

Amend Senate S7505, Assembly A9505, AN ACT to amend the criminal procedure law, in relation to a waiver and time limits for a speedy trial ...

Page	Line	Amendment
Page 2,	Unnumbered lines 26 through 38 (AN ACT CLAUSE),	After "(Part O);" strike out "to amend the criminal procedure law, in relation to eliminating the statute of limitations for any sexually related offense committed against a child; to amend the general municipal law, the court of claims act and the education law, in relation to removing the requirement of filing a notice of claim for any claim for injury suffered from a sexually related offense committed against a child; to amend the civil practice law and rules, in relation to extending the statute of limitations for civil cases for any claim for injury suffered from a sexually related offense committed against a child to fifty years; and to amend the civil practice law and rules, in relation to reviving any time-barred claim for injury suffered from a sexually related offense committed against a child for a period of one year" and insert "to amend the criminal procedure law, in relation to eliminating the statute of limitations for any sexually related offense committed against a child; to amend the general municipal law, the court of claims act and the education law, in relation to removing the requirement of filing a notice of claim for a claim for injury suffered from a sexually related offense committed against a child; to amend the civil practice law and rules, in relation to extending the statute of limitations for civil cases for any claim for injury suffered from a sexually related offense against a child to fifty years; to amend the civil practice law and rules, in relation to reviving any time-barred claim for injury suffered from a sexually related offense committed against a child for a period of one year; and to amend the civil practice law and rules, in relation to giving trial preference to certain child sexual abuse cases"
Page 3,	Unnumbered line 17 (AN ACT CLAUSE),	After "(Part FF);" strike out "and"
Page 4,	Unnumbered line 15 (AN ACT CLAUSE),	After "issued;" insert "to amend the facilities development corporation act, in relation to authorizing the issuance of bonds in relation to grants made to voluntary agencies;"
Page 4,	Unnumbered line 16 (AN ACT CLAUSE),	After "(Part GG)" insert ";to amend the penal law, in relation to prohibiting a sexual orientation panic defense (Part HH); to amend the social services law, the executive law, and the penal law, in relation to prohibiting sex offenders from being placed in shelters used by families with children and from entering within one thousand feet of a kindergarten or pre-kindergarten facility or institution (Part II); to amend the penal law, in relationship to establishing incapacity to consent when a person is under arrest, in detention, or otherwise in

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		actual custody (Part JJ); to amend the correction law and the civil service law, in relation to employee safety and employee discipline for misconduct; and to repeal certain provisions of the correction law relating to the appointment of correction and parole officers (Part KK); and to amend the public authorities law, in relation to authorizing the dormitory authority to construct and finance certain juvenile detention facilities (Part LL)"
Page 4,	Line 4,	After "through" strike out "GG" and insert "LL"
Page 18,	Line 29,	After " <u>above,</u> " strike out " <u>in cases where the defendant is facing a 30 charge of a class A felony, or it appears that the defendant has two 31 previous felony convictions within the meaning of subdivision one of 32 section 70.08 or 70.10 of the penal law;</u> " and insert " <u>a city court, a town court or a village court may not issue a securing order when the defendant is charged by felony complaint with a felony when: (a) the defendant is charged with a class A felony or (b) it appears that the defendant has two previous felony convictions within the meaning of subdivision one of section 70.08 or 70.10 of the penal law. In these instances</u> "
Page 62,	Line 10,	After "effect" strike out "immediately" and insert "April 1, 2018"
Pages 63-66,	Lines 40 through 7,	Strike out Part P in its entirety and insert new Part P (LBD #70047-01-8)
Page 144,	Between lines 25 and 26,	<p>Insert "§63. Subdivisions 13-d and 13-e of section 5 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, subdivision 13-d as amended by chapter 166 of the laws of 1991 and subdivision 13-e as amended by chapter 90 of the laws of 1989, is amended to read as follows:</p> <p>13-d. <u>1.</u> Subject to the terms and conditions of any lease, sublease, loan or other financing agreement with the medical care facilities finance agency in accordance with subdivision 13-c of this section, to make loans to voluntary agencies for the purpose of financing or refinancing the design, construction, acquisition, reconstruction, rehabilitation and improvement of mental hygiene facilities owned or leased by such voluntary agencies provided, however, that with respect to such facilities which are leased by a voluntary agency, the term of repayment of such loan shall not exceed the term of such lease including any option to renew such lease. Notwithstanding any other provisions of law, such loans may be made jointly to one or more voluntary agencies which own and one or more voluntary agencies which will operate any such mental hygiene facility.</p>

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		<p>2. <u>Subject to the terms and conditions of any lease, sublease, loan or other financing agreement with the medical care facilities finance agency, to make grants to voluntary agencies or provide proceeds of mental health services facilities bonds or notes to the department to make grants to voluntary agencies or to reimburse disbursements made therefor, in each case, for the purpose of financing or refinancing the design, construction, acquisition, reconstruction, rehabilitation and improvement of mental hygiene facilities owned or leased by such voluntary agencies.</u></p> <p>13-e. To receive from the comptroller state aid payments pledged or agreed to be paid by any voluntary agency in accordance with any lease, sublease, loan, or other financing agreement <u>or grant agreement</u> entered into with such voluntary agency <u>by the corporation or, in the case of grants made to voluntary agencies by the department pursuant to subdivision 13-d, by the department.</u> Such pledges may be made from sources of state aid including but not limited to payments made pursuant to: articles nineteen, twenty-five and forty-one of the mental hygiene law.</p> <p>§64. Paragraph a of subdivision 4 of section 9 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, as amended by chapter 90 of the laws of 1989, is amended to read as follows:</p> <p>4. Agreements. a. Upon certification by the director of the budget of the availability of required appropriation authority, the corporation, or any successor agency, is hereby authorized and empowered to enter into leases, subleases, loans and other financing agreements with the state housing finance agency and/or the state medical care facilities finance agency, and to enter into such amendments thereof as the directors of the corporation, or any successor agency, may deem necessary or desirable, which shall provide for (i) the financing or refinancing of or the design, construction, acquisition, reconstruction, rehabilitation or improvement of one or more mental hygiene facilities or for the refinancing of any such facilities for which bonds have previously been issued and are outstanding, and the purchase or acquisition of the original furnishings, equipment, machinery and apparatus to be used in such facilities upon the completion of work, (ii) the leasing to the state housing finance agency or the state medical care facilities finance agency of all or any portion of one or more existing mental hygiene facilities and one</p>

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		<p>or more mental hygiene facilities to be designed, constructed, acquired, reconstructed, rehabilitated or improved, or of real property related to the work to be done, including real property originally acquired by the appropriate commissioner or director of the department in the name of the state pursuant to article seventy-one of the mental hygiene law, (iii) the subleasing of such facilities and property by the corporation upon completion of design, construction, acquisition, reconstruction, rehabilitation or improvement, such leases, subleases, loans or other financing agreements to be upon such other terms and conditions as may be agreed upon, including terms and conditions relating to length of term, maintenance and repair of mental hygiene facilities during any such term, and the annual rentals to be paid for the use of such facilities, property, furnishings, equipment, machinery and apparatus, and (iv) the receipt and disposition, including loans <u>or grants</u> to voluntary agencies, of proceeds of mental health service facilities bonds or notes issued pursuant to section nine-a of the New York state medical care facilities finance agency act. For purposes of the design, construction, acquisition, reconstruction, rehabilitation or improvement work required by the terms of any such lease, sublease or agreement, the corporation shall act as agent for the state housing finance agency or the state medical care facilities finance agency. In the event that the corporation enters into an agreement for the financing of any of the aforementioned facilities with the state housing finance agency or the state medical care facilities finance agency, or in the event that the corporation enters into an agreement for the financing or refinancing of any of the aforementioned facilities with one or more voluntary agencies, it shall act on its own behalf and not as agent. The appropriate commissioner or director of the department on behalf of the department shall approve any such lease, sublease, loan or other financing agreement and shall be a party thereto. All such leases, subleases, loans or other financing agreements shall be approved prior to execution by no less than three directors of the corporation."</p>
Page 144,	Line 26,	After "\$" strike out "63" and insert "65"
Page 144,	Between lines 33 and 34,	<p>Insert Part HH (LBD #70044-02-8) Insert Part II (LBD #70045-01-8) Insert Part JJ (LBD #70046-01-8) Insert Part KK (LBD #70048-02-8) Insert Part LL (LBD #70049-03-8)</p>

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Page 144,	Line 44,	After "through" strike out "GG" and insert "LL"