court or veterans treatment court  
25 may then conduct such action to [judgement] judgment or other final  
26 disposition; provided, however, that an order of removal issued under

1 this subdivision shall not take effect until five days after the date  
2 the order is issued unless, prior to such effective date, the drug court  
3 or veterans treatment court notifies the court that issued the order  
4 that:

5 (a) it will not accept the action, in which event the order shall not  
6 take effect, or

7 (b) it will accept the action on a date prior to such effective date,  
8 in which event the order shall take effect upon such prior date.

9 Upon providing notification pursuant to paragraph (a) or (b) of this  
10 subdivision, the drug court or veterans treatment court shall promptly  
11 give notice to the defendant, his or her counsel and the district attor-  
12 ney.

13 § 2. Subdivision 3 of section 180.20 of the criminal procedure law, as  
14 amended by chapter 67 of the laws of 2000, is amended to read as  
15 follows:

16 3. Notwithstanding any provision of this section to the contrary, in  
17 any county outside a city having a population of one million or more,  
18 upon or after arraignment of a defendant on a felony complaint pending  
19 in a local criminal court having preliminary jurisdiction thereof, such  
20 court may, upon motion of the defendant and with the consent of the  
21 district attorney, order that the action be removed from the court in  
22 which the matter is pending to another local criminal court in the same  
23 county which has been designated a drug court by the chief administrator  
24 of the courts, or to another court in the same county or an adjoining  
25 county that has been designated a veterans treatment court by the chief  
26 administrator of the courts, and such drug court or veterans treatment  
27 court may then dispose of such felony complaint pursuant to this arti-  
28 cle; provided, however, that an order of removal issued under this

1 subdivision shall not take effect until five days after the date the  
2 order is issued unless, prior to such effective date, the drug court or  
3 veterans treatment court notifies the court that issued the order that:

4 (a) it will not accept the action, in which event the order shall not  
5 take effect, or

6 (b) it will accept the action on a date prior to such effective date,  
7 in which event the order shall take effect upon such prior date.

8 Upon providing notification pursuant to paragraph (a) or (b) of this  
9 subdivision, the drug court or veterans treatment court shall promptly  
10 give notice to the defendant, his or her counsel and the district attor-  
11 ney.

12 § 3. Subdivision 2 of section 212 of the judiciary law is amended by  
13 adding a new paragraph (u) to read as follows:

14 (u) To the extent practicable, establish such number of veterans  
15 treatment courts as may be necessary to fulfill the purposes of subdivi-  
16 sion four of section 170.15 and subdivision three of section 180.20 of  
17 the criminal procedure law.

18 § 4. This act shall take effect immediately.

19 PART U

20 Section 1. The executive law is amended by adding a new article 51 to  
21 read as follows:

22 ARTICLE 51

23 DIVISION OF CENTRAL ADMINISTRATIVE HEARINGS

24 Section 1010. Division of central administration hearings.

25 1011. Powers and duties.



1     § 1010. Division of central administrative hearings. There is hereby  
2     created in the executive department a division of central administrative  
3     hearings hereinafter in this article called the division. The head of  
4     such division shall be a chief administrative law judge who shall be  
5     appointed by the governor and shall hold office at the pleasure of the  
6     governor.

7     § 1011. Powers and duties. Notwithstanding any law to the contrary,  
8     the chief administrative law judge may establish, consolidate, reorgan-  
9     ize or abolish any administrative hearing function within any civil  
10    department as he or she determines to be necessary for the efficient  
11    operation of the division, provided that any such actions must be  
12    approved by the director of the budget pursuant to a plan submitted to  
13    the director, and provided further that such authority shall not apply  
14    to the department of law and the department of audit and control.

15    § 2. This act shall take effect on the one hundred eightieth day after  
16    it shall have become a law; provided, however, that effective immediate-  
17    ly, any actions necessary to be taken for the implementation of the  
18    provisions of this act on its effective date are authorized and directed  
19    to be completed on or before such effective date.

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

1     § 3. This act shall take effect immediately provided, however, that  
2 the applicable effective date of Parts A through U of this act shall be  
3 as specifically set forth in the last section of such Parts.