

FY 2019 NEW YORK STATE EXECUTIVE BUDGET
PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

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Legislative Bill Drafting Commission
12670-01-8

S. -----
Senate

IN SENATE--Introduced by Sen

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

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation necessary to implement
the state public protection and
general government budget for the
2018-2019 state fiscal year)

BUDGBI. PPGG executive

AN ACT

to amend the criminal procedure law,
in relation to a waiver and time
limits for a speedy trial (Part A);
to amend the judiciary law, in
relation to additional functions of
the chief administrator of the
courts (Part B); to amend the crimi-
nal procedure law, in relation to
the issuance of securing orders and
in relation to making conforming
changes; and to amend the insurance

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

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

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).

law, in relation to the deposit of bail money by charitable bail organizations (Part C); to amend the criminal procedure law, the penal law and the executive law, in relation to discovery reform and intimidating or tampering with a victim or witness; and to repeal certain provisions of the criminal procedure law relating thereto (Part D); to amend the civil practice law and rules, in relation to the forfeiture of the proceeds of a crime, and reporting certain demographic data; to amend the criminal procedure law and the penal law, in relation to reporting certain demographic data; and to repeal certain provisions of the civil practice law and rules relating thereto (Part E); to amend part H of chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); to amend the correction law, in relation to eliminating reimbursements to counties for personal service expenses related to the transportation of state ready inmates (Part G); to amend the correction law, in relation to programmatic accomplishments for merit and limited credit time (Part H); to repeal subdivision 9 of section 201 of the correction law, in relation to supervision fees (Part I); to authorize two pilot temporary release programs for certain inmates whose offenses and disciplinary records would render them eligible to receive a limited credit time allowance (Part J); to amend the banking law, in relation to licensing considerations for check cashers (Subpart A); to amend the education law, in relation to eligibility for serving on a New York city community district education council and city-wide council (Subpart B); to amend the executive law, in relation to licensing considerations for bingo suppliers (Subpart C); to amend the executive law, in relation to licensing

considerations for notary publics (Subpart D); to amend the general municipal law, in relation to licensing considerations for suppliers of games of chance, for games of chance licensees, for bingo licensees, and for lessors of premises to bingo licensees (Subpart E); to amend the insurance law, in relation to licensing considerations for insurer adjusters and for employment with insurance adjusters; and to repeal certain provisions of such law relating thereto (Subpart F); to amend the real property law, in relation to licensing considerations for real estate brokers or real estate salesmen (Subpart G); to amend the social services law, in relation to participation as employer in subsidized employer programs (Subpart H); and to amend the vehicle and traffic law, in relation to eligibility for employment by a driver's school (Subpart I) (Part K); to amend the executive law, in relation to allowing for geriatric parole (Part L); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part M); to amend the executive law, in relation to administrative subpoenas (Part N); to amend the state finance law and the military law, in relation to establishing the armory rental account fund; and to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof (Part O); 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 (Part P); to amend the alcoholic beverage control law, in relation to hotel tavern licenses (Part Q); to amend the alcoholic beverage control law, in relation to the production and sale of mead; and to repeal certain provisions of such law relating thereto (Part R); to amend the alcoholic beverage control law, in relation to creating a license to export New York alcoholic beverages (Part S); to amend chapter 303 of the laws of 1988 relating to the extension of the state commission on the restoration of the capitol, in relation to extending such provisions for an additional five years (Part T); to amend the public lands law, in relation to the transfer of unappropriated state lands (Part U); to amend the state finance law, in relation to establishing the parking services fund, the solid waste fund, and the special events fund (Part V); to amend the civil service law, in relation to term appointments in information technology; and providing for the repeal of such provisions upon expiration thereof (Part W); to amend the state finance law, in relation to establishing the New York state secure choice savings program, the New York state secure choice savings program fund and the New York state secure choice administrative fund (Part X); to amend the workers' compensation law, in relation to the investment of surplus funds of the state insurance fund (Part Y); to amend the civil service law, in relation to capping the standard medicare premium charge (Part Z); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part AA); to amend the

civil practice law and rules, in relation to the rate of interest (Part BB); to amend the state finance law, in relation to the citizen empowerment tax credit (Part CC); to amend the uniform justice court act, in relation to the election of one or more town justices for two or more adjacent towns (Subpart A); and to amend the general municipal law and the statute of local governments, in relation to authorizing counties to regulate, administer, and enforce planning, zoning, and other land use regulations at the option of and in accordance with a request from a city, town, or village (Subpart B) (Part DD); to amend the general municipal law, in relation to county-wide shared services panels (Part EE); to amend the public authorities law, in relation to the town of Islip resource recovery agency (Part FF); and to provide for the administration of certain funds and accounts related to the 2018-19 budget and authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund, the debt reduction reserve fund and to payments, transfers and deposits; to amend the state finance law, in relation to reductions to enacted appropriations; to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to funding project costs undertaken by non-public schools; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the

dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program and increasing the bonding limit for certain state and municipal facilities; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to increasing the bonding limit for certain public protection facilities; to amend the state finance law

and the public authorities law, in relation to funding certain capital projects and the issuance of bonds; to amend chapter 59 of the laws of 2017 relating to providing for the administration of certain funds and accounts related to the 2017-18 budget and authorizing certain payments and transfers, in relation to the effectiveness thereof; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the public authorities law, in relation to increasing the amount of bonds authorized to be issued; and providing for the repeal of certain provisions upon expiration thereof (Part GG)

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 2018-2019
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through GG. 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. Section 30.30 of the criminal procedure law, as added by
14 chapter 184 of the laws of 1972, paragraph (a) of subdivision 3 as
15 amended by chapter 93 of the laws of 2006, paragraph (a) of subdivision
16 4 as amended by chapter 558 of the laws of 1982, paragraph (c) of subdi-
17 vision 4 as amended by chapter 631 of the laws of 1996, paragraph (h) of
18 subdivision 4 as added by chapter 837 of the laws of 1986, paragraph (i)
19 of subdivision 4 as added by chapter 446 of the laws of 1993, paragraph
20 (j) of subdivision 4 as added by chapter 222 of the laws of 1994, para-
21 graph (b) of subdivision 5 as amended by chapter 109 of the laws of
22 1982, paragraphs (e) and (f) of subdivision 5 as added by chapter 209 of
23 the laws of 1990, is amended to read as follows:

24 § 30.30 Speedy trial; time limitations.

25 1. Except as otherwise provided in subdivision [three] four of this
26 section, a motion made pursuant to paragraph (e) of subdivision one of

1 section 170.30 of this chapter or paragraph (g) of subdivision one of
2 section 210.20 of this chapter must be granted where the people are not
3 ready for trial within:

4 (a) six months of the commencement of a criminal action wherein a
5 defendant is accused of one or more offenses, at least one of which is a
6 felony;

7 (b) ninety days of the commencement of a criminal action wherein a
8 defendant is accused of one or more offenses, at least one of which is a
9 misdemeanor punishable by a sentence of imprisonment of more than three
10 months and none of which is a felony;

11 (c) sixty days of the commencement of a criminal action wherein the
12 defendant is accused of one or more offenses, at least one of which is a
13 misdemeanor punishable by a sentence of imprisonment of not more than
14 three months and none of which is a crime punishable by a sentence of
15 imprisonment of more than three months;

16 (d) thirty days of the commencement of a criminal action wherein the
17 defendant is accused of one or more offenses, at least one of which is a
18 violation and none of which is a crime.

19 [2. Except as provided in subdivision three, where a defendant has
20 been committed to the custody of the sheriff in a criminal action he
21 must be released on bail or on his own recognizance, upon such condi-
22 tions as may be just and reasonable, if the people are not ready for
23 trial in that criminal action within:

24 (a) ninety days from the commencement of his commitment to the custody
25 of the sheriff in a criminal action wherein the defendant is accused of
26 one or more offenses, at least one of which is a felony;

27 (b) thirty days from the commencement of his commitment to the custody
28 of the sheriff in a criminal action wherein the defendant is accused of

1 one or more offenses, at least one of which is a misdemeanor punishable
2 by a sentence of imprisonment of more than three months and none of
3 which is a felony;

4 (c) fifteen days from the commencement of his commitment to the custo-
5 dy of the sheriff in a criminal action wherein the defendant is accused
6 of one or more offenses, at least one of which is a misdemeanor punisha-
7 ble by a sentence of imprisonment of not more than three months and none
8 of which is a crime punishable by a sentence of imprisonment of more
9 than three months;

10 (d) five days from the commencement of his commitment to the custody
11 of the sheriff in a criminal action wherein the defendant is accused of
12 one or more offenses, at least one of which is a violation and none of
13 which is a crime.]

14 2. The defendant, subject to the provisions of subdivisions three and
15 four of this section, may waive his or her right to a speedy trial
16 pursuant to this section at any time prior to trial.

17 2-a. Such waiver must be in writing with the consent of the defendant
18 personally and signed by the defendant. If the defendant is being held
19 in custody for any reason at the time he or she makes a waiver pursuant
20 to this section, the waiver shall be made in person, in open court, in
21 the presence of the court, and with the approval of the court. In every
22 case, such written waiver must make reference to a specific matter for
23 which the defendant is charged.

24 2-b. The waiver period, except for exceptional circumstances approved
25 by the court or for defendants engaged in a judicial diversion program
26 for certain felony offenders pursuant to article two hundred sixteen of
27 this chapter, shall not exceed:

1 (a) three months where a defendant is accused of one or more offenses,
2 at least one of which is a felony;

3 (b) forty-five days where a defendant is accused of one or more
4 offenses, at least one of which is a misdemeanor punishable by a
5 sentence of imprisonment of more than three months and none of which is
6 a felony;

7 (c) thirty days where the defendant is accused of one or more
8 offenses, at least one of which is a misdemeanor punishable by a
9 sentence of imprisonment of not more than three months and none of which
10 is a crime punishable by a sentence of imprisonment of more than three
11 months; or

12 (d) fifteen days where the defendant is accused of one or more
13 offenses, at least one of which is a violation and none of which is a
14 crime.

15 2-c. Absent extraordinary circumstances, no more that two waivers may
16 be executed pursuant to this section for a single case. If the court
17 finds extraordinary circumstances warranting more than two waivers
18 pursuant to this section, the court must state upon the record the
19 extraordinary circumstances before granting additional waivers pursuant
20 to this section.

21 2-d. A waiver executed pursuant to this section shall not preclude the
22 court from excluding the periods described in subdivision four of this
23 section when computing the time within which the people must be ready
24 for trial.

25 3. Whenever pursuant to this section a prosecutor states or otherwise
26 provides notice that the people are ready for trial, the court may make
27 inquiry on the record as to their actual readiness. If, after conducting
28 its inquiry, the court determines that the people are not ready to

1 proceed to trial, the prosecutor's statement or notice of readiness
2 shall not be valid for purposes of this section.

3 4. (a) [Subdivisions] Subdivision one [and two do] does not apply to a
4 criminal action wherein the defendant is accused of an offense defined
5 in sections 125.10, 125.15, 125.20, 125.25, 125.26 and 125.27 of the
6 penal law.

7 (b) A motion made pursuant to [subdivisions] subdivision one [or two]
8 of this section upon expiration of the specified period may be denied
9 where the people are not ready for trial if the people were ready for
10 trial prior to the expiration of the specified period and their present
11 unreadiness is due to some exceptional fact or circumstance, including,
12 but not limited to, the sudden unavailability of evidence material to
13 the people's case, when the district attorney has exercised due dili-
14 gence to obtain such evidence and there are reasonable grounds to
15 believe that such evidence will become available in a reasonable period.

16 [(c) A motion made pursuant to subdivision two shall not:

17 (i) apply to any defendant who is serving a term of imprisonment for
18 another offense;

19 (ii) require the release from custody of any defendant who is also
20 being held in custody pending trial of another criminal charge as to
21 which the applicable period has not yet elapsed;

22 (iii) prevent the redetention of or otherwise apply to any defendant
23 who, after being released from custody pursuant to this section or
24 otherwise, is charged with another crime or violates the conditions on
25 which he has been released, by failing to appear at a judicial proceed-
26 ing at which his presence is required or otherwise.]

27 (c) Any motion made pursuant to subdivision one of this section must
28 be filed at least twenty days before commencement of the trial, but for

1 good cause may be made thereafter. The motion papers must include sworn
2 allegations of fact specifying the time periods that should be charged
3 against the people and the legal basis to charge those time periods to
4 the people. The court may summarily deny the motion if the motion papers
5 do not contain sworn allegations of fact or the legal basis to charge
6 those time periods to the people. The court may reserve decision on any
7 motion made pursuant to subdivision.

8 [4.] 5. In computing the time within which the people must be ready
9 for trial pursuant to subdivisions one and two of this section, the
10 following periods must be excluded:

11 (a) a reasonable period of delay resulting from other proceedings
12 concerning the defendant, including but not limited to: proceedings for
13 the determination of competency and the period during which defendant is
14 incompetent to stand trial; demand to produce; request for a bill of
15 particulars; pre-trial motions; appeals; trial of other charges; and the
16 period during which such matters are under consideration by the court;
17 or

18 (b) the period of delay resulting from a continuance granted by the
19 court at the request of, or with the consent of, the defendant or his or
20 her counsel. The court [must] may grant such a continuance only if it is
21 satisfied that postponement is in the interest of justice, taking into
22 account the public interest in the prompt dispositions of criminal
23 charges. A defendant without counsel must not be deemed to have
24 consented to a continuance unless he or she has been advised by the
25 court of his or her rights under these rules and the effect of his or
26 her consent, which must be done on the record in open court if the
27 defendant is in custody; or

1 (c) (i) the period of delay resulting from the absence or unavailabil-
2 ity of the defendant. A defendant must be considered absent whenever his
3 or her location is unknown and he or she is attempting to avoid appre-
4 hension or prosecution, or his or her location cannot be determined by
5 due diligence. A defendant must be considered unavailable whenever his
6 or her location is known but his or her presence for trial cannot be
7 obtained by due diligence; or

8 (ii) where the defendant has either escaped from custody or has failed
9 to appear when required after having previously been released on bail or
10 on his or her own recognizance, and provided the defendant is not in
11 custody on another matter, the period extending from the day the court
12 issues a bench warrant pursuant to section 530.70 of this chapter
13 because of the defendant's failure to appear in court when required, to
14 the day the defendant subsequently appears in the court pursuant to a
15 bench warrant or voluntarily or otherwise; or

16 (d) a reasonable period of delay when the defendant is joined for
17 trial with a co-defendant as to whom the time for trial pursuant to this
18 section has not run and good cause is not shown for granting a sever-
19 ance; or

20 (e) the period of delay resulting from detention of the defendant in
21 another jurisdiction provided the district attorney is aware of such
22 detention and has been diligent and has made reasonable efforts to
23 obtain the presence of the defendant for trial; or

24 (f) the period during which the defendant is without counsel through
25 no fault of the court; except when the defendant is proceeding as his or
26 her own attorney with the permission of the court; or

27 (g) other periods of delay occasioned by exceptional circumstances,
28 including but not limited to, the period of delay resulting from a

1 continuance granted at the request of a district attorney if: (i) the
2 continuance is granted because of the unavailability of evidence materi-
3 al to the people's case, when the district attorney has exercised due
4 diligence to obtain such evidence and there are reasonable grounds to
5 believe that such evidence will become available in a reasonable period;
6 or (ii) the continuance is granted to allow the district attorney addi-
7 tional time to prepare the people's case and additional time is justi-
8 fied by the exceptional circumstances of the case. Any such exclusion
9 when a statement of unreadiness has followed a statement of readiness
10 made by the people must be accompanied by supporting facts and approved
11 by the court. The court shall inquire on the record as to the reasons
12 for the people's unreadiness; or

13 (h) the period during which an action has been adjourned in contem-
14 plation of dismissal pursuant to sections 170.55, 170.56 and 215.10 of
15 this chapter[.]; or

16 (i) [The] the period prior to the defendant's actual appearance for
17 arraignment in a situation in which the defendant has been directed to
18 appear by the district attorney pursuant to subdivision three of section
19 120.20 or subdivision three of section 210.10[.] of this chapter; or

20 (j) the period during which a family offense is before a family court
21 until such time as an accusatory instrument or indictment is filed
22 against the defendant alleging a crime constituting a family offense, as
23 such term is defined in section 530.11 of this chapter.

24 [5.] 6. For purposes of this section, (a) where the defendant is to be
25 tried following the withdrawal of the plea of guilty or is to be retried
26 following a mistrial, an order for a new trial or an appeal or collat-
27 eral attack, the criminal action and the commitment to the custody of
28 the sheriff, if any, must be deemed to have commenced on the date the

1 withdrawal of the plea of guilty or the date the order occasioning a
2 retrial becomes final;

3 (b) where a defendant has been served with an appearance ticket, the
4 criminal action must be deemed to have commenced on the date the defend-
5 ant first appears in a local criminal court in response to the ticket;

6 (c) where a criminal action is commenced by the filing of a felony
7 complaint, and thereafter, in the course of the same criminal action
8 either the felony complaint is replaced with or converted to an informa-
9 tion, prosecutor's information or misdemeanor complaint pursuant to
10 article 180 or a prosecutor's information is filed pursuant to section
11 190.70, the period applicable for the purposes of subdivision one must
12 be the period applicable to the charges in the new accusatory instru-
13 ment, calculated from the date of the filing of such new accusatory
14 instrument; provided, however, that when the aggregate of such period
15 and the period of time, excluding the periods provided in subdivision
16 four, already elapsed from the date of the filing of the felony
17 complaint to the date of the filing of the new accusatory instrument
18 exceeds six months, the period applicable to the charges in the felony
19 complaint must remain applicable and continue as if the new accusatory
20 instrument had not been filed;

21 (d) where a criminal action is commenced by the filing of a felony
22 complaint, and thereafter, in the course of the same criminal action
23 either the felony complaint is replaced with or converted to an informa-
24 tion, prosecutor's information or misdemeanor complaint pursuant to
25 article 180 or a prosecutor's information is filed pursuant to section
26 190.70, the period applicable for the purposes of subdivision two must
27 be the period applicable to the charges in the new accusatory instru-
28 ment, calculated from the date of the filing of such new accusatory

1 instrument; provided, however, that when the aggregate of such period
2 and the period of time, excluding the periods provided in subdivision
3 four, already elapsed from the date of the filing of the felony
4 complaint to the date of the filing of the new accusatory instrument
5 exceeds ninety days, the period applicable to the charges in the felony
6 complaint must remain applicable and continue as if the new accusatory
7 instrument had not been filed.

8 (e) where a count of an indictment is reduced to charge only a misde-
9 meanor or petty offense and a reduced indictment or a prosecutor's
10 information is filed pursuant to subdivisions one-a and six of section
11 210.20, the period applicable for the purposes of subdivision one of
12 this section must be the period applicable to the charges in the new
13 accusatory instrument, calculated from the date of the filing of such
14 new accusatory instrument; provided, however, that when the aggregate of
15 such period and the period of time, excluding the periods provided in
16 subdivision four of this section, already elapsed from the date of the
17 filing of the indictment to the date of the filing of the new accusatory
18 instrument exceeds six months, the period applicable to the charges in
19 the indictment must remain applicable and continue as if the new accusa-
20 tory instrument had not been filed;

21 (f) where a count of an indictment is reduced to charge only a misde-
22 meanor or petty offense and a reduced indictment or a prosecutor's
23 information is filed pursuant to subdivisions one-a and six of section
24 210.20, the period applicable for the purposes of subdivision two of
25 this section must be the period applicable to the charges in the new
26 accusatory instrument, calculated from the date of the filing of such
27 new accusatory instrument; provided, however, that when the aggregate of
28 such period and the period of time, excluding the periods provided in

1 subdivision four of this section, already elapsed from the date of the
2 filing of the indictment to the date of the filing of the new accusatory
3 instrument exceeds ninety days, the period applicable to the charges in
4 the indictment must remain applicable and continue as if the new accusa-
5 tory instrument had not been filed.

6 [6.] 7. The procedural rules prescribed in subdivisions one through
7 seven of section 210.45 of this chapter with respect to a motion to
8 dismiss an indictment are also applicable to a motion made pursuant to
9 subdivision two of this section.

10 § 2. Subdivision 6 of section 180.85 of the criminal procedure law, as
11 added by chapter 518 of the laws of 2004, is amended to read as follows:

12 6. The period from the filing of a motion pursuant to this section
13 until entry of an order disposing of such motion shall not, by reason of
14 such motion, be considered a period of delay for purposes of subdivision
15 [four] five of section 30.30 of this chapter, nor shall such period, by
16 reason of such motion, be excluded in computing the time within which
17 the people must be ready for trial pursuant to such section 30.30.

18 § 3. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law.

20 PART B

21 Section 1. Subdivision 2 of section 212 of the judiciary law is
22 amended by adding a new paragraph (w) to read as follows:

23 (w) (i) Ensure that each state-paid judge or justice assigned to a
24 trial court of the unified court system shall certify monthly, in a
25 statement attesting to the truth of the facts therein, that on each
26 workday of the preceding month, he or she performed judicial duties at

1 an assigned court location for the full daily period of at least eight
2 hours established by the chief administrator for the disposition of
3 court business, or performed authorized duties in an authorized court-
4 related activity at an assigned location, or was on authorized leave.

5 (ii) The comptroller shall conduct a periodic review and audit of
6 submitted judicial certifications in order to ensure that the state is
7 responsibly authorizing state dollars for judicial salaries and the
8 operation of state trial courts. The comptroller's review and audit
9 shall evaluate the accuracy of the judicial certifications and the
10 effectiveness of the certification system as a whole.

11 § 2. This act shall take effect immediately.

12 PART C

13 Section 1. Legislative findings. The legislature finds and declares
14 that there is a present need to revise New York's procedures regulating
15 release of persons charged with criminal offenses pending trial, set
16 forth in title P of the criminal procedure law, so that fewer presumed-
17 innocent people are held behind bars pretrial. The bill breaks the link
18 between paying money and earning freedom in cases involving misdemeanors
19 and non-violent felonies, so that defendants are either released on
20 their own recognizance or, failing that, released under non-monetary
21 conditions. The bill also revises the existing process of remanding
22 individuals in jail before trial, so that pretrial detention is used in
23 limited cases involving high risk of flight or a current risk to the
24 physical safety of a reasonably identifiable person or persons, and
25 comports with Supreme Court jurisprudence regarding required substantive
26 and procedural due process before detention.

1 § 2. Subdivisions 1, 2, 4, 5, 6, 7, 8 and 9 of section 500.10 of the
2 criminal procedure law are amended and a new subdivision 3-a is added to
3 read as follows:

4 1. "Principal" means a defendant in a criminal action or proceeding,
5 or a person adjudged a material witness therein, or any other person so
6 involved therein that [he] the principal may by law be compelled to
7 appear before a court for the purpose of having such court exercise
8 control over [his] the principal's person to secure [his] the princi-
9 pal's future attendance at the action or proceeding when required, and
10 who in fact either is before the court for such purpose or has been
11 before it and been subjected to such control.

12 2. "Release on own recognizance." A court releases a principal on
13 [his] the principal's own recognizance when, having acquired control
14 over [his] the principal's person, it permits [him] the principal to be
15 at liberty during the pendency of the criminal action or proceeding
16 involved upon condition that [he] the principal will appear thereat
17 whenever [his] the principal's attendance may be required and will at
18 all times render [himself] the principal amenable to the orders and
19 processes of the court.

20 3-a. "Release under non-monetary conditions". A court releases a prin-
21 cipal under non-monetary conditions when, having acquired control over a
22 person, it permits the person to be at liberty during the pendency of
23 the criminal action under conditions set by the court, which shall be
24 the least restrictive that will reasonably assure the principal's
25 appearance in court. Such conditions may include, among others, that the
26 principal shall be in contact with a pretrial services agency serving
27 principals in that county; that the principal shall abide by specified
28 restrictions on association or travel; that the principal shall refrain

1 from possessing a firearm, destructive device or other dangerous weapon;
2 that the person be placed in pretrial supervision with a pretrial
3 services agency serving principals in that county; that the person be
4 monitored with an approved electronic monitoring device.

5 4. "Commit to the custody of the sheriff." A court commits a principal
6 to the custody of the sheriff when, having acquired control over his
7 person, it orders that he be confined in the custody of the sheriff
8 [during the pendency of the criminal action or proceeding involved]
9 pending payment of bail that is fixed, or pending the outcome of a hear-
10 ing as to whether the individual shall be ordered into pretrial
11 detention.

12 5. "Securing order" means an order of a court [committing a principal
13 to the custody of the sheriff, or fixing bail, or releasing him on his
14 own recognizance] that either releases a principal under personal recog-
15 nizance, releases the principal under non-monetary conditions, or fixes
16 bail, all with the direction that the principal return to court for
17 future court appearances and to be at all times amendable to the orders
18 and processes of the court.

19 6. ["Order of recognizance or bail" means a securing order releasing a
20 principal on his own recognizance or fixing bail] "Pretrial detention".
21 A court may commit a principal to pretrial detention if, after a hearing
22 and making such findings as specified in article five hundred forty-five
23 of this title, a judge so orders detention.

24 7. ["Application for recognizance or bail" means an application by a
25 principal that the court, instead of committing him to or retaining him
26 in the custody of the sheriff, either release him on his own recogni-
27 zance or fix bail.

1 8.] "Post bail" means to deposit bail in the amount and form fixed by
2 the court, with the court or with some other authorized public servant
3 or agency.

4 [9.] 8. "Bail" means cash bail [or], a bail bond or money paid with a
5 credit card.

6 § 3. Section 510.10 of the criminal procedure law, as amended by chap-
7 ter 459 of the laws of 1984, is amended to read as follows:

8 § 510.10 Securing order; when required; alternatives available; standard
9 to be applied.

10 When a principal, whose future court attendance at a criminal action
11 or proceeding is or may be required, initially comes under the control
12 of a court, such court [must] shall, by a securing order[, either
13 release him on his own recognizance, fix bail or commit him to the
14 custody of the sheriff.]:

15 1. In cases where the most serious charge facing the defendant in the
16 case before the court or a pending case is a misdemeanor or a felony
17 other than that enumerated in section 70.02 of the penal law or a class
18 A felony offense defined in the penal law, release the principal pending
19 trial on the principal's personal recognizance, unless the court finds
20 on the record that release on recognizance will not reasonably assure
21 the individual's court attendance. In such instances, the court will
22 release the individual under non-monetary conditions, selecting the
23 least restrictive alternative that will reasonably assure the princi-
24 pal's court attendance. The court will support its choice of alterna-
25 tive on the record. A principal shall not be required to pay for any
26 part of the cost of release under non-monetary conditions, except that a
27 principal may be required to pay for all or a portion of the cost of

1 electronic monitoring unless the principal is indigent and cannot pay
2 all or a portion of the cost of such monitoring;

3 2. In cases where the most serious charge facing the defendant in the
4 case before the court or a pending case is a felony enumerated in
5 section 70.02 of the penal law or a class A felony offense defined in
6 the penal law, release the principal pending trial on the principal's
7 personal recognizance, or release the principal under non-monetary
8 conditions, or fix bail, selecting the least restrictive alternative
9 that will reasonably assure the principal's court appearance when
10 required. The court will support its choice of alternative on the
11 record.

12 3. Notwithstanding the above, in cases where the prosecutor indicates
13 that it intends to move for pretrial detention as set out in article
14 five hundred forty-five of this title, the court shall commit the
15 defendant to the custody of the sheriff.

16 4. When a securing order is revoked or otherwise terminated in the
17 course of an uncompleted action or proceeding but the principal's future
18 court attendance still is or may be required and [he] the principal is
19 still under the control of a court, a new securing order must be issued.
20 When the court revokes or otherwise terminates a securing order which
21 committed the principal to the custody of the sheriff, the court shall
22 give written notification to the sheriff of such revocation or termi-
23 nation of the securing order.

24 § 4. Section 510.20 of the criminal procedure law is amended to read
25 as follows:

26 § 510.20 [Application for recognizance or bail; making and determination
27 thereof in general] Application for a change in securing
28 order based on a material change of circumstances.

1 1. Upon any occasion when a court [is required to issue] has issued a
2 securing order with respect to a principal, [or at any time when a prin-
3 cipal is confined in the custody of the sheriff as a result of a previ-
4 ously issued securing order, he] the defendant or the people may make an
5 application for [recognizance or bail] a different securing order due to
6 a material change of circumstances:

7 (a) in cases for which the most serious charge before the court or in
8 a pending case is a misdemeanor or felony other than that enumerated in
9 section 70.02 of the penal law or a class A felony offense defined in
10 the penal law for a different non-monetary securing order; or

11 (b) in cases for which the most serious charge is a felony enumerated
12 in section 70.02 of the penal law or a class A felony offense defined in
13 the penal law for a different securing order.

14 2. Upon such application, the principal or the people must be
15 accorded an opportunity to be heard and to contend that [an order of
16 recognizance or bail] a different securing order must or should issue[,
17 that the court should release him on his own recognizance rather than
18 fix bail, and that if bail is fixed it should be in a suggested amount
19 and form] because, due to a material change in circumstances, the
20 current order is either too restrictive or not restrictive enough to
21 reasonably ensure a defendant's appearance in court.

22 § 5. The criminal procedure law is amended by adding a new section
23 510.25 to read as follows:

24 § 510.25 Rehearing on bail after five days in custody after bail is
25 fixed.

26 In addition to any other available motion or procedure available under
27 this part, a principal for whom bail was fixed and who is still in
28 custody five days after bail was fixed shall be brought before the court

1 the next business day for a rehearing on the securing order. The court
2 shall examine the principal's financial circumstances and order a new
3 securing order. If the court chooses to fix bail, it shall do so at an
4 amount that will both reasonably assure the defendant's appearance in
5 court and that the defendant is reasonably able to pay.

6 § 6. Section 510.30 of the criminal procedure law, subparagraph (v) of
7 paragraph (a) of subdivision 2 as amended by chapter 920 of the laws of
8 1982, subparagraph (vi) of paragraph (a) of subdivision 2 as renumbered
9 by chapter 447 of the laws of 1977, subparagraph (vii) of paragraph (a)
10 of subdivision 2 as added and subparagraphs (viii) and (ix) of paragraph
11 (a) of subdivision 2 as renumbered by section 1 of part D of chapter 491
12 of the laws of 2012, and subdivision 3 as added by chapter 788 of the
13 laws of 1981, is amended to read as follows:

14 § 510.30 Application for [recognizance or bail] securing order; rules of
15 law and criteria controlling determination.

16 [1. Determinations of applications for recognizance or bail are not in
17 all cases discretionary but are subject to rules, prescribed in article
18 five hundred thirty and other provisions of law relating to specific
19 kinds of criminal actions and proceedings, providing (a) that in some
20 circumstances such an application must as a matter of law be granted,
21 (b) that in others it must as a matter of law be denied and the princi-
22 pal committed to or retained in the custody of the sheriff, and (c) that
23 in others the granting or denial thereof is a matter of judicial
24 discretion.

25 2. To the extent that the issuance of an order of recognizance or bail
26 and the terms thereof are matters of discretion rather than of law, an
27 application is determined on the basis of the following factors and
28 criteria:

1 (a)] With respect to any principal, the court must [consider the]
2 impose the least restrictive kind and degree of control or restriction
3 that is necessary to secure [his] the principal's court attendance when
4 required. In determining that matter, the court must, on the basis of
5 available information, consider and take into account:

6 [(i) The principal's character, reputation, habits and mental condi-
7 tion;

8 (ii) His employment and financial resources; and

9 (iii) His family ties and the length of his residence if any in the
10 community; and

11 (iv) His] 1. information about the principal that is relevant to court
12 appearance, including, but not limited to, the principal's activities,
13 history and community ties;

14 2. if the principal is a defendant, the charges facing the principal;

15 3. the principal's criminal record if any; [and

16 (v)] 4. His record of previous adjudication as a juvenile delinquent,
17 as retained pursuant to section 354.2 of the family court act, or, of
18 pending cases where fingerprints are retained pursuant to section 306.1
19 of such act, or a youthful offender, if any; [and

20 (vi) His] 5. the principal's previous record if any in responding to
21 court appearances when required or with respect to flight to avoid crim-
22 inal prosecution; [and

23 (vii)] 6. if monetary bail is permitted, according to the restrictions
24 set forth in section 510.10 of this title, the principal's financial
25 circumstances;

26 7. Where the principal is charged with a crime or crimes against a
27 member or members of the same family or household as that term is

1 defined in subdivision one of section 530.11 of this title, the follow-
2 ing factors:

3 [(A)] (i) any violation by the principal of an order of protection
4 issued by any court for the protection of a member or members of the
5 same family or household as that term is defined in subdivision one of
6 section 530.11 of this title, whether or not such order of protection is
7 currently in effect; and

8 [(B)] (ii) the principal's history of use or possession of a firearm;
9 [and

10 (viii)] 8. If [he] the principal is a defendant, the weight of the
11 evidence against [him] the principal in the pending criminal action and
12 any other factor indicating probability or improbability of conviction;
13 or, in the case of an application for [bail or recognizance] securing
14 order pending appeal, the merit or lack of merit of the appeal; and

15 [(ix)] 9. If [he] the principal is a defendant, the sentence which may
16 be or has been imposed upon conviction[.

17 (b) Where the principal is a defendant-appellant in a pending appeal
18 from a judgment of conviction, the court must also consider the likeli-
19 hood of ultimate reversal of the judgment. A determination that the
20 appeal is palpably without merit alone justifies, but does not require,
21 a denial of the application, regardless of any determination made with
22 respect to the factors specified in paragraph (a).

23 3. When bail or recognizance is ordered, the court shall inform the
24 principal, if he is a defendant charged with the commission of a felony,
25 that the release is conditional and that the court may revoke the order
26 of release and commit the principal to the custody of the sheriff in
27 accordance with the provisions of subdivision two of section 530.60 of

1 this chapter if he commits a subsequent felony while at liberty upon
2 such order.]; and

3 10. if the principal is a defendant-appellant in a pending appeal from
4 a judgment of conviction, the court must also consider the likelihood of
5 ultimate reversal of the judgment. A determination that the appeal is
6 palpably without merit alone justifies, but does not require, a denial
7 of the application, regardless of any determination made with respect to
8 the factors specified in this paragraph.

9 § 7. Section 510.40 of the criminal procedure law is amended to read
10 as follows:

11 § 510.40 [Application for recognizance or bail; determination thereof,
12 form of securing order and execution thereof] Notification
13 to principal by court of conditions of release and penal-
14 ties for violations of release.

15 1. [An application for recognizance or bail must be determined by a
16 securing order which either:

17 (a) Grants the application and releases the principal on his own
18 recognizance; or

19 (b) Grants the application and fixes bail; or

20 (c) Denies the application and commits the principal to, or retains
21 him in, the custody of the sheriff.

22 2.] Upon ordering that a principal be released on [his] the princi-
23 pal's own recognizance, or released under non-monetary conditions, or,
24 if bail has been fixed, upon the posting of bail and successful examina-
25 tion that the bail complies with the order the court must direct [him]
26 the principal to appear in the criminal action or proceeding involved
27 whenever [his] the principal's attendance may be required and to [render
28 himself] be at all times amenable to the orders and processes of the

1 court. If the principal is a defendant, the court shall also direct the
2 defendant not to commit a crime while at liberty upon the court's secur-
3 ing order. If such principal is in the custody of the sheriff or at
4 liberty upon bail at the time of the order, the court must direct that
5 [he] the principal be discharged from such custody [or, as the case may
6 be, that his bail be exonerated].

7 [3. Upon the issuance of an order fixing bail, and upon the posting
8 thereof, the court must examine the bail to determine whether it
9 complies with the order. If it does, the court must, in the absence of
10 some factor or circumstance which in law requires or authorizes disap-
11 proval thereof, approve the bail and must issue a certificate of
12 release, authorizing the principal to be at liberty, and, if he is in
13 the custody of the sheriff at the time, directing the sheriff to
14 discharge him therefrom. If the bail fixed is not posted, or is not
15 approved after being posted, the court must order that the principal be
16 committed to the custody of the sheriff.]

17 2. If the principal is released under non-monetary conditions, the
18 court shall, in the document authorizing the principal's release, notify
19 the principal of:

20 (a) any of the conditions under which the principal is subject, in
21 addition to the directions in subdivision one of this section, in a
22 manner sufficiently clear and specific to serve as a guide for the prin-
23 cipal's conduct; and

24 (b) the consequences for violation of those conditions, which could
25 include revoking of the securing order, setting of a more restrictive
26 securing order, or, after the hearing prescribed in article five hundred
27 forty-five of this title, pretrial detention.

1 § 8. The criminal procedure law is amended by adding a new section
2 510.45 to read as follows:

3 § 510.45 Pretrial service agencies.

4 The office of court administration shall certify a pretrial services
5 agency or agencies in each county to monitor principals released under
6 conditions of non-monetary release.

7 § 9. Section 510.50 of the criminal procedure law is amended to read
8 as follows:

9 § 510.50 Enforcement of securing order.

10 When the attendance of a principal confined in the custody of the
11 sheriff is required at the criminal action or proceeding at a particular
12 time and place, the court may compel such attendance by directing the
13 sheriff to produce him or her at such time and place. If the principal
14 is at liberty on [his] the principal's own recognizance or non-monetary
15 conditions or on bail, [his] the principal's attendance may be achieved
16 or compelled by various methods, including notification and the issuance
17 of a bench warrant, prescribed by law in provisions governing such
18 matters with respect to the particular kind of action or proceeding
19 involved.

20 § 10. Paragraph (b) of subdivision 2 of section 520.10 of the criminal
21 procedure law, as amended by chapter 784 of the laws of 1972, is amended
22 to read as follows:

23 (b) The court [may] shall direct that the bail be posted in any one of
24 [two] three or more of the forms specified in subdivision one, design-
25 nated in the alternative, and may designate different amounts varying
26 with the forms[;], except that one of the forms shall be either an unse-
27 cured or partially secured surety bond, as selected by the court.

1 § 11. The article heading of article 530 of the criminal procedure law
2 is amended to read as follows:

3 [ORDERS OF RECOGNIZANCE OR BAIL WITH
4 RESPECT TO DEFENDANTS IN CRIMINAL ACTIONS
5 AND PROCEEDINGS--WHEN AND BY WHAT
6 COURTS AUTHORIZED] SECURING ORDERS WITH
7 RESPECT TO DEFENDANTS IN CRIMINAL ACTIONS AND
8 PROCEEDINGS - WHEN AND BY WHAT COURTS AUTHORIZED

9 § 12. Section 530.10 of the criminal procedure law is amended to read
10 as follows:

11 § 530.10 Order of recognizance or bail; in general.

12 Under circumstances prescribed in this article, a court, upon applica-
13 tion of a defendant charged with or convicted of an offense, is
14 [required or authorized to order bail or recognizance] to issue a secur-
15 ing order for the release or prospective release of such defendant
16 during the pendency of either:

- 17 1. A criminal action based upon such charge; or
- 18 2. An appeal taken by the defendant from a judgment of conviction or
19 a sentence or from an order of an intermediate appellate court affirming
20 or modifying a judgment of conviction or a sentence.

21 § 13. Subdivision 4 of section 530.11 of the criminal procedure law,
22 as added by chapter 186 of the laws of 1997, is amended to read as
23 follows:

24 4. When a person is arrested for an alleged family offense or an
25 alleged violation of an order of protection or temporary order of
26 protection or arrested pursuant to a warrant issued by the supreme or
27 family court, and the supreme or family court, as applicable, is not in
28 session, such person shall be brought before a local criminal court in

1 the county of arrest or in the county in which such warrant is return-
2 able pursuant to article one hundred twenty of this chapter. Such local
3 criminal court may issue any order authorized under subdivision eleven
4 of section 530.12 of this article, section one hundred fifty-four-d or
5 one hundred fifty-five of the family court act or subdivision three-b of
6 section two hundred forty or subdivision two-a of section two hundred
7 fifty-two of the domestic relations law, in addition to discharging
8 other arraignment responsibilities as set forth in this chapter. In
9 making such order, the local criminal court shall consider the [bail
10 recommendation] securing order, if any, made by the supreme or family
11 court as indicated on the warrant or certificate of warrant. Unless the
12 petitioner or complainant requests otherwise, the court, in addition to
13 scheduling further criminal proceedings, if any, regarding such alleged
14 family offense or violation allegation, shall make such matter return-
15 able in the supreme or family court, as applicable, on the next day such
16 court is in session.

17 § 14. Paragraph (a) of subdivision 8 of section 530.13 of the criminal
18 procedure law, as added by chapter 388 of the laws of 1984, is amended
19 to read as follows:

20 (a) revoke [an order of recognizance or bail] a securing order and
21 commit the defendant to custody; or

22 § 15. The opening paragraph of subdivision 1 of section 530.13 of the
23 criminal procedure law, as amended by chapter 137 of the laws of 2007,
24 is amended to read as follows:

25 When any criminal action is pending, and the court has not issued a
26 temporary order of protection pursuant to section 530.12 of this arti-
27 cle, the court, in addition to the other powers conferred upon it by
28 this chapter, may for good cause shown issue a temporary order of

1 protection in conjunction with any securing order [committing the
2 defendant to the custody of the sheriff or as a condition of a pre-trial
3 release, or as a condition of release on bail or an adjournment in
4 contemplation of dismissal]. In addition to any other conditions, such
5 an order may require that the defendant:

6 § 16. Subdivisions 9 and 11 of section 530.12 of the criminal proce-
7 dure law, subdivision 9 as amended by section 81 of subpart B of part C
8 of chapter 62 of the laws of 2011, subdivision 11 as amended by chapter
9 498 of the laws of 1993, the opening paragraph of subdivision 11 as
10 amended by chapter 597 of the laws of 1998, paragraph (a) of subdivision
11 11 as amended by chapter 222 of the laws of 1994, paragraph (d) of
12 subdivision 11 as amended by chapter 644 of the laws of 1996, are
13 amended to read as follows:

14 9. If no warrant, order or temporary order of protection has been
15 issued by the court, and an act alleged to be a family offense as
16 defined in section 530.11 of this [chapter] article is the basis of the
17 arrest, the magistrate shall permit the complainant to file a petition,
18 information or accusatory instrument and for reasonable cause shown,
19 shall thereupon hold such respondent or defendant, [admit to, fix or
20 accept bail,] establish a securing order or parole him or her for hear-
21 ing before the family court or appropriate criminal court as the
22 complainant shall choose in accordance with the provisions of section
23 530.11 of this [chapter] article.

24 11. If a defendant is brought before the court for failure to obey any
25 lawful order issued under this section, or an order of protection issued
26 by a court of competent jurisdiction in another state, territorial or
27 tribal jurisdiction, and if, after hearing, the court is satisfied by

1 competent proof that the defendant has willfully failed to obey any such
2 order, the court may:

3 (a) revoke [an order of recognizance or revoke an order of bail or
4 order forfeiture of such bail] a securing order and commit the defendant
5 to custody; or

6 (b) restore the case to the calendar when there has been an adjourn-
7 ment in contemplation of dismissal and commit the defendant to custody;
8 or

9 (c) revoke a conditional discharge in accordance with section 410.70
10 of this chapter and impose probation supervision or impose a sentence of
11 imprisonment in accordance with the penal law based on the original
12 conviction; or

13 (d) revoke probation in accordance with section 410.70 of this chapter
14 and impose a sentence of imprisonment in accordance with the penal law
15 based on the original conviction. In addition, if the act which consti-
16 tutes the violation of the order of protection or temporary order of
17 protection is a crime or a violation the defendant may be charged with
18 and tried for that crime or violation.

19 § 17. Section 530.20 of the criminal procedure law, as amended by
20 chapter 531 of the laws of 1975, subparagraph (ii) of paragraph (b) of
21 subdivision 2 as amended by chapter 218 of the laws of 1979, is amended
22 to read as follows:

23 § 530.20 [Order of recognizance or bail;] Securing order by local crimi-
24 nal court when action is pending therein.

25 When a criminal action is pending in a local criminal court, such
26 court, upon application of a defendant, must [or may order recognizance
27 or bail] issue a securing order as follows:

1 1. [When the defendant is charged, by information, simplified informa-
2 tion, prosecutor's information or misdemeanor complaint, with an offense
3 or offenses of less than felony grade only, the court must order recog-
4 nizance or bail.] In cases where the most serious charge facing the
5 defendant in the case before the court or a pending case is a misdemea-
6 nor or a felony other than that enumerated in section 70.02 of the penal
7 law or a class A felony offense defined in the penal law, release the
8 principal pending trial on the principal's personal recognizance, unless
9 the court finds on the record that release on recognizance will not
10 reasonably assure the individual's court attendance. In such instances,
11 the court will release the individual under non-monetary conditions,
12 selecting the least restrictive alternative that will reasonably assure
13 the principal's court attendance. The court will support its choice of
14 alternative on the record. The principal shall not be required to pay
15 for any part of the cost of release under non-monetary conditions,
16 except that a principal may be required to pay for all or a portion of
17 the cost of electronic monitoring unless the principal is indigent and
18 cannot pay all or a portion of the cost of such monitoring.

19 2. [When the defendant is charged, by felony complaint, with a felony,
20 the court may, in its discretion, order recognizance or bail except as
21 otherwise provided in this subdivision:

22 (a) A city court, a town court or a village court may not order
23 recognizance or bail when (i) the defendant is charged with a class A
24 felony, or (ii) it appears that the defendant has two previous felony
25 convictions;

26 (b)] In cases where the most serious charge facing the defendant in
27 the case before the court or a pending case is a felony enumerated in
28 section 70.02 of the penal law or a class A felony offense defined in

1 the penal law, release the principal pending trial on the principal's
2 personal recognizance, or release the principal under non-monetary
3 conditions, or fix bail, selecting the least restrictive alternative
4 that will reasonably assure the principal's court appearance when
5 required. The court will support its choice of alternative on the
6 record.

7 3. Notwithstanding the above, in cases where the people indicate that
8 they intend to move for pretrial detention as set forth in article five
9 hundred forty-five of this title, the court shall commit the defendant
10 to the custody of the sheriff.

11 4. Notwithstanding the above, in cases where the defendant is facing a
12 charge of a class A felony, or it appears that the defendant has two
13 previous felony convictions within the meaning of subdivision one of
14 section 70.08 or 70.10 of the penal law; the court shall commit the
15 defendant to the custody of the sheriff for the county or superior court
16 to make a determination about a securing order within three days.

17 5. No local criminal court may order [recognizance or bail] a securing
18 order with respect to a defendant charged with a felony unless and
19 until[:

20 (i) The district attorney has been heard in the matter or, after
21 knowledge or notice of the application and reasonable opportunity to be
22 heard, has failed to appear at the proceeding or has otherwise waived
23 his right to do so; and

24 (ii) The] the court [has], and counsel for the defense, have been
25 furnished with a report of the division of criminal justice services
26 concerning the defendant's criminal record, if any, or with a police
27 department report with respect to the defendant's prior arrest and
28 conviction record, if any. If neither report is available, the court,

1 with the consent of the district attorney, may dispense with this
2 requirement; provided, however, that in an emergency, including but not
3 limited to a substantial impairment in the ability of such division or
4 police department to timely furnish such report, such consent shall not
5 be required if, for reasons stated on the record, the court deems it
6 unnecessary. [When the court has been furnished with any such report or
7 record, it shall furnish a copy thereof to counsel for the defendant or,
8 if the defendant is not represented by counsel, to the defendant.]

9 § 18. The section heading, subdivision 1 and subdivision 2 of section
10 530.30 of the criminal procedure law, subdivision 2 as amended by chap-
11 ter 762 of the laws of 1971, are amended to read as follows:

12 [Order of recognizance or bail; by superior court judge when action is
13 pending in local criminal court] Securing order by superior
14 court judge when action is pending in local criminal court.

15 1. When a criminal action is pending in a local criminal court, other
16 than one consisting of a superior court judge sitting as such, a judge
17 of a superior court holding a term thereof in the county, upon applica-
18 tion of a defendant, may order [recognizance or bail] a securing order
19 when such local criminal court:

20 (a) Lacks authority to issue such an order, pursuant to [paragraph
21 (a) of] subdivision [two] four of section 530.20; or

22 (b) Has denied an application for recognizance or bail; or

23 (c) Has fixed bail which is excessive; or

24 (d) Has set a securing order of release under non-monetary conditions
25 which are more restrictive than necessary to reasonably ensure court
26 attendance.

27 In such case, such superior court judge may vacate the order of such
28 local criminal court and release the defendant on [his own] recognizance

1 or under release with conditions, or fix bail in a lesser amount or in a
2 less burdensome form, whichever is the least restrictive alternative
3 that will reasonably assure defendant's appearance in court. The court
4 will support its choice of alternative on the record.

5 2. Notwithstanding the provisions of subdivision one, when the
6 defendant is charged with a felony in a local criminal court, a superior
7 court judge may not order recognizance or bail unless and until the
8 district attorney has had an opportunity to be heard in the matter and
9 such judge has been furnished with a report as described in [subpara-
10 graph (ii) of paragraph (b) of] subdivision [two] five of section
11 530.20.

12 § 19. Section 530.40 of the criminal procedure law, subdivision 3 as
13 amended by chapter 264 of the laws of 2003, and subdivision 4 as amended
14 by chapter 762 of the laws of 1971, is amended to read as follows:

15 § 530.40 [Order of recognizance or bail;] Securing order by superior
16 court when action is pending therein.

17 When a criminal action is pending in a superior court, such court,
18 upon application of a defendant, must or may order recognizance or bail
19 as follows:

20 1. [When the defendant is charged with an offense or offenses of less
21 than felony grade only, the court must order recognizance or bail.

22 2. When the defendant is charged with a felony, the court may, in its
23 discretion, order recognizance or bail. In any such case in which an
24 indictment (a) has resulted from an order of a local criminal court
25 holding the defendant for the action of the grand jury, or (b) was filed
26 at a time when a felony complaint charging the same conduct was pending
27 in a local criminal court, and in which such local criminal court or a
28 superior court judge has issued an order of recognizance or bail which

1 is still effective, the superior court's order may be in the form of a
2 direction continuing the effectiveness of the previous order.] In cases
3 where the most serious charge facing the defendant in the case before
4 the court or a pending case is a misdemeanor or a felony other than that
5 enumerated in section 70.02 of the penal law or a class A felony offense
6 defined in the penal law, release the principal pending trial on the
7 principal's personal recognizance, unless the court finds on the record
8 that release on recognizance will not reasonably assure the individual's
9 court attendance. In such instances, the court will release the individ-
10 ual under non-monetary conditions, selecting the least restrictive
11 alternative that will reasonably assure the principal's court attend-
12 ance. The court will support its choice of alternative on the record.
13 The principal shall not be required to pay for any part of the cost of
14 release under non-monetary conditions, except that a principal may be
15 required to pay for all or a portion of the cost of electronic monitor-
16 ing unless the principal is indigent and cannot pay all or a portion of
17 the cost of such monitoring.

18 2. In cases where the most serious charge facing the defendant in the
19 case before the court or a pending case is a felony enumerated in
20 section 70.02 of the penal law or a class A felony offense defined in
21 the penal law, release the principal pending trial on the principal's
22 personal recognizance, or release the principal under non-monetary
23 conditions, or fix bail, selecting the least restrictive alternative
24 that will reasonably assure the principal's court appearance when
25 required. The court will support its choice of alternative on the
26 record.

27 3. Notwithstanding the above, in cases where the people indicate that
28 they intend to move for pretrial detention as set out in article five

1 hundred forty-five of this title, the court shall commit the defendant
2 to the custody of the sheriff.

3 4. Notwithstanding the provisions of [subdivision] subdivisions one
4 and two, a superior court may not [order recognizance or bail] issue a
5 securing order, or permit a defendant to remain at liberty pursuant to
6 an existing order, after [he] the defendant has been convicted of
7 either: (a) a class A felony or (b) any class B or class C felony
8 defined in article one hundred thirty of the penal law committed or
9 attempted to be committed by a person eighteen years of age or older
10 against a person less than eighteen years of age. In either case the
11 court must commit or remand the defendant to the custody of the sheriff.

12 [4.] 5. Notwithstanding the provisions of [subdivision] subdivisions
13 one and two, a superior court may not [order recognizance or bail] issue
14 a securing order when the defendant is charged with a felony unless and
15 until the district attorney has had an opportunity to be heard in the
16 matter and such court [has] and counsel for the defense have been
17 furnished with a report as described in subparagraph (ii) of paragraph
18 (b) of subdivision two of section 530.20 of this article.

19 § 20. Subdivision 1 of section 530.45 of the criminal procedure law,
20 as amended by chapter 264 of the laws of 2003, is amended to read as
21 follows:

22 1. When the defendant is at liberty in the course of a criminal action
23 as a result of a prior [order of recognizance or bail] securing order
24 and the court revokes such order and then [either fixes no bail or fixes
25 bail in a greater amount or in a more burdensome form than was previous-
26 ly fixed and remands or commits defendant to the custody of the sheriff,
27 a judge designated in subdivision two, upon application of the defendant
28 following conviction of an offense other than a class A felony or a

1 class B or class C felony offense defined in article one hundred thirty
2 of the penal law committed or attempted to be committed by a person
3 eighteen years of age or older against a person less than eighteen years
4 of age, and before sentencing, may issue a securing order and either
5 release defendant on his own recognizance, or fix bail, or fix bail in a
6 lesser amount or] issues a more restrictive securing order in a less
7 [burdensome] restrictive form than fixed by the court in which the
8 conviction was entered.

9 § 21. Section 530.60 of the criminal procedure law, subdivision 1 as
10 amended by chapter 565 of the laws of 2011, subdivision 2 as added by
11 chapter 788 of the laws of 1981 and paragraph (a) of subdivision 2 as
12 amended by chapter 794 of the laws of 1986, is amended to read as
13 follows:

14 § 530.60 [Order of recognizance or bail; revocation thereof] Securing
15 order; modification thereof upon court's own action.

16 [1.] Whenever in the course of a criminal action or proceeding a
17 defendant is at liberty as a result of [an order of recognizance or
18 bail] a securing order issued pursuant to this chapter, and the court
19 considers it necessary to review such order, it may, and by a bench
20 warrant if necessary, require the defendant to appear before the court.
21 Upon such appearance, the court, for good cause shown, may revoke [the
22 order of recognizance or bail. If the defendant is entitled to recogni-
23 zance or bail as a matter of right, the court must issue another such
24 order. If he or she is not, the court may either issue such an order or
25 commit the defendant to the custody of the sheriff. Where the defendant
26 is committed to the custody of the sheriff and is held on a felony
27 complaint, a new period as provided in section 180.80 of this chapter
28 shall commence to run from the time of the defendant's commitment under

1 this subdivision] and modify the securing order, selecting the least
2 restrictive alternative that will reasonably assure court appearance. If
3 the most serious charge facing the defendant in the case before the
4 court or a pending case is a misdemeanor or felony other than that
5 enumerated in section 70.02 of the penal law or a class A felony defined
6 in the penal law, the court must release the defendant on personal
7 recognizance or set release with non-monetary conditions. Notwithstand-
8 ing the foregoing, the people may move at any time for consideration of
9 pretrial detention under article five hundred forty-five of this title
10 if the defendant's alleged actions render the defendant eligible under
11 for a hearing under that section.

12 [2. (a) Whenever in the course of a criminal action or proceeding a
13 defendant charged with the commission of a felony is at liberty as a
14 result of an order of recognizance or bail issued pursuant to this arti-
15 cle it shall be grounds for revoking such order that the court finds
16 reasonable cause to believe the defendant committed one or more speci-
17 fied class A or violent felony offenses or intimidated a victim or
18 witness in violation of sections 215.15, 215.16 or 215.17 of the penal
19 law while at liberty. Before revoking an order of recognizance or bail
20 pursuant to this subdivision, the court must hold a hearing and shall
21 receive any relevant, admissible evidence not legally privileged. The
22 defendant may cross-examine witnesses and may present relevant, admissi-
23 ble evidence on his own behalf. Such hearing may be consolidated with,
24 and conducted at the same time as, a felony hearing conducted pursuant
25 to article one hundred eighty of this chapter. A transcript of testimony
26 taken before the grand jury upon presentation of the subsequent offense
27 shall be admissible as evidence during the hearing. The district attor-

1 ney may move to introduce grand jury testimony of a witness in lieu of
2 that witness' appearance at the hearing.

3 (b) Revocation of an order of recognizance or bail and commitment
4 pursuant to this subdivision shall be for the following periods, either:

5 (i) For a period not to exceed ninety days exclusive of any periods of
6 adjournment requested by the defendant; or

7 (ii) Until the charges contained within the accusatory instrument have
8 been reduced or dismissed such that no count remains which charges the
9 defendant with commission of a felony; or

10 (iii) Until reduction or dismissal of the charges contained within the
11 accusatory instrument charging the subsequent offense such that no count
12 remains which charges the defendant with commission of a class A or
13 violent felony offense.

14 Upon expiration of any of the three periods specified within this
15 paragraph, whichever is shortest, the court may grant or deny release
16 upon an order of bail or recognizance in accordance with the provisions
17 of this article. Upon conviction to an offense the provisions of article
18 five hundred thirty of this chapter shall apply.

19 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-
20 sion a defendant, against whom a felony complaint has been filed which
21 charges the defendant with commission of a class A or violent felony
22 offense committed while he was at liberty as specified therein, may be
23 committed to the custody of the sheriff pending a revocation hearing for
24 a period not to exceed seventy-two hours. An additional period not to
25 exceed seventy-two hours may be granted by the court upon application of
26 the district attorney upon a showing of good cause or where the failure
27 to commence the hearing was due to the defendant's request or occurred
28 with his consent. Such good cause must consist of some compelling fact

1 or circumstance which precluded conducting the hearing within the
2 initial prescribed period.]

3 § 22. The criminal procedure law is amended by adding a new section
4 530.65 to read as follows:

5 § 530.65 Violation of a condition of release, remedies available.

6 When a principal is released under non-monetary conditions, the court,
7 upon motion by the people, may revoke and modify the securing order due
8 to violations of those release conditions. In determining whether to
9 revoke and modify the securing order, the court must consider the
10 nature, the willfulness, and the seriousness of the violation and may
11 only set a more restrictive condition or conditions or release if it
12 finds that such conditions are necessary to reasonably assure the
13 defendant's appearance in court. Notwithstanding the foregoing, the
14 people may move at any time for consideration of pretrial detention
15 under article five hundred forty-five of this title if the defendant's
16 alleged actions render the defendant eligible under for a hearing under
17 that section.

18 § 23. Title P of part 3 of the criminal procedure law is amended by
19 adding a new article 545 to read as follows:

20 ARTICLE 545--PRETRIAL DETENTION

21 Section 545.10 Pretrial detention; when ordered.

22 545.20 Eligibility for a pretrial detention hearing.

23 545.30 Pretrial detention hearing.

24 545.40 Order for pretrial detention.

25 545.50 Reopening of pretrial hearing.

26 545.60 Length of detention for defendant held under a pretrial
27 detention order.

28 § 545.10 Pretrial detention; when ordered.

1 A county or superior court may order, before trial, the detention of a
2 defendant if the people seek detention of the defendant under section
3 545.20 of this article, and, after a hearing pursuant to section 545.30
4 of this article, the court finds clear and convincing evidence that the
5 defendant poses a high risk of flight before trial, or that defendant
6 poses a current threat to the physical safety of a reasonably identifi-
7 able person or persons, and that no conditions or combination of condi-
8 tions in the community will suffice to contain the aforesaid risk or
9 threat.

10 § 545.20 Eligibility for a pretrial detention hearing.

11 1. The people may make a motion with the court at any time seeking the
12 pretrial detention of a defendant:

13 (a) charged with offenses involving domestic violence, or crimes
14 involving serious violence or a class A felony defined in the penal law;

15 (b) charged with offenses involving witness intimidation under section
16 215.15, 215.16 or 215.17 of the penal law;

17 (c) charged with committing a new crime while in the community on
18 recognizance, or non-monetary-conditions, or bail; or

19 (d) who willfully failed to appear in court.

20 2. Upon such motion by the people, the defendant shall be committed to
21 the custody of the sheriff. If the person is at liberty, a warrant shall
22 issue and the defendant brought into custody of the sheriff.

23 § 545.30 Pretrial detention hearing.

24 1. A hearing shall be held within five working days from the people's
25 motion. At the hearing, the defendant shall have the right to be
26 represented by counsel, and, if financially unable to obtain counsel, to
27 have counsel assigned. The defendant shall be afforded an opportunity to
28 testify, to present witnesses, to cross-examine witnesses who appear at

1 the hearing, and to present information by proffer or otherwise. The
2 rules concerning the admissibility of evidence in criminal trials do not
3 apply to the presentation and consideration of information during the
4 hearing.

5 2. Discovery shall be afforded in accordance with pretrial hearings,
6 as set out in criminal procedure law section 240.44.

7 3. In hearings in cases for which there is no indictment, the people
8 shall establish probable cause that the eligible defendant committed the
9 charged offense. The people must establish by clear and convincing
10 evidence that defendant poses a high risk of flight or a current threat
11 of physical danger to a reasonably identifiable person or persons and
12 that no conditions or combination of conditions in the community will
13 suffice to contain the aforesaid risk or threat. There shall be a
14 rebuttable presumption, which the defendant may overcome by a preponder-
15 ance of the evidence, that no conditions or combination of conditions in
16 the community will suffice to contain a current threat to the physical
17 safety of a reasonably identifiable person or persons if the court finds
18 probable cause that the defendant:

19 (a) committed a crime for which the defendant would be subject to a
20 term of life imprisonment;

21 (b) committed a crime involving domestic violence or a crime involving
22 serious violence or a class A felony offense defined in the penal law
23 while the defendant was in the community on recognizance, or non-mone-
24 tary conditions, or bail while charged with a crime enumerated in
25 section 70.02 of the penal law or a class A felony offense;

26 (c) threatened, injured, intimidated, or attempted to threaten, injure
27 or intimidate a prospective witness or juror in an criminal investi-
28 gation or judicial proceeding; or

1 (d) committed a crime involving domestic violence or a crime involving
2 serious violence or a class A felony offense defined in the penal law
3 while armed with a firearm.

4 4. In determining whether the defendant presents a high risk of flight
5 or a current threat of physical danger to a reasonably identifiable
6 person or persons and whether no conditions or combinations of condi-
7 tions in the community will suffice to contain such risk or threat, the
8 court may take into account the following information:

9 (a) the nature and circumstances of the charged offense;

10 (b) the weight of the evidence against the defendant, except that the
11 court may consider the admissibility of any evidence sought to be
12 excluded;

13 (c) the defendant's current and prior history of failure to appear in
14 court whether such failures to appear were willful;

15 (d) the nature and the credibility of the threat to the physical
16 danger of a reasonably identifiable person or persons, if applicable;
17 and

18 (e) whether, at the time of the current offense or arrest, the defend-
19 ant was on probation, parole, or on release pending trial, sentencing or
20 completion of a sentence in this state or other jurisdictions.

21 § 545.40 Order for pretrial detention.

22 In a pretrial detention order issued pursuant to section 545.10 of
23 this article, the court shall:

24 1. include written findings of fact and a written statement of the
25 reasons for the detention; and

26 2. direct that the eligible defendant be afforded reasonable opportu-
27 nity for private consultation with counsel.

28 § 545.50 Reopening of pretrial hearing.

1 A pretrial detention hearing may be opened, before or after issuance
2 of a pretrial detention order by the court, by motion of the people or
3 the defendant, at any time before trial, if the court finds either a
4 change of circumstances or that information exists that was not known to
5 the people or to the defendant at the time of the hearing, that has a
6 material bearing on the issue of whether defendant presents a high risk
7 of failure to appear or a current threat to the physical safety of a
8 reasonably identifiable person or persons and whether no conditions or
9 combination of conditions will suffice to contain such risk or threat.

10 § 545.60 Length of detention for defendant held under a pretrial
11 detention order.

12 1. If a pretrial detention order is issued, a defendant shall not
13 remain detained in jail for more than one hundred eighty days after the
14 return of the indictment, if applicable, until the start of trial. In
15 cases where no indictment is required, the one hundred eighty days shall
16 run from the pretrial detention order.

17 2. (a) The time within which the trial of the case commences may be
18 extended for one or more additional periods not to exceed twenty days
19 each on the basis of a motion submitted by the people and approved by
20 the court. The additional period or periods of detention may be granted
21 only on the basis of good cause shown, and shall be granted only for the
22 additional time required to prepare for the trial of the person. Good
23 cause may include, but not be limited to, the unavailability of an
24 essential witness, the necessity for forensic analysis of evidence, the
25 ability to conduct a joint trial with a co-defendant or co-defendants,
26 severance of co-defendants which permits only one trial to commence
27 within the time period, complex or major investigations, scheduling
28 conflicts which arise shortly before the trial date, the inability to

1 proceed to trial because of action taken by or at the behest of the
2 defendant, the breakdown of a plea agreement on or immediately before
3 the trial date, and allowing reasonable time to prepare for a trial
4 after the circumstances giving rise to a tolling or extension of the one
5 hundred eighty day period no longer exists.

6 (b) In computing the one hundred eighty days from indictment, if
7 applicable, or the date of pretrial order, to commencement of trial, the
8 following periods shall be excluded:

9 (i) any period from the filing of the notice of appeal to the issuance
10 of the mandate in an interlocutory appeal;

11 (ii) any period attributable to any examination to determine the
12 defendant's sanity or lack thereof or his or her mental or physical
13 competency to stand trial;

14 (iii) any period attributable to the inability of the defendant to
15 participate in the defendant's defense because of mental incompetency or
16 physical incapacity; and

17 (iv) any period in which the defendant is otherwise unavailable for
18 trial.

19 3. If a trial has not commenced within one hundred eighty days from
20 indictment, if applicable, or pretrial detention order, as calculated
21 above, and the defendant remains in custody, the defendant shall be
22 released on recognizance or under non-monetary conditions of release
23 pending trial on the underlying charge, unless:

24 (a) the trial is in progress,

25 (b) the trial has been delayed by the timely filing of motions,
26 excluding motions for continuances;

27 (c) the trial has been delayed at the request of the defendant; or

1 (d) upon motion of the people, the court finds that a substantial and
2 unjustifiable risk to the physical safety of a reasonably identifiable
3 person would result from the defendant's release from custody, and that
4 no appropriate conditions for the defendant's release would reasonably
5 address that risk, and also finds that the failure to commence trial in
6 accordance with the time requirements set forth in this section was not
7 due to unreasonable delay by the people. If the court makes such a find-
8 ing, the court may set an additional period of time in which the defend-
9 ant's trial must commence.

10 § 24. Subsection (b) of section 6805 of the insurance law, as added by
11 chapter 181 of the laws of 2012, is amended to read as follows:

12 (b) A charitable bail organization shall:

13 (1) only deposit money as bail in the amount of [two] five thousand
14 dollars or less for a defendant charged with one or more [misdemeanors]
15 offenses as defined in subdivision one of section 10.00 of the penal
16 law, provided, however, that such organization shall not execute as
17 surety any bond for any defendant;

18 (2) only deposit money as bail on behalf of a person who is financial-
19 ly unable to post bail, which may constitute a portion or the whole
20 amount of such bail; and

21 (3) [only deposit money as bail in one county in this state. Provided,
22 however, that a charitable bail organization whose principal place of
23 business is located within a city of a million or more may deposit money
24 as bail in the five counties comprising such city; and

25 (4)] not charge a premium or receive compensation for acting as a
26 charitable bail organization.

1 § 25. Paragraph (a) of subdivision 9 of section 216.05 of the criminal
2 procedure law, as amended by chapter 258 of the laws of 2015, is amended
3 to read as follows:

4 (a) If at any time during the defendant's participation in the judi-
5 cial diversion program, the court has reasonable grounds to believe that
6 the defendant has violated a release condition or has failed to appear
7 before the court as requested, the court shall direct the defendant to
8 appear or issue a bench warrant to a police officer or an appropriate
9 peace officer directing him or her to take the defendant into custody
10 and bring the defendant before the court without unnecessary delay;
11 provided, however, that under no circumstances shall a defendant who
12 requires treatment for opioid abuse or dependence be deemed to have
13 violated a release condition on the basis of his or her participation in
14 medically prescribed drug treatments under the care of a health care
15 professional licensed or certified under title eight of the education
16 law, acting within his or her lawful scope of practice. The provisions
17 of [subdivision one of] section 530.60 of this chapter relating to
18 [revocation of recognizance or bail] issuance of securing orders shall
19 apply to such proceedings under this subdivision.

20 § 26. Subdivision 3 of section 620.50 of the criminal procedure law is
21 amended to read as follows:

22 3. A material witness order must be executed as follows:

23 (a) If the bail is posted and approved by the court, the witness
24 must[, as provided in subdivision three of section 510.40,] be released
25 and be permitted to remain at liberty; provided that, where the bail is
26 posted by a person other than the witness himself, he may not be so
27 released except upon his signed written consent thereto;

1 (b) If the bail is not posted, or if though posted it is not approved
2 by the court, the witness must[, as provided in subdivision three of
3 section 510.40,] be committed to the custody of the sheriff.

4 § 27. This act shall take effect November 1, 2019.

5 PART D

6 Section 1. Section 240.10 of the criminal procedure law, as added by
7 chapter 412 of the laws of 1979, is amended to read as follows:

8 § 240.10 Discovery; definition of terms.

9 The following definitions are applicable to this article:

10 1. ["Demand to produce" means a written notice served by and on a
11 party to a criminal action, without leave of the court, demanding to
12 inspect property pursuant to this article and giving reasonable notice
13 of the time at which the demanding party wishes to inspect the property
14 designated.

15 2.] "Attorneys' work product" means [property] material to the extent
16 that it contains the opinions, theories or conclusions of the prosecu-
17 tor, defense counsel or members of their legal staffs.

18 [3.] 2. "Property" or "material" means any existing tangible personal
19 or real property, including, but not limited to, books, records,
20 reports, memoranda, papers, photographs, tapes or other electronic
21 recordings, articles of clothing, fingerprints, blood samples, finger-
22 nail scrapings or handwriting specimens, but excluding attorneys' work
23 product.

24 [4.] 3. "At the trial" means as part of the [people's] prosecutor's
25 or the defendant's direct case.

1 § 2. Section 240.20 of the criminal procedure law, as added by chapter
2 412 of the laws of 1979, the opening paragraph of subdivision 1 as
3 amended by chapter 317 of the laws of 1983, paragraphs (c), (d) and (g)
4 of subdivision 1 as amended and paragraph (i) as added by chapter 558 of
5 the laws of 1982, paragraph (e) of subdivision 1 as added and paragraphs
6 (f), (g), (h) and (i) as relettered by chapter 795 of the laws of 1984,
7 paragraph (j) of subdivision 1 as added by chapter 514 of the laws of
8 1986, and paragraph (k) of subdivision 1 as added by chapter 536 of the
9 laws 1989, is amended to read as follows:

10 § 240.20 Discovery; [upon demand of] automatic disclosure to defendant.

11 1. Except to the extent protected by court order[, upon a demand to
12 produce by a defendant against whom] or right to redaction pursuant to
13 this article, within fifteen days of arraignment on an indictment, supe-
14 rior court information, prosecutor's information, information, or
15 simplified information charging a misdemeanor is pending, the prosecutor
16 shall disclose to the defendant and make available for inspection,
17 photographing, copying or testing, the following property:

18 (a) Any written, recorded or oral statement of the defendant, and of
19 a co-defendant to be tried jointly, made, other than in the course of
20 the criminal transaction, to a public servant engaged in law enforcement
21 activity or to a person then acting under [his] the direction of, or in
22 cooperation with [him] such public servant;

23 (b) Any transcript of testimony relating to the criminal action or
24 proceeding pending against the defendant, given by the defendant, or by
25 a co-defendant to be tried jointly, before any grand jury;

26 (c) Any written report or document, or portion thereof, concerning a
27 physical or mental examination, or scientific test or experiment, relat-
28 ing to the criminal action or proceeding which was made by, or at the

1 request or direction of a public servant engaged in law enforcement
2 activity, or which was made by a person whom the prosecutor intends to
3 call as a witness at trial, or which the [people intend] prosecutor
4 intends to introduce at trial;

5 (d) Any photograph or drawing relating to the criminal action or
6 proceeding which was made or completed by a public servant engaged in
7 law enforcement activity, or which was made by a person whom the prose-
8 cutor intends to call as a witness at trial, or which the [people
9 intend] prosecutor intends to introduce at trial;

10 (e) Any photograph, photocopy or other reproduction made by or at the
11 direction of a police officer, peace officer or prosecutor of any prop-
12 erty prior to its release pursuant to the provisions of section 450.10
13 of the penal law, irrespective of whether the people intend to introduce
14 at trial the property or the photograph, photocopy or other reprod-
15 uction[.];

16 (f) Any other property obtained from the defendant, or a co-defendant
17 to be tried jointly;

18 (g) Any tapes or other electronic recordings which the prosecutor
19 intends to introduce at trial, irrespective of whether such recording
20 was made during the course of the criminal transaction;

21 (h) [Anything] Any other property or information required to be
22 disclosed, prior to trial, to the defendant by the prosecutor, pursuant
23 to the constitution of this state or of the United States[.] including,
24 but not limited to, all evidence and information, whether or not admis-
25 sible or recorded in tangible form, that tends to (i) exculpate the
26 defendant; (ii) mitigate the defendant's culpability as to a charged
27 offense; (iii) support a potential defense to a charged offense; (iv)
28 significantly impugn the credibility of an important prosecution

1 witness; or (v) a summary of all promises, rewards and inducements made
2 to persons who may be called as witnesses, as well as requests for
3 consideration by persons who may be called as witnesses, and copies of
4 all documents relevant to a promise, reward or inducement. The prose-
5 cution shall disclose evidence or information under this subdivision
6 expeditiously upon its receipt by the prosecutor, notwithstanding the
7 otherwise-applicable time periods for disclosure in this article;

8 (i) The approximate date, time and place of the offense charged and of
9 defendant's arrest[.];

10 (j) In any prosecution under penal law section 156.05 or 156.10, the
11 time, place and manner of notice given pursuant to subdivision six of
12 section 156.00 of such law[.];

13 (k) [in] In any prosecution commenced in a manner set forth in this
14 subdivision alleging a violation of the vehicle and traffic law, in
15 addition to any material required to be disclosed pursuant to this arti-
16 cle, any other provision of law, or the constitution of this state or of
17 the United States, any written report or document, or portion thereof,
18 concerning a physical examination, a scientific test or experiment,
19 including the most recent record of inspection, or calibration or repair
20 of machines or instruments utilized to perform such scientific tests or
21 experiments and the certification certificate, if any, held by the oper-
22 ator of the machine or instrument, which tests or examinations were made
23 by or at the request or direction of a public servant engaged in law
24 enforcement activity or which was made by a person whom the prosecutor
25 intends to call as a witness at trial, or which the people intend to
26 introduce at trial[.];

27 (l) A list of all tangible objects obtained from, or allegedly
28 possessed by, the defendant or a co-defendant. The list shall include a

1 designation by the prosecutor as to which objects were recovered during
2 a search or seizure by a public servant or an agent thereof, and which
3 tangible objects were recovered by a public servant or an agent thereof
4 after allegedly being abandoned by the defendant;

5 (m) A statement indicating whether a search warrant has been executed
6 and all documents relating thereto, including but not limited to the
7 warrant, the warrant application, supporting affidavits, a police inven-
8 tory of all property seized under the warrant, and a transcript of all
9 testimony or other oral communications offered in support of the warrant
10 application;

11 (n) Any expert opinion evidence, including the name, business address,
12 and current curriculum vitae, whom the prosecutor intends to call as a
13 witness at trial or a pre-trial hearing, and all reports prepared by the
14 expert that pertain to the case, or if no report is prepared, a written
15 statement of the facts and opinions to which the expert is expected to
16 testify and a summary of the grounds for each opinion. This paragraph
17 does not alter or in any way affect the procedures, obligations or
18 rights set forth in section 250.10 of this title. If in the exercise of
19 reasonable diligence this information is unavailable for disclosure
20 within the time period specified in this subdivision, that period shall
21 be stayed without need for a motion pursuant to this article; except
22 that the disclosure shall be made as soon as practicable and not later
23 than sixty calendar days before a scheduled trial date, unless an order
24 for further delay upon a showing of good cause is obtained. When the
25 prosecution's expert witness is being called in response to disclosure
26 of an expert witness by the defendant, the court may alter a scheduled
27 trial date, if necessary, to allow the prosecution thirty calendar days

1 to make the disclosure and the defendant thirty calendar days to prepare
2 and respond to the new materials.

3 2. The prosecutor shall make a prompt diligent, good faith effort to
4 ascertain the existence of [demanded] property subject to disclosure
5 under this section and to cause such property to be made available for
6 discovery where it exists but is not within the prosecutor's possession,
7 custody or control; provided, that the prosecutor shall not be required
8 to obtain by subpoena duces tecum demanded material which the defendant
9 may thereby obtain.

10 3. Upon motion of a party in an individual case, the court may alter
11 the time periods for discovery imposed by this article upon a showing of
12 good cause.

13 § 3. The criminal procedure law is amended by adding a new section
14 240.21 to read as follows:

15 § 240.21 Discovery; disclosure of police reports and prior statements of
16 prospective witnesses.

17 1. Except to the extent protected by court order or right to redaction
18 pursuant to this article, within thirty days of arraignment on an
19 indictment, superior court information, prosecutor's information, infor-
20 mation or simplified information charging a misdemeanor, the prosecutor
21 shall disclose to the defendant the following property, provided it is
22 in the possession of the prosecutor:

23 (a) Any report of a factual nature relating to the criminal action or
24 proceeding against the defendant and prepared by the prosecutor;

25 (b) Any report relating to the criminal action or proceeding against
26 the defendant prepared by, or at the direction of, a police officer, as
27 defined in subdivision thirty-four of section 1.20 of this chapter, who
28 is employed by a law enforcement agency which participated in the inves-

1 tigation, arrest or post-arrest processing of the defendant with respect
2 to the criminal action or proceeding against the defendant;

3 (c) Any report, other than those described by paragraphs (a) and (b)
4 of this subdivision, relating to the criminal action or proceeding
5 against the defendant, which was prepared by a law enforcement officer,
6 provided such report is in the actual possession of the prosecutor; and

7 (d) Any written or recorded statement, excluding grand jury testimony,
8 made by a witness whom the prosecutor intends to call at a pre-trial
9 hearing or at trial and which relates to the subject matter of that
10 witness' prospective testimony.

11 2. The prosecutor shall make a prompt diligent, good faith effort to
12 ascertain the existence of property subject to disclosure under this
13 section and to cause such property to be made available for discovery
14 where it exists but is not within the prosecutor's possession, custody
15 or control; provided, that the prosecutor shall not be required to
16 obtain by subpoena duces tecum demanded material which the defendant may
17 thereby obtain.

18 3. Upon motion of a party in an individual case, the court may alter
19 the time periods for discovery imposed by this article upon a showing of
20 good cause.

21 § 4. Section 240.30 of the criminal procedure law, as added by chapter
22 412 of the laws of 1979, subdivision 1 as amended by chapter 558 of the
23 laws of 1982, and the opening paragraph of subdivision 1 as amended by
24 chapter 317 of the laws of 1983, is amended to read as follows:

25 § 240.30 Discovery; [upon demand of] automatic disclosure to the prose-
26 cutor.

27 1. Except to the extent protected by court order or right to redaction
28 pursuant to this article, [upon a demand to produce by the prosecutor,]

1 within fifteen days of disclosure by the prosecutor pursuant to section
2 240.20 of this article, and prior to trial, a defendant against whom an
3 indictment, superior court information, prosecutor's information, infor-
4 mation, or simplified information charging a misdemeanor is pending
5 shall disclose and make available to the prosecution for inspection,
6 photographing, copying or testing, subject to constitutional limita-
7 tions:

8 (a) any written report or document, or portion thereof, concerning a
9 physical or mental examination, or scientific test, experiment, or
10 comparisons, made by or at the request or direction of, the defendant,
11 if the defendant intends to introduce such report or document at trial,
12 or if the defendant has filed a notice of intent to proffer psychiatric
13 evidence and such report or document relates thereto, or if such report
14 or document was made by a person, other than defendant, whom defendant
15 intends to call as a witness at trial; [and]

16 (b) any photograph, drawing, tape or other electronic recording which
17 the defendant intends to introduce at trial[.];

18 (c) All statements, written or recorded or summarized in any writing
19 or recording, made by all persons other than the defendant whom the
20 defendant intends to call as witnesses at trial or a pre-trial hearing;
21 except that disclosure of such statements made by a person whom the
22 defendant intends to call as a witness for the sole purpose of impeach-
23 ing a prosecution witness is not required until after the prosecution
24 witness has testified;

25 (d) A summary of all promises, rewards and inducements made to persons
26 whom the defendant intends to call as witnesses at trial or a pre-trial
27 hearing, as well as requests for consideration by such persons, and
28 copies of all documents relevant to a promise, reward or inducement;

1 (e) All tangible property, including but not limited to tapes or other
2 electronic recordings and photographs and drawings, that the defendant
3 intends to introduce in the defendant's case-in-chief at trial or a
4 pre-trial hearing. If in the exercise of reasonable diligence counsel
5 for the defendant has not formed an intention within the time period
6 specified in this section that an item under this subdivision will be
7 introduced at trial or a pre-trial hearing, that period shall be stayed
8 without need for a motion; but the disclosure shall be made as soon as
9 practicable and subject to the continuing duty to disclose;

10 (f) All reports and documents concerning physical or mental examina-
11 tions, or scientific tests or experiments or comparisons, which the
12 defendant intends to introduce at trial or a pre-trial hearing, or which
13 were made by a person whom the defendant intends to call as a witness at
14 trial or a pre-trial hearing;

15 (g) Intended expert opinion evidence, including the name, business
16 address, and current curriculum vitae, whom the defendant intends to
17 call as a witness at trial or a pre-trial hearing, and all reports
18 prepared by the expert that pertain to the case, or if no report is
19 prepared, a written statement of the facts and opinions to which the
20 expert is expected to testify and a summary of the grounds for each
21 opinion. This paragraph does not alter or in any way affect the proce-
22 dures, obligations or rights set forth in section 250.10 of this title.
23 If in the exercise of reasonable diligence this information is unavail-
24 able for disclosure within the time period specified in this subdivi-
25 sion, that period shall be stayed without need for a motion; except that
26 the disclosure shall be made as soon as practicable and not later than
27 thirty calendar days before a scheduled trial date, unless an order is
28 obtained.

1 2. The defense shall make a diligent good faith effort to make such
2 property available for discovery where it exists but the property is not
3 within its possession, custody or control, provided, that the defendant
4 shall not be required to obtain by subpoena duces tecum demanded materi-
5 al that the prosecutor may thereby obtain.

6 § 5. Section 240.35 of the criminal procedure law, as added by chapter
7 412 of the laws of 1979, is amended to read as follows:

8 § 240.35 Discovery; refusal [of demand] to disclose.

9 Notwithstanding the provisions of sections 240.20, 240.21, and 240.30
10 of this article, the prosecutor or the defendant, as the case may be,
11 may refuse to disclose any information which [he] that party reasonably
12 believes is not discoverable [by a demand to produce], pursuant to
13 [section 240.20 or section 240.30 as the case may be,] this article or
14 for which [he] the party reasonably believes a protective order or a
15 right to redaction would be warranted. Such refusal shall be made in a
16 writing, which shall set forth the grounds of such belief as fully as
17 possible, consistent with the objective of the refusal. The writing
18 shall be served upon the [demanding] other party and a copy shall be
19 filed with the court. Such refusal shall be made within the time by
20 which disclosure is required, but may be made after that time, as the
21 court may determine is required in the interest of justice.

22 § 6. Section 240.40 of the criminal procedure law, as added by chapter
23 412 of the laws of 1979, subdivision 1 as amended by chapter 19 of the
24 laws of 2012, the opening paragraph of subdivision 2 as amended by chap-
25 ter 317 of the laws of 1983, and the closing paragraph of subdivision 2
26 as amended by chapter 481 of the laws of 1983, is amended to read as
27 follows:

28 § 240.40 Discovery; upon court order.

1 1. Upon [motion] application of a defendant against whom an indict-
2 ment, superior court information, prosecutor's information, information,
3 or simplified information charging a misdemeanor is pending, the court
4 in which such accusatory instrument is pending:

5 (a) must order discovery as to any material not disclosed [upon a
6 demand] pursuant to section 240.20, if it finds that the prosecutor's
7 refusal to disclose such material is not justified; (b) must, unless it
8 is satisfied that the [people have] prosecutor has shown good cause why
9 such an order should not be issued, order discovery or issue any other
10 order authorized by subdivision one of section 240.70 as to any material
11 not disclosed [upon demand] pursuant to section 240.20 where the prose-
12 cutor has failed to serve a timely written refusal pursuant to section
13 240.35; (c) may order discovery with respect to any other property,
14 which the people intend to introduce at the trial, upon a showing by the
15 defendant that discovery with respect to such property is material to
16 the preparation of his or her defense, and that the request is reason-
17 able; and (d) where property in the people's possession, custody, or
18 control that consists of a deoxyribonucleic acid ("DNA") profile
19 obtained from probative biological material gathered in connection with
20 the investigation or prosecution of the defendant and the defendant
21 establishes that such profile complies with federal bureau of investi-
22 gation or state requirements, whichever are applicable and as such
23 requirements are applied to law enforcement agencies seeking a keyboard
24 search or similar comparison, and that the data meets state DNA index
25 system or national DNA index system criteria as such criteria are
26 applied to law enforcement agencies seeking such a keyboard search or
27 similar comparison, the court may order an entity that has access to the
28 combined DNA index system or its successor system to compare such DNA

1 profile against DNA databanks by keyboard searches, or a similar method
2 that does not involve uploading, upon notice to both parties and the
3 entity required to perform the search, upon a showing by the defendant
4 that such a comparison is material to the presentation of his or her
5 defense and that the request is reasonable. For purposes of this para-
6 graph, a "keyboard search" shall mean a search of a DNA profile against
7 the databank in which the profile that is searched is not uploaded to or
8 maintained in the databank. Upon granting the motion pursuant to para-
9 graph (c) of this subdivision, the court shall, upon motion of the
10 people showing such to be material to the preparation of their case and
11 that the request is reasonable, condition its order of discovery by
12 further directing discovery by the people of property, of the same kind
13 or character as that authorized to be inspected by the defendant, which
14 he or she intends to introduce at the trial. The prosecutor may redact
15 any such property and the court may review that redaction, as set forth
16 in this article.

17 2. Upon motion of the prosecutor, and subject to constitutional limi-
18 tation, the court in which an indictment, superior court information,
19 prosecutor's information, information, or simplified information charg-
20 ing a misdemeanor is pending: (a) must order discovery as to any proper-
21 ty not disclosed [upon a demand] pursuant to section 240.30, if it finds
22 that the defendant's refusal to disclose such material is not justified;
23 and (b) may order the defendant to provide non-testimonial evidence.
24 Such order may, among other things, require the defendant to:

- 25 (i) Appear in a line-up;
- 26 (ii) Speak for identification by a witness or a potential witness;
- 27 (iii) Be fingerprinted;
- 28 (iv) Pose for photographs not involving reenactment of an event;

1 (v) Permit the taking of samples of blood, hair or other materials
2 from his or her body in a manner not involving an unreasonable intrusion
3 thereof or a risk of serious physical injury thereto;

4 (vi) Provide specimens of his or her handwriting;

5 (vii) Submit to a reasonable physical or medical inspection of his or
6 her body.

7 This subdivision shall not be construed to limit, expand, or otherwise
8 affect the issuance of a similar court order, as may be authorized by
9 law, before the filing of an accusatory instrument consistent with such
10 rights as the defendant may derive from the constitution of this state
11 or of the United States. This section shall not be construed to limit or
12 otherwise affect the [adminstration] administration of a chemical test
13 where otherwise authorized pursuant to section one thousand one hundred
14 ninety-four-a of the vehicle and traffic law.

15 3. An order pursuant to this section may be denied, limited or condi-
16 tioned as provided in section 240.50 of this article.

17 § 7. Section 240.43 of the criminal procedure law, as added by chapter
18 222 of the laws of 1987, is amended to read as follows:

19 § 240.43 Discovery; disclosure of prior uncharged criminal, vicious or
20 immoral acts.

21 Upon a request by a defendant, the prosecutor shall notify the defend-
22 ant of all specific instances of a defendant's prior uncharged criminal,
23 vicious or immoral conduct of which the prosecutor has knowledge and
24 which the prosecutor intends to use at trial for purposes of impeaching
25 the credibility of the defendant. Such notification by the prosecutor
26 shall be made [immediately prior to the commencement of jury selection,
27 except that the court may, in its discretion, order such notification
28 and make its determination as to the admissibility for impeachment

1 purposes of such conduct within a period of three days, excluding Satur-
2 days, Sundays and holidays,] fifteen days prior to the commencement of
3 jury selection.

4 § 8. The opening paragraph of section 240.44 of the criminal procedure
5 law, as added by chapter 558 of the laws of 1982, is amended to read as
6 follows:

7 Subject to a protective order or the right to redaction, at a pre-
8 trial hearing held in a criminal court at which a witness is called to
9 testify, each party, at the conclusion of the direct examination of each
10 of its witnesses, shall, upon request of the other party, make available
11 to that party to the extent not previously disclosed:

12 § 9. Section 240.45 of the criminal procedure law, as amended by chap-
13 ter 558 of the laws 1982, paragraph (a) of subdivision 1 as amended by
14 chapter 804 of the laws 1984, is amended to read as follows:

15 § 240.45 Discovery; upon trial, of prior statements and criminal history
16 of witnesses.

17 1. [After the jury has been sworn and before the prosecutor's opening
18 address, or in the case of a single judge trial after commencement and
19 before submission of evidence, the] The prosecutor shall, subject to a
20 protective order or right to redaction, make available to the defendant
21 fifteen days prior to the commencement of jury selection:

22 (a) Any written or recorded statement, including any testimony before
23 a grand jury and an examination videotaped pursuant to section 190.32 of
24 this chapter, made by a person whom the prosecutor intends to call as a
25 witness at trial, and which relates to the subject matter of the
26 witness's testimony;

1 (b) A record of judgment of conviction of a witness the people intend
2 to call at trial if the record of conviction is known by the prosecutor
3 to exist;

4 (c) The existence of any pending criminal action against a witness
5 the people intend to call at trial, if the pending criminal action is
6 known by the prosecutor to exist.

7 The provisions of paragraphs (b) and (c) of this subdivision shall not
8 be construed to require the prosecutor to fingerprint a witness or
9 otherwise cause the division of criminal justice services or other law
10 enforcement agency or court to issue a report concerning a witness.

11 2. [After presentation of the people's direct case and before the
12 presentation of the defendant's direct case, the] The defendant shall,
13 subject to a protective order or right to redaction, make available to
14 the prosecutor within fifteen days prior to the commencement of jury
15 selection:

16 (a) any written or recorded statement made by a person other than the
17 defendant whom the defendant intends to call as a witness at the trial,
18 and which relates to the subject matter of the witness's testimony;

19 (b) a record of judgment of conviction of a witness, other than the
20 defendant, the defendant intends to call at trial if the record of
21 conviction is known by the defendant to exist;

22 (c) the existence of any pending criminal action against a witness,
23 other than the defendant, the defendant intends to call at trial, if the
24 pending criminal action is known by the defendant to exist.

25 § 10. Section 240.50 of the criminal procedure law, as added by chap-
26 ter 412 of the laws of 1979, subdivision 4 as amended by chapter 348 of
27 the laws of 1985, is amended to read as follows:

28 § 240.50 Discovery; protective orders.

1 1. The court in which the criminal action is pending may, upon motion
2 of either party, or of any affected person, or upon determination of a
3 motion of either party for an order of discovery, or upon its own initi-
4 ative, issue a protective order denying, limiting, conditioning, delay-
5 ing or regulating discovery pursuant to this article for good cause,
6 including constitutional limitations, danger to the integrity of phys-
7 ical evidence or a substantial risk of physical harm, intimidation,
8 economic reprisal, bribery or unjustified annoyance or embarrassment to
9 any person or an adverse effect upon the legitimate needs of law
10 enforcement, including the protection of the confidentiality of infor-
11 mants, or danger to any person stemming from factors such as a defend-
12 ant's gang affiliation, prior history of interfering with witnesses, or
13 threats or intimidating actions directed at potential witnesses, or any
14 other factor or set of factors which outweighs the usefulness of the
15 discovery.

16 2. An order limiting, conditioning, delaying or regulating discovery
17 may, among other things, require that any material copied or derived
18 therefrom be maintained in the exclusive possession of the attorney for
19 the discovering party and be used for the exclusive purpose of preparing
20 for the defense or prosecution of the criminal action.

21 3. A motion for a protective order shall suspend discovery of the
22 particular matter in dispute.

23 4. Notwithstanding any other provision of this article, the personal
24 residence address of a police officer or correction officer shall not be
25 required to be disclosed except pursuant to an order issued by a court
26 following a finding of good cause.

27 5. (a) A party that has unsuccessfully sought, or unsuccessfully
28 opposed the granting of, a protective order under this section relating

1 to the name, address, contact information or statements of a person may
2 obtain expedited review of that ruling by an individual justice of the
3 intermediate appellate court to which an appeal from a judgment of
4 conviction in the case would be taken.

5 (b) Such review shall be sought within two business days of the
6 adverse or partially adverse ruling, by order to show cause filed with
7 the intermediate appellate court. The order to show cause shall in addi-
8 tion be timely served on the lower court and on the opposing party, and
9 shall be accompanied by a sworn affirmation stating in good faith (i)
10 that the ruling affects substantial interests, and (ii) that diligent
11 efforts to reach an accommodation of the underlying discovery dispute
12 with opposing counsel failed or that no accommodation was feasible;
13 except that service on the opposing party, and a statement regarding
14 efforts to reach an accommodation, are unnecessary where the opposing
15 party was not made aware of the application for a protective order and
16 good cause exists for omitting service of the order to show cause on the
17 opposing party. The lower court's order subject to review shall be
18 stayed until the appellate justice renders a decision.

19 (c) The assignment of the individual appellate justice, and the mode
20 of and procedure for the review, are determined by rules of the individ-
21 ual appellate courts. The appellate justice may consider any relevant
22 and reliable information bearing on the issue, and may dispense with
23 written briefs other than supporting and opposing materials previously
24 submitted to the lower court. The appellate justice may dispense with
25 the issuance of a written opinion in rendering his or her decision, and
26 when practicable shall render decision expeditiously. Such review and
27 decision shall not affect the right of a defendant, in a subsequent

1 appeal from a judgment of conviction, to claim as error the ruling
2 reviewed.

3 6. Any protective order issued under this article is a mandate of the
4 court for purposes of the offense of criminal contempt in subdivision
5 three of section 215.50 of the penal law.

6 § 11. The criminal procedure law is amended by adding a new section
7 240.51 to read as follows:

8 § 240.51 Discovery; right to redaction.

9 1. Any property, material, report or statement required to be
10 disclosed under this article may be redacted by the prosecutor to elimi-
11 nate information, the disclosure of which could interfere with an ongo-
12 ing investigation or case.

13 (a) Upon application of the defendant, such redaction may be reviewed
14 by the court and disclosure may be ordered, unless the prosecutor demon-
15 strates that disclosure of the redacted information could interfere with
16 an ongoing investigation or case or demonstrates the need for any other
17 protective order. Upon application by either party, the court may review
18 any such redaction in an ex parte, in camera, proceeding. In assessing
19 whether the prosecutor demonstrates that disclosure of the redacted
20 information could interfere with an ongoing investigation or case, the
21 court may consider:

22 (i) The pending charges against defendant;

23 (ii) Defendant's character, reputation;

24 (iii) Defendant's criminal record, if any;

25 (iv) Defendant's record of previous adjudication as a juvenile delin-
26 quent, as retained pursuant to section 354.2 of the family court act,
27 or, of pending cases where fingerprints are retained pursuant to section
28 306.1 of such act, or a youthful offender, if any;

1 (v) Where the defendant is charged with a crime or crimes against a
2 member or members of the same family or household as that term is
3 defined in subdivision one of section 530.11 of this chapter, the
4 following factors:

5 (A) any violation by the defendant of an order of protection of a
6 member or members of the same family or household as that term is
7 defined in subdivision one of section 530.11 of this chapter, whether or
8 not such order of protection is currently in effect; and

9 (B) the defendant's history of use or possession of a firearm;

10 (vi) The weight of the evidence against the defendant in the pending
11 criminal action and any other factor indicating probability or improba-
12 bility of conviction;

13 (vii) The sentence which may be or has been imposed upon conviction;

14 (viii) Witness' desire to have identity remain confidential;

15 (ix) Witness' role in the proceeding;

16 (x) Public safety;

17 (xi) Defendant's affiliation with any gangs or organizations and
18 whether the gang or organization has any history of interfering with
19 witnesses or intimidating witnesses;

20 (xii) Any history of defendant, or those affiliated with defendant,
21 interfering with witnesses or intimidating witnesses; and

22 (xiii) Defendant's constitutional right under both the federal and
23 state constitution to present a defense.

24 (b) Any report that is redacted pursuant to this subdivision shall so
25 indicate, unless the court orders otherwise, in the interest of justice
26 for good cause shown, including the protection of witnesses or maintain-
27 ing the confidentiality of an ongoing investigation.

1 (c) Any property, material, report or statement required to be
2 disclosed under this article may be redacted by the prosecutor to elimi-
3 nate the name, address, or any other information that serves to identify
4 with particularity a person supplying information relating to the crimi-
5 nal action or proceeding against the defendant.

6 2. Nothing in this section shall be construed to create, limit, expand
7 or in any way affect any authority that the court otherwise may have to
8 order pre-trial disclosure of the identity or address of a witness.

9 3. Upon motion of a party in an individual case, the court may alter
10 the time periods for discovery imposed by this article upon a showing of
11 good cause.

12 § 12. Section 240.60 of the criminal procedure law, as added by chap-
13 ter 412 of the laws of 1979, is amended to read as follows:

14 § 240.60 Discovery; continuing duty to disclose.

15 If, after complying with the provisions of this article or an order
16 pursuant thereto, a party finds, either before or during trial, addi-
17 tional material subject to discovery or covered by such order, [he] the
18 party shall promptly make disclosure of such material and comply with
19 [the demand or order, refuse to comply with the demand where refusal is
20 authorized] this article, or apply for a protective order.

21 § 13. Subdivision 1 of section 240.70 of the criminal procedure law,
22 as added by chapter 412 of the laws of 1979, is amended to read as
23 follows:

24 1. If, during the course of discovery proceedings, the court finds
25 that a party has failed to comply with any of the provisions of this
26 article, the court may order such party to permit discovery of the prop-
27 erty not previously disclosed, grant a continuance, issue a protective
28 order, grant an adverse inference instruction to the trier of fact,

1 prohibit the introduction of certain evidence or the calling of certain
2 witnesses or take any other appropriate action.

3 § 14. Section 240.80 of the criminal procedure law is REPEALED.

4 § 15. The penal law is amended by adding a new section 215.07 to read
5 as follows:

6 § 215.07 Tampering with or intimidating a victim or witness through
7 social media.

8 1. A person is guilty of tampering with or intimidating a victim or
9 witness through social media when he or she disseminates information on
10 social media with the intent to induce a witness or victim:

11 (a) to absent himself or herself from, or otherwise to avoid or seek
12 to avoid appearing at, producing records, documents or other objects for
13 use at, or testifying at a criminal action or proceeding; or

14 (b) refrain from communicating information or producing records, docu-
15 ments or other objects to any court, grand jury, prosecutor, police
16 officer or peace officer concerning a criminal transaction.

17 2. Social media includes, but is not limited to forms of communication
18 through which users participate in online communities to share informa-
19 tion, ideas, personal messages, and other content.

20 Tampering with or intimidating a victim or witness through social
21 media is a class A misdemeanor.

22 § 16. Section 215.10 of the penal law, the section heading and the
23 closing paragraph as amended by chapter 664 of the laws of 1982, is
24 amended to read as follows:

25 § 215.10 Tampering with a witness in the [fourth] fifth degree.

26 A person is guilty of tampering with a witness in the fifth degree
27 when, knowing that a person [is or is about to] may be called as a
28 witness in an action or proceeding, (a) he or she wrongfully induces or

1 attempts to induce such person to absent himself or herself from, or
2 otherwise to avoid or seek to avoid appearing at, producing records,
3 documents or other objects for use at or testifying at, such action or
4 proceeding, or (b) he or she knowingly makes any false statement or
5 practices any fraud or deceit with intent to affect the testimony of
6 such person.

7 Tampering with a witness in the [fourth] fifth degree is a class A
8 misdemeanor.

9 § 17. Section 215.11 of the penal law, as added by chapter 664 of the
10 laws of 1982, is amended to read as follows:

11 § 215.11 Tampering with a witness in the [third] fourth degree.

12 A person is guilty of tampering with a witness in the [third] fourth
13 degree when, knowing that a person [is about to] may be called as a
14 witness in a criminal proceeding:

15 1. He or she wrongfully compels or attempts to compel such person to
16 absent himself from, or otherwise to avoid or seek to avoid appearing
17 at, producing records, documents or other objects for use at or testify-
18 ing at such proceeding by means of instilling in him or her a fear that
19 the actor will cause physical injury to such person or another person;
20 or

21 2. He or she wrongfully compels or attempts to compel such person to
22 swear falsely or alter, destroy, mutilate or conceal an object with the
23 intent to impair the integrity or availability of the object for use in
24 the action or proceeding by means of instilling in him or her a fear
25 that the actor will cause physical injury to such person or another
26 person.

27 Tampering with a witness in the [third] fourth degree is a class E
28 felony.

1 § 18. Section 215.12 of the penal law, as added by chapter 664 of the
2 laws of 1982, is amended to read as follows:

3 § 215.12 Tampering with a witness in the [second] third degree.

4 A person is guilty of tampering with a witness in the [second] third
5 degree when he or she:

6 1. Intentionally causes or attempts to cause physical injury to a
7 person for the purpose of obstructing, delaying, preventing or impeding
8 the giving of testimony in a criminal proceeding by such person or
9 another person or for the purpose of compelling such person or another
10 person to swear falsely or alter, destroy, mutilate or conceal an object
11 with the intent to impair the integrity or availability of the object
12 for use in the action or proceeding; or

13 2. [He intentionally] Intentionally causes or attempts to cause phys-
14 ical injury to a person on account of such person or another person
15 having testified in a criminal proceeding or produced records, documents
16 or other objects for use in a criminal proceeding.

17 Tampering with a witness in the [second] third degree is a class D
18 felony.

19 § 19. Section 215.13 of the penal law, as added by chapter 664 of the
20 laws of 1982, is amended to read as follows:

21 § 215.13 Tampering with a witness in the [first] second degree.

22 A person is guilty of tampering with a witness in the [first] second
23 degree when:

24 1. He or she intentionally causes or attempts to cause serious phys-
25 ical injury to a person for the purpose of obstructing, delaying,
26 preventing or impeding the giving of testimony in a criminal proceeding
27 by such person or another person or for the purpose of compelling such
28 person or another person to swear falsely or alter, destroy, mutilate or

1 conceal an object with the intent to impair the integrity or availabili-
2 ty of the object for use in the action or proceeding; or

3 2. He or she intentionally causes or attempts to cause serious phys-
4 ical injury to a person on account of such person or another person
5 having testified in a criminal proceeding or produced records, documents
6 or other objects for use in a criminal proceeding.

7 Tampering with a witness in the [first] second degree is a class B
8 felony.

9 § 20. The penal law is amended by adding a new section 215.13-a to
10 read as follows:

11 § 215.13-a Tampering with a witness in the first degree.

12 A person is guilty of tampering with a witness in the first degree
13 when:

14 1. He or she intentionally causes or attempts to cause the death of a
15 person for the purpose of obstructing, delaying, preventing or impeding
16 the giving of testimony in a criminal proceeding by such person or
17 another person or for the purpose of compelling such person or another
18 person to swear falsely or alter, destroy, mutilate or conceal an object
19 with the intent to impair the integrity or availability of the object
20 for use in the action or proceeding; or

21 2. He or she intentionally causes or attempts to cause the death of a
22 person on account of such person or another person having testified in a
23 criminal proceeding or produced records, documents or other objects for
24 use in a criminal proceeding.

25 Tampering with a witness in the first degree is a class A-I felony.

26 § 21. Section 215.15 of the penal law, as added by chapter 667 of the
27 laws of 1985, is amended to read as follows:

28 § 215.15 Intimidating a victim or witness in the [third] fourth degree.

1 A person is guilty of intimidating a victim or witness in the [third]
2 fourth degree when, knowing that another person possesses information
3 records, documents or other objects relating to a criminal transaction
4 and other than in the course of that criminal transaction or immediate
5 flight therefrom, he or she:

6 1. Wrongfully compels or attempts to compel such other person to
7 refrain from communicating such information or producing records, docu-
8 ments or objects to any court, grand jury, prosecutor, police officer or
9 peace officer by means of instilling in him a fear that the actor will
10 cause physical injury to such other person or another person; or

11 2. Intentionally damages the property of such other person or another
12 person for the purpose of compelling such other person or another person
13 to refrain from communicating information or producing records, docu-
14 ments or other objects, or on account of such other person or another
15 person having communicated[,] information or produced records, documents
16 or other objects, relating to that criminal transaction to any court,
17 grand jury, prosecutor, police officer or peace officer; or

18 3. Intentionally distributes or posts through the internet or social
19 media, including any form of communication through which users partic-
20 ipate in online communities to share information, ideas, personal
21 messages and other content, copies of a victim or witness statement,
22 including but not limited to transcripts of grand jury testimony or a
23 written statement given by the victim or witness during the course of a
24 criminal investigation or proceeding, or a visual image of a victim or
25 witness or any other person, for the purpose of compelling a person to
26 refrain from communicating, or on account of such victim, witness or
27 another person having communicated, information relating to that crimi-

1 nal transaction to any court, grand jury, prosecutor, police officer or
2 peace officer.

3 Intimidating a victim or witness in the [third] fourth degree is a
4 class E felony.

5 § 22. Section 215.16 of the penal law, as added by chapter 667 of the
6 laws of 1985, is amended to read as follows:

7 § 215.16 Intimidating a victim or witness in the [second] third degree.

8 A person is guilty of intimidating a victim or witness in the [second]
9 third degree when, other than in the course of that criminal transaction
10 or immediate flight therefrom, he or she:

11 1. Intentionally causes or attempts to cause physical injury to another
12 person for the purpose of obstructing, delaying, preventing or impeding
13 the communication by such other person or another person of information
14 or the production of records, documents or other objects relating
15 to a criminal transaction to any court, grand jury, prosecutor, police
16 officer or peace officer or for the purpose of compelling such other
17 person or another person to swear falsely; or

18 2. Intentionally causes or attempts to cause physical injury to another
19 person on account of such other person or another person having
20 communicated information or produced records, documents or other objects
21 relating to a criminal transaction to any court, grand jury, prosecutor,
22 police officer or peace officer; or

23 3. Recklessly causes physical injury to another person by intentionally
24 damaging the property of such other person or another person,
25 for the purpose of obstructing, delaying, preventing or impeding such
26 other person or another person from communicating or producing records,
27 documents or other objects, or on account of such other person or another
28 person having communicated[,] information or produced records, docu-

1 ments or other objects, relating to a criminal transaction to any court,
2 grand jury, prosecutor, police officer or peace officer.

3 Intimidating a victim or witness in the [second] third degree is a
4 class D felony.

5 § 23. Section 215.17 of the penal law, as added by chapter 667 of the
6 laws of 1985, is amended to read as follows:

7 § 215.17 Intimidating a victim or witness in the [first] second degree.

8 A person is guilty of intimidating a victim or witness in the [first]
9 second degree when, other than in the course of that criminal trans-
10 action or immediate flight therefrom, he or she:

11 1. Intentionally causes or attempts to cause serious physical injury
12 to another person for the purpose of obstructing, delaying, preventing
13 or impeding the communication by such other person or another person of
14 information or the production of records, documents or other objects
15 relating to a criminal transaction to any court, grand jury, prosecutor,
16 police officer or peace officer or for the purpose of compelling such
17 other person or another person to swear falsely; or

18 2. Intentionally causes or attempts to cause serious physical injury
19 to another person on account of such other person or another person
20 having communicated information or produced records, documents or other
21 objects relating to a criminal transaction to any court, grand jury,
22 prosecutor, police officer or peace officer.

23 Intimidating a victim or witness in the [first] second degree is a
24 class B felony.

25 § 24. The penal law is amended by adding a new section 215.18 to read
26 as follows:

27 § 215.18 Intimidating a victim or witness in the first degree.

1 A person is guilty of intimidating a victim or witness in the first
2 degree when, other than in the course of that criminal transaction or
3 immediate flight therefrom, he or she:

4 1. Intentionally causes or attempts to cause the death of another
5 person for the purpose of obstructing, delaying, preventing or impeding
6 the communication by such other person or another person of information
7 or the production of records, documents or other objects relating to a
8 criminal transaction to any court, grand jury, prosecutor, police offi-
9 cer or peace officer or for the purpose of compelling such other person
10 or another person to swear falsely; or

11 2. Intentionally causes or attempts to cause the death of another
12 person on account of such other person or another person having communi-
13 cated information or produced records, documents or other objects,
14 relating to a criminal transaction to any court, grand jury, prosecutor,
15 police officer or peace officer.

16 Intimidating a victim or witness in the first degree is a class A-I
17 felony.

18 § 25. The opening paragraph of paragraph (b) of subdivision 1 of
19 section 440.30 of the criminal procedure law, as added by chapter 19 of
20 the laws of 2012, is amended to read as follows:

21 In conjunction with the filing or consideration of a motion to vacate
22 a judgment pursuant to section 440.10 of this article by a defendant
23 convicted after a trial, in cases where the court has ordered an eviden-
24 tiary hearing upon such motion, the court may order that the people
25 produce or make available for inspection property, as defined in subdivi-
26 sion [three] two of section 240.10 of this part, in its possession,
27 custody, or control that was secured in connection with the investi-
28 gation or prosecution of the defendant upon credible allegations by the

1 defendant and a finding by the court that such property, if obtained,
2 would be probative to the determination of defendant's actual innocence,
3 and that the request is reasonable. The court shall deny or limit such a
4 request upon a finding that such a request, if granted, would threaten
5 the integrity or chain of custody of property or the integrity of the
6 processes or functions of a laboratory conducting DNA testing, pose a
7 risk of harm, intimidation, embarrassment, reprisal, or other substan-
8 tially negative consequences to any person, undermine the proper func-
9 tions of law enforcement including the confidentiality of informants, or
10 on the basis of any other factor identified by the court in the inter-
11 ests of justice or public safety. The court shall further ensure that
12 any property produced pursuant to this paragraph is subject to a protec-
13 tive order, where appropriate. The court shall deny any request made
14 pursuant to this paragraph where:

15 § 26. Paragraph (a) of subdivision 2 of section 530.60 of the criminal
16 procedure law, as amended by chapter 794 of the laws of 1986, is amended
17 to read as follows:

18 (a) Whenever in the course of a criminal action or proceeding a
19 defendant charged with the commission of a felony is at liberty as a
20 result of an order of recognizance or bail issued pursuant to this arti-
21 cle it shall be grounds for revoking such order that the court finds
22 reasonable cause to believe the defendant committed one or more speci-
23 fied class A or violent felony offenses or intimidated a victim or
24 witness in violation of sections 215.15, 215.16 [or], 215.17 or 215.18
25 of the penal law while at liberty. Before revoking an order of recogni-
26 zance or bail pursuant to this subdivision, the court must hold a hear-
27 ing and shall receive any relevant, admissible evidence not legally
28 privileged. The defendant may cross-examine witnesses and may present

1 relevant, admissible evidence on his own behalf. Such hearing may be
2 consolidated with, and conducted at the same time as, a felony hearing
3 conducted pursuant to article one hundred eighty of this chapter. A
4 transcript of testimony taken before the grand jury upon presentation of
5 the subsequent offense shall be admissible as evidence during the hear-
6 ing. The district attorney may move to introduce grand jury testimony
7 of a witness in lieu of that witness' appearance at the hearing.

8 § 27. Paragraph (c) of subdivision 2 of section 646-a of the executive
9 law, as added by chapter 67 of the laws of 1994, is amended to read as
10 follows:

11 (c) the rights of crime victims to be protected from intimidation and
12 to have the court, where appropriate, issue protective orders as
13 provided in sections 530.12 and 530.13 of the criminal procedure law and
14 sections 215.15, 215.16 [and], 215.17 and 215.18 of the penal law;

15 § 28. Paragraph (a) of subdivision 1 of section 70.02 of the penal
16 law, as amended by chapter 368 of the laws of 2015, is amended to read
17 as follows:

18 (a) Class B violent felony offenses: an attempt to commit the class
19 A-I felonies of murder in the second degree as defined in section
20 125.25, kidnapping in the first degree as defined in section 135.25, and
21 arson in the first degree as defined in section 150.20; manslaughter in
22 the first degree as defined in section 125.20, aggravated manslaughter
23 in the first degree as defined in section 125.22, rape in the first
24 degree as defined in section 130.35, criminal sexual act in the first
25 degree as defined in section 130.50, aggravated sexual abuse in the
26 first degree as defined in section 130.70, course of sexual conduct
27 against a child in the first degree as defined in section 130.75;
28 assault in the first degree as defined in section 120.10, kidnapping in

1 the second degree as defined in section 135.20, burglary in the first
2 degree as defined in section 140.30, arson in the second degree as
3 defined in section 150.15, robbery in the first degree as defined in
4 section 160.15, sex trafficking as defined in paragraphs (a) and (b) of
5 subdivision five of section 230.34, incest in the first degree as
6 defined in section 255.27, criminal possession of a weapon in the first
7 degree as defined in section 265.04, criminal use of a firearm in the
8 first degree as defined in section 265.09, criminal sale of a firearm in
9 the first degree as defined in section 265.13, aggravated assault upon a
10 police officer or a peace officer as defined in section 120.11, gang
11 assault in the first degree as defined in section 120.07, intimidating a
12 victim or witness in the [first] second degree as defined in section
13 215.17, hindering prosecution of terrorism in the first degree as
14 defined in section 490.35, criminal possession of a chemical weapon or
15 biological weapon in the second degree as defined in section 490.40, and
16 criminal use of a chemical weapon or biological weapon in the third
17 degree as defined in section 490.47.

18 § 29. This act shall take effect on the first of November next
19 succeeding the date on which it shall have become a law.

20 PART E

21 Section 1. Subdivisions 4-a, 4-b, 9 and 10 of section 1310 of the
22 civil practice law and rules are REPEALED.

23 § 2. Subdivision 8 of section 1310 of the civil practice law and
24 rules, as added by chapter 669 of the laws of 1984, is amended to read
25 as follows:

1 8. "Defendant" means a person against whom a forfeiture action is
2 commenced [and includes a "criminal defendant" and a "non-criminal
3 defendant"].

4 § 3. Subdivision 3-a of section 1311 of the civil practice law and
5 rules is REPEALED.

6 § 4. Subdivisions 1, 3, 4, 4-a and 8 of section 1311 of the civil
7 practice law and rules, subdivisions 1, 3, 4 and 8 as added by chapter
8 669 of the laws of 1984, the opening paragraph of subdivision 1 as
9 amended and subparagraph (v) of paragraph (b) and paragraphs (d) and (e)
10 of subdivision 3 and subdivision 4-a as added by chapter 655 of the laws
11 of 1990, are amended to read as follows:

12 1. A civil action may be commenced by the appropriate claiming author-
13 ity against a [criminal] defendant to recover the property which consti-
14 tutes the proceeds of a crime, the substituted proceeds of a crime, an
15 instrumentality of a crime or the real property instrumentality of a
16 crime or to recover a money judgment in an amount equivalent in value to
17 the property which constitutes the proceeds of a crime, the substituted
18 proceeds of a crime, an instrumentality of a crime, or the real property
19 instrumentality of a crime. [A civil action may be commenced against a
20 non-criminal defendant to recover the property which constitutes the
21 proceeds of a crime, the substituted proceeds of a crime, an instrumen-
22 tality of a crime, or the real property instrumentality of a crime
23 provided, however, that a judgment of forfeiture predicated upon clause
24 (A) of subparagraph (iv) of paragraph (b) of subdivision three hereof
25 shall be limited to the amount of the proceeds of the crime.] Any action
26 under this article must be commenced within five years of the commission
27 of the crime and shall be civil, remedial, and in personam in nature and
28 shall not be deemed to be a penalty or criminal forfeiture for any

1 purpose. Except as otherwise specially provided by statute, the
2 proceedings under this article shall be governed by this chapter. An
3 action under this article is not a criminal proceeding and may not be
4 deemed to be a previous prosecution under article forty of the criminal
5 procedure law.

6 [(a) Actions relating to post-conviction forfeiture crimes. An action
7 relating to a post-conviction forfeiture crime must be grounded upon a
8 conviction of a felony defined in subdivision five of section one thou-
9 sand three hundred ten of this article, or upon criminal activity aris-
10 ing from a common scheme or plan of which such a conviction is a part,
11 or upon a count of an indictment or information alleging a felony which
12 was dismissed at the time of a plea of guilty to a felony in satisfac-
13 tion of such count.] A court may not grant forfeiture until such
14 conviction has occurred. However, an action may be commenced, and a
15 court may grant a provisional remedy provided under this article, prior
16 to such conviction having occurred. Any property seized pursuant to
17 this subdivision shall be returned to the defendant if the criminal
18 action does not terminate in the defendant's conviction for a crime. An
19 action under this paragraph must be dismissed at any time after sixty
20 days of the commencement of the action unless the conviction upon which
21 the action is grounded has occurred, or an indictment or information
22 upon which the asserted conviction is to be based is pending in a supe-
23 rior court. An action under this paragraph shall be stayed during the
24 pendency of a criminal action which is related to it; provided, however,
25 that such stay shall not prevent the granting or continuance of any
26 provisional remedy provided under this article or any other provisions
27 of law.

1 [(b) Actions relating to pre-conviction forfeiture crimes. An action
2 relating to a pre-conviction forfeiture crime need not be grounded upon
3 conviction of a pre-conviction forfeiture crime, provided, however, that
4 if the action is not grounded upon such a conviction, it shall be neces-
5 sary in the action for the claiming authority to prove the commission of
6 a pre-conviction forfeiture crime by clear and convincing evidence. An
7 action under this paragraph shall be stayed during the pendency of a
8 criminal action which is related to it; provided, that upon motion of a
9 defendant in the forfeiture action or the claiming authority, a court
10 may, in the interest of justice and for good cause, and with the consent
11 of all parties, order that the forfeiture action proceed despite the
12 pending criminal action; and provided that such stay shall not prevent
13 the granting or continuance of any provisional remedy provided under
14 this article or any other provision of law.]

15 3. In a forfeiture action pursuant to this article the following
16 burdens of proof shall apply:

17 (a) In a forfeiture action [commenced by a claiming authority against
18 a criminal defendant, except for those facts referred to in paragraph
19 (b) of subdivision nine of section one thousand three hundred ten and
20 paragraph (b) of subdivision one of this section which must be proven by
21 clear and convincing evidence,] the burden shall be upon the claiming
22 authority to prove by a preponderance of the evidence the facts neces-
23 sary to establish a claim for forfeiture.

24 (b) [In a forfeiture action commenced by a claiming authority against
25 a non-criminal defendant:

26 (i) in an action relating to a pre-conviction forfeiture crime, the
27 burden shall be upon the claiming authority to prove by clear and
28 convincing evidence the commission of the crime by a person, provided,

1 however, that it shall not be necessary to prove the identity of such
2 person.

3 (ii) if the action relates to the proceeds of a crime, except as
4 provided in subparagraph (i) hereof, the burden shall be upon the claim-
5 ing authority to prove by a preponderance of the evidence the facts
6 necessary to establish a claim for forfeiture and that the non-criminal
7 defendant either (A) knew or should have known that the proceeds were
8 obtained through the commission of a crime, or (B) fraudulently obtained
9 his or her interest in the proceeds to avoid forfeiture.

10 (iii) if the action relates to the substituted proceeds of a crime,
11 except as provided in subparagraph (i) hereof, the burden shall be upon
12 the claiming authority to prove by a preponderance of the evidence the
13 facts necessary to establish a claim for forfeiture and that the non-
14 criminal defendant either (A) knew that the property sold or exchanged
15 to obtain an interest in the substituted proceeds was obtained through
16 the commission of a crime, or (B) fraudulently obtained his or her
17 interest in the substituted proceeds to avoid forfeiture.

18 (iv) if the action relates to an instrumentality of a crime, except as
19 provided for in subparagraph (i) hereof, the burden shall be upon the
20 claiming authority to prove by a preponderance of the evidence the facts
21 necessary to establish a claim for forfeiture and that the non-criminal
22 defendant either (A) knew that the instrumentality was or would be used
23 in the commission of a crime or (B) knowingly obtained his or her inter-
24 est in the instrumentality to avoid forfeiture.

25 (v) if the action relates to a real property instrumentality of a
26 crime, the burden shall be upon the claiming authority to prove those
27 facts referred to in subdivision four-b of section thirteen hundred ten
28 of this article by clear and convincing evidence. The claiming authority

1 shall also prove by a clear and convincing evidence that the non-crimi-
2 nal defendant knew that such property was or would be used for the
3 commission of specified felony offenses, and either (A) knowingly and
4 unlawfully benefitted from such conduct or (B) voluntarily agreed to the
5 use of such property for the commission of such offenses by consent
6 freely given. For purposes of this subparagraph, a non-criminal defend-
7 ant knowingly and unlawfully benefits from the commission of a specified
8 felony offense when he derives in exchange for permitting the use or
9 occupancy of such real property by a person or persons committing such
10 specified offense a substantial benefit that would otherwise not accrue
11 as a result of the lawful use or occupancy of such real property. "Bene-
12 fit" means benefit as defined in subdivision seventeen of section 10.00
13 of the penal law.

14 (c) In a forfeiture action commenced by a claiming authority against a
15 non-criminal defendant the following rebuttable presumptions shall
16 apply:

17 (i) a non-criminal defendant who did not pay fair consideration for
18 the proceeds of a crime, the substituted proceeds of a crime or the
19 instrumentality of a crime shall be presumed to know that such property
20 was the proceeds of a crime, the substituted proceeds of a crime, or an
21 instrumentality of a crime.

22 (ii) a non-criminal defendant who obtains an interest in the proceeds
23 of a crime, substituted proceeds of a crime or an instrumentality of a
24 crime with knowledge of an order of provisional remedy relating to said
25 property issued pursuant to this article, shall be presumed to know that
26 such property was the proceeds of a crime, substituted proceeds of a
27 crime, or an instrumentality of a crime.

1 (iii) in an action relating to a post-conviction forfeiture crime, a
2 non-criminal defendant who the claiming authority proves by clear and
3 convincing evidence has criminal liability under section 20.00 of the
4 penal law for the crime of conviction or for criminal activity arising
5 from a common scheme or plan of which such crime is a part and who
6 possesses an interest in the proceeds, the substituted proceeds, or an
7 instrumentality of such criminal activity is presumed to know that such
8 property was the proceeds of a crime, the substituted proceeds of a
9 crime, or an instrumentality of a crime.

10 (iv) a non-criminal defendant who participated in or was aware of a
11 scheme to conceal or disguise the manner in which said non-criminal
12 obtained his or her interest in the proceeds of a crime, substituted
13 proceeds of a crime, or an instrumentality of a crime is presumed to
14 know that such property was the proceeds of a crime, the substituted
15 proceeds of a crime, or an instrumentality of a crime.

16 (d)] In a forfeiture action commenced by a claiming authority against
17 a defendant, the following rebuttable presumption shall apply: all
18 currency or negotiable instruments payable to the bearer shall be
19 presumed to be the proceeds of a pre-conviction forfeiture crime when
20 such currency or negotiable instruments are (i) found in close proximity
21 to a controlled substance unlawfully possessed by the defendant in an
22 amount sufficient to constitute a violation of section 220.18 or 220.21
23 of the penal law, or (ii) found in close proximity to any quantity of a
24 controlled substance or marihuana unlawfully possessed by such defendant
25 in a room, other than a public place, under circumstances evincing an
26 intent to unlawfully mix, compound, distribute, package or otherwise
27 prepare for sale such controlled substance or marihuana.

1 [(e)] (c) The presumption set forth pursuant to paragraph [(d)] (b) of
2 this subdivision shall be rebutted by credible and reliable evidence
3 which tends to show that such currency or negotiable instrument payable
4 to the bearer is not the proceeds of a [preconviction forfeiture] crime.
5 In an action tried before a jury, the jury shall be so instructed. Any
6 sworn testimony of a defendant offered to rebut the presumption and any
7 other evidence which is obtained as a result of such testimony, shall be
8 inadmissible in any subsequent proceeding relating to the forfeiture
9 action, or in any other civil or criminal action, except in a prose-
10 cution for a violation of article two hundred ten of the penal law. In
11 an action tried before a jury, at the commencement of the trial, or at
12 such other time as the court reasonably directs, the claiming authority
13 shall provide notice to the court and to the defendant of its intent to
14 request that the court charge such presumption.

15 4. The court in which a forfeiture action is pending may dismiss said
16 action in the interests of justice upon its own motion or upon an appli-
17 cation as provided for herein.

18 (a) At any time during the pendency of a forfeiture action, the claim-
19 ing authority who instituted the action, or a defendant may (i) apply
20 for an order dismissing the complaint and terminating the forfeiture
21 action in the interest of justice, or (ii) may apply for an order limit-
22 ing the forfeiture to an amount equivalent in value to the value of
23 property constituting the proceeds or substituted proceeds of a crime in
24 the interest of justice.

25 (b) Such application for the relief provided in paragraph (a) hereof
26 must be made in writing and upon notice to all parties. The court may,
27 in its discretion, direct that notice be given to any other person
28 having an interest in the property.

1 (c) An application for the relief provided for in paragraph (a) hereof
2 must be brought exclusively in the superior court in which the forfei-
3 ture action is pending.

4 (d) The court may grant the relief provided in paragraph (a) hereof if
5 it finds that such relief is warranted by the existence of some compel-
6 ling factor, consideration or circumstance demonstrating that forfeiture
7 of the property [of] or any part thereof, would not serve the ends of
8 justice. Among the factors, considerations and circumstances the court
9 may consider, among others, are:

10 (i) the seriousness and circumstances of the crime to which the prop-
11 erty is connected relative to the impact of forfeiture of property upon
12 the person who committed the crime; or

13 (ii) the adverse impact of a forfeiture of property upon innocent
14 persons; or

15 (iii) [the appropriateness of a judgment of forfeiture in an action
16 relating to pre-conviction forfeiture crime where] the likelihood that
17 the criminal proceeding based on the crime to which the property is
18 allegedly connected [results] will result in an acquittal of the crimi-
19 nal defendant or a dismissal of the accusatory instrument on the merits;
20 or

21 (iv) in the case of an action relating to an instrumentality, whether
22 the value of the instrumentality substantially exceeds the value of the
23 property constituting the proceeds or substituted proceeds of a crime.

24 (e) The court must issue a written decision stating the basis for an
25 order issued pursuant to this subdivision.

26 4-a. (a) The court in which a forfeiture action relating to real prop-
27 erty is pending may, upon its own motion or upon the motion of the
28 claiming authority which instituted the action, the defendant, or any

1 other person who has a lawful property interest in such property, enter
2 an order:

3 (i) appointing an administrator pursuant to section seven hundred
4 seventy-eight of the real property actions and proceedings law when the
5 owner of a dwelling is a defendant in such action, and when persons who
6 are not defendants in such action lawfully occupy one or more units
7 within such dwelling, in order to maintain and preserve the property on
8 behalf of such persons or any other person or entity who has a lawful
9 property interest in such property, or in order to remedy any other
10 condition which is dangerous to life, health or safety; or

11 (ii) otherwise limiting, modifying or dismissing the forfeiture action
12 in order to preserve or protect the lawful property interest of [any
13 non-criminal defendant or] any other person who is not a [criminal]
14 defendant, or the lawful property interest of a defendant which is not
15 subject to forfeiture; or

16 (iii) where such action involves interest in a residential leasehold
17 or a statutory tenancy, directing that upon entry of a judgment of
18 forfeiture, the lease or statutory tenancy will be modified as a matter
19 of law to terminate only the interest of the defendant or defendants,
20 and to continue the occupancy or tenancy of any other person or persons
21 who lawfully reside in such demised premises, with such rights as such
22 parties would otherwise have had if the defendant's interest had not
23 been forfeited pursuant to this article.

24 (b) For purposes of this subdivision the term "owner" has the same
25 meaning as prescribed for that term in section seven hundred eighty-one
26 of the real property actions and proceedings law and the term "dwelling"
27 shall mean any building or structure or portion thereof which is princi-

1 pally occupied in whole or part as the home, residence or sleeping place
2 of one or more human beings.

3 8. The total amount that may be recovered by the claiming authority
4 against all [criminal] defendants in a forfeiture action or actions
5 involving the same crime shall not exceed the value of the proceeds of
6 the crime or substituted proceeds of the crime, whichever amount is
7 greater, and, in addition, the value of any forfeited instrumentality
8 used in the crime. Any such recovery against [criminal defendants] a
9 defendant for the value of the proceeds of the crime or substituted
10 proceeds of the crime shall be reduced by an amount which equals the
11 value of the same proceeds of the same crime or the same substituted
12 proceeds of the same crime recovered against [all non-criminal] other
13 defendants. Any such recovery for the value of an instrumentality of a
14 crime shall be reduced by an amount which equals the value of the same
15 instrumentality recovered against any [non-criminal] other defendant.

16 [The total amount that may be recovered against all non-criminal
17 defendants in a forfeiture action or actions involving the same crime
18 shall not exceed the value of the proceeds of the crime or the substi-
19 tuted proceeds of the crime, whichever amount is greater, and, in addi-
20 tion, the value of any forfeited instrumentality used in the crime. Any
21 such recovery against non-criminal defendants for the value of the
22 proceeds of the crime or substituted proceeds of the crime shall be
23 reduced by an amount which equals the value of the proceeds of the crime
24 or substituted proceeds of the crime recovered against all criminal
25 defendants. A judgment against a non-criminal defendant pursuant to
26 clause (A) of subparagraph (iv) of paragraph (b) of subdivision three of
27 this section shall be limited to the amount of the proceeds of the
28 crime. Any recovery for the value of an instrumentality of the crime

1 shall be reduced by an amount equal to the value of the same instrumen-
2 tality recovered against any criminal defendant.]

3 § 5. Subdivision 11 of section 1311 of the civil practice law and
4 rules is amended by adding a new paragraph (d) to read as follows:

5 (d) Any stipulation, settlement agreement, judgement, order of affida-
6 vit required to be given to the state division of criminal justice
7 services pursuant to this subdivision shall include the defendant's name
8 and such other demographic data as required by the state division of
9 criminal justice services.

10 § 6. Subdivision 6 of section 220.50 of the criminal procedure law, as
11 added by chapter 655 of the laws of 1990, is amended to read as follows:

12 6. Where the defendant consents to a plea of guilty to the indictment,
13 or part of the indictment, or consents to be prosecuted by superior
14 court information as set forth in section 195.20 of this chapter, and if
15 the defendant and prosecutor agree that as a condition of the plea or
16 the superior court information certain property shall be forfeited by
17 the defendant, the description and present estimated monetary value of
18 the property shall be stated in court by the prosecutor at the time of
19 plea. Within thirty days of the acceptance of the plea or superior court
20 information by the court, the prosecutor shall send to the commissioner
21 of the division of criminal justice services a document containing the
22 name of the defendant, the description and present estimated monetary
23 value of the property, any other demographic data as required by the
24 division of criminal justice services and the date the plea or superior
25 court information was accepted. Any property forfeited by the defendant
26 as a condition to a plea of guilty to an indictment, or a part thereof,
27 or to a superior court information, shall be disposed of in accordance

1 with the provisions of section thirteen hundred forty-nine of the civil
2 practice law and rules.

3 § 7. Subdivision 4 of section 480.10 of the penal law, as added by
4 chapter 655 of the laws of 1990, is amended to read as follows:

5 4. The prosecutor shall promptly file a copy of the special forfeiture
6 information, including the terms thereof, with the state division of
7 criminal justice services and with the local agency responsible for
8 criminal justice planning. Failure to file such information shall not be
9 grounds for any relief under this chapter. The prosecutor shall also
10 report such demographic data as required by the state division of crimi-
11 nal justice services when filing a copy of the special forfeiture infor-
12 mation with the state division of criminal justice services.

13 § 8. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law and shall apply to crimes which were commit-
15 ted on or after such date.

16 PART F

17 Section 1. Section 2 of part H of chapter 503 of the laws of 2009
18 relating to the disposition of monies recovered by county district
19 attorneys before the filing of an accusatory instrument, as amended by
20 section 25 of part A of chapter 55 of the laws of 2017, is amended to
21 read as follows:

22 § 2. This act shall take effect immediately and shall remain in full
23 force and effect until March 31, [2018] 2019, when it shall expire and
24 be deemed repealed.

25 § 2. This act shall take effect immediately.

1

PART G

2 Section 1. Section 602 of the correction law, as amended by chapter
3 891 of the laws of 1962, is amended to read as follows:

4 § 602. Expenses of sheriff for transporting prisoners. For conveying
5 a prisoner or prisoners to a state prison from the county prison, the
6 sheriff or person having charge of the same shall be reimbursed for the
7 amount of expenses actually and necessarily incurred by him for railroad
8 fare or cost of other transportation and for cost of maintenance of
9 himself and each prisoner in going to the prison, and for his railroad
10 fare or other cost of transportation in returning home, and cost of his
11 maintenance while so returning. [The county shall be reimbursed for a
12 portion of the salary of such sheriff or person for the period, not to
13 exceed thirty-six hours, from the commencement of transportation from
14 the county prison to the return of such sheriff or person to the county
15 prison, the amount of such reimbursement to be computed by adding to the
16 amount of such salary the total amount of the aforesaid expenses
17 incurred for transportation and maintenance and reducing the resulting
18 aggregate amount, first, by fifty per centum of such aggregate amount
19 and, second, by the total amount of the aforesaid expenses incurred for
20 transportation and maintenance.]

21 § 2. This act shall take effect April 1, 2018.

22

PART H

23 Section 1. Subparagraph (iv) of paragraph (d) of subdivision 1 of
24 section 803 of the correction law, as added by section 7 of chapter 738
25 of the laws of 2004, is amended to read as follows:

1 (iv) Such merit time allowance may be granted when an inmate success-
2 fully participates in the work and treatment program assigned pursuant
3 to section eight hundred five of this article and when such inmate
4 obtains a general equivalency diploma, an alcohol and substance abuse
5 treatment certificate, a vocational trade certificate following at least
6 six months of vocational programming [or], performs at least four
7 hundred hours of service as part of a community work crew or successful-
8 ly completes at least two consecutive semesters of college programming
9 with no less than six college credits per semester, that is provided at
10 the correctional facility by a college approved by the New York state
11 board of regents.

12 Such allowance shall be withheld for any serious disciplinary infrac-
13 tion or upon a judicial determination that the person, while an inmate,
14 commenced or continued a civil action, proceeding or claim that was
15 found to be frivolous as defined in subdivision (c) of section eight
16 thousand three hundred three-a of the civil practice law and rules, or
17 an order of a federal court pursuant to rule 11 of the federal rules of
18 civil procedure imposing sanctions in an action commenced by a person,
19 while an inmate, against a state agency, officer or employee.

20 § 2. Subparagraph (iv) of paragraph (d) of subdivision 1 of section
21 803 of the correction law, as added by section 10-a of chapter 738 of
22 the laws of 2004, is amended to read as follows:

23 (iv) Such merit time allowance may be granted when an inmate success-
24 fully participates in the work and treatment program assigned pursuant
25 to section eight hundred five of this article and when such inmate
26 obtains a general equivalency diploma, an alcohol and substance abuse
27 treatment certificate, a vocational trade certificate following at least
28 six months of vocational programming [or], performs at least four

1 hundred hours of service as part of a community work crew or successful-
2 ly completes at least two consecutive semesters of college programming
3 with no less than six college credits per semester, that is provided at
4 the correctional facility by a college approved by the New York state
5 board of regents.

6 Such allowance shall be withheld for any serious disciplinary infrac-
7 tion or upon a judicial determination that the person, while an inmate,
8 commenced or continued a civil action, proceeding or claim that was
9 found to be frivolous as defined in subdivision (c) of section eight
10 thousand three hundred three-a of the civil practice law and rules, or
11 an order of a federal court pursuant to rule 11 of the federal rules of
12 civil procedure imposing sanctions in an action commenced by a person,
13 while an inmate, against a state agency, officer or employee.

14 § 3. Paragraph (c) of subdivision 1 of section 803-b of the correction
15 law, as amended by section 1 of part E of chapter 55 of the laws of
16 2017, is amended to read as follows:

17 (c) "significant programmatic accomplishment" means that the inmate:

18 (i) participates in no less than two years of college programming; or

19 (ii) obtains a masters of professional studies degree; or

20 (iii) successfully participates as an inmate program associate for no
21 less than two years; or

22 (iv) receives a certification from the state department of labor for
23 his or her successful participation in an apprenticeship program; or

24 (v) successfully works as an inmate hospice aid for a period of no
25 less than two years; or

26 (vi) successfully works in the division of correctional industries'
27 optical program for no less than two years and receives a certification
28 as an optician from the American board of opticianry; or

1 (vii) receives an asbestos handling certificate from the department of
2 labor upon successful completion of the training program and then works
3 in the division of correctional industries' asbestos abatement program
4 as a hazardous materials removal worker or group leader for no less than
5 eighteen months; or

6 (viii) successfully completes the course curriculum and passes the
7 minimum competency screening process performance examination for sign
8 language interpreter, and then works as a sign language interpreter for
9 deaf inmates for no less than one year; or

10 (ix) successfully works in the puppies behind bars program for a peri-
11 od of no less than two years; or

12 (x) successfully participates in a vocational culinary arts program
13 for a period of no less than two years and earns a servsafe certificate
14 that is recognized by the national restaurant association; or

15 (xi) successfully completes the four hundred ninety hour training
16 program while assigned to a department of motor vehicles call center,
17 and continues to work at such call center for an additional twenty-one
18 months; or

19 (xii) receives a certificate from the food production center in an
20 assigned position following the completion of no less than eight hundred
21 hours of work in such position, and continues to work for an additional
22 eighteen months at the food production center[.]; or

23 (xiii) successfully completes a cosmetology training program and
24 receives a license from the New York state department of state, and
25 thereafter participates in such program for a period of no less than
26 eighteen months; or

27 (xiv) successfully completes a barbering training program and receives
28 a license from the New York state department of state, and thereafter

1 participates in such program for a period of no less than eighteen
2 months; or

3 (xv) successfully participates in a computer operator, general busi-
4 ness or computer information technology and support vocational program
5 for no less than two years, and earns a Microsoft office specialist
6 certification for Microsoft word, Microsoft powerpoint or Microsoft
7 excel, following the administration of an examination; or

8 (xvi) successfully completes the thinking for a change cognitive
9 behavioral treatment program within phase two of transitional services,
10 and thereafter, is employed in the work release program for a period of
11 at least eighteen months.

12 § 4. This act shall take effect April 1, 2018; provided, however, that
13 the amendments to subparagraph (iv) of paragraph (d) of subdivision 1 of
14 section 803 of the correction law made by section one of this act shall
15 be subject to the expiration and reversion of such section pursuant to
16 subdivision d of section 74 of chapter 3 of the laws of 1995, as
17 amended, when upon such date the provisions of section two of this act
18 shall take effect.

19 PART I

20 Section 1. Subdivision 9 of section 201 of the correction law is
21 REPEALED.

22 § 2. This act shall take effect April 1, 2018.

23 PART J

1 Section 1. Notwithstanding any provision of law or governor's execu-
2 tive order to the contrary regarding inmate eligibility by crime of
3 commitment, the commissioner of corrections and community supervision is
4 hereby authorized to initiate two pilot temporary release programs.

5 § 2. The first pilot temporary release program shall be a college
6 educational leave program for no more than fifty inmates at any one
7 time, who otherwise would be ineligible due to their crime of commit-
8 ment, and whereby, to be eligible, an inmate shall not be serving a
9 sentence for one or more offenses that would render him or her ineligi-
10 ble for a limited credit time allowance as set forth in section 803-b of
11 the correction law. In addition, to be eligible, such inmate shall not
12 have committed a serious disciplinary infraction, maintained an overall
13 negative institutional record, or received a disqualifying judicial
14 determination that would render him or her ineligible for a limited
15 credit time allowance as set forth in section 803-b of the correction
16 law, and such inmate shall be eligible for release on parole or condi-
17 tional release within two years. An inmate who participates in this
18 pilot program may also be permitted to leave the premises of the insti-
19 tution for the purposes set forth in subdivision 4 of section 851 of the
20 correction law, if otherwise authorized by the department of corrections
21 and community supervision's rules and regulations governing permissible
22 furloughs.

23 § 3. The second pilot temporary release program shall be a pilot work
24 release program for no more than fifty inmates at any one time, who
25 otherwise would be ineligible due to their crime of commitment, and
26 whereby, to be eligible, an inmate shall not be serving a sentence for
27 one or more offenses that would render him or her ineligible for a
28 limited credit time allowance as set forth in section 803-b of the

1 correction law. In addition, such inmate shall not have committed a
2 serious disciplinary infraction, maintained an overall negative institu-
3 tional record, or received a disqualifying judicial determination that
4 would render him or her ineligible for a limited credit time allowance
5 as set forth in section 803-b of the correction law and, such inmate
6 shall be eligible for release on parole or conditional release within
7 two years. An inmate who participates in the pilot work release program
8 may also be permitted to leave the premises of the institution for the
9 purposes set forth in subdivision 4 of section 851 of the correction
10 law, when authorized by the department of corrections and community
11 supervision's rules and regulations governing permissible furloughs.

12 § 4. Prior to March first of each year thereafter, the commissioner of
13 corrections and community supervision shall issue a report to the gover-
14 nor, the president of the senate and the speaker of the assembly, on the
15 status of both pilot programs, which shall include, but not be limited
16 to, information on those correctional facilities where the pilot
17 programs are established, information about the total number of inmates
18 who were approved for each of the pilots, whether each inmate partic-
19 ipant has been successful or unsuccessful, and information on those
20 colleges which participate in the educational leave pilot.

21 § 5. This act shall take effect April 1, 2018.

22 PART K

23 Section 1. This Part enacts into law major components of legislation
24 that remove unnecessary mandatory bars on licensing and employment for
25 people with criminal convictions in the categories enumerated therein
26 and replace them with individualized review processes using the factors

1 set out in article 23-A of the correction law, which addresses the
2 licensing of such individuals. Each component is wholly contained with a
3 Subpart identified as Subparts A through I. Any provision in any section
4 contained within a Subpart, including the effective date of the Subpart,
5 which makes reference to a section "of this act", when used in
6 connection with that particular component, shall be deemed to mean and
7 refer to the corresponding section of the Subpart in which it is found.
8 Section three of this Part sets forth the general effective date of this
9 Part.

10 SUBPART A

11 Section 1. Subdivision 6 of section 369 of the banking law, as amended
12 by chapter 164 of the laws of 2003, paragraph (b) as amended by section
13 6 of part LL of chapter 56 of the laws of 2010, is amended to read as
14 follows:

15 6. The superintendent may, consistent with article twenty-three-A of
16 the correction law, refuse to issue a license pursuant to this article
17 if he shall find that the applicant, or any person who is a director,
18 officer, partner, agent, employee or substantial stockholder of the
19 applicant, (a) has been convicted of a crime in any jurisdiction or (b)
20 is associating or consorting with any person who has, or persons who
21 have, been convicted of a crime or crimes in any jurisdiction or juris-
22 dictions[; provided, however, that the superintendent shall not issue
23 such a license if he shall find that the applicant, or any person who is
24 a director, officer, partner, agent, employee or substantial stockholder
25 of the applicant, has been convicted of a felony in any jurisdiction or
26 of a crime which, if committed within this state, would constitute a

1 felony under the laws thereof]. For the purposes of this article, a
2 person shall be deemed to have been convicted of a crime if such person
3 shall have pleaded guilty to a charge thereof before a court or magis-
4 trate, or shall have been found guilty thereof by the decision or judg-
5 ment of a court or magistrate or by the verdict of a jury, irrespective
6 of the pronouncement of sentence or the suspension thereof[, unless such
7 plea of guilty, or such decision, judgment or verdict, shall have been
8 set aside, reversed or otherwise abrogated by lawful judicial process or
9 unless the person convicted of the crime shall have received a pardon
10 therefor from the president of the United States or the governor or
11 other pardoning authority in the jurisdiction where the conviction was
12 had, or shall have received a certificate of relief from disabilities or
13 a certificate of good conduct pursuant to article twenty-three of the
14 correction law to remove the disability under this article because of
15 such conviction]. The term "substantial stockholder," as used in this
16 subdivision, shall be deemed to refer to a person owning or controlling
17 ten per centum or more of the total outstanding stock of the corporation
18 in which such person is a stockholder. In making a determination pursu-
19 ant to this subdivision, the superintendent shall require fingerprinting
20 of the applicant. Such fingerprints shall be submitted to the division
21 of criminal justice services for a state criminal history record check,
22 as defined in subdivision one of section three thousand thirty-five of
23 the education law, and may be submitted to the federal bureau of inves-
24 tigation for a national criminal history record check.

25 § 2. This act shall take effect immediately.

1 Section 1. Paragraph (f) of subdivision 7 of section 2590-b of the
2 education law, as added by chapter 345 of the laws of 2009, is amended
3 to read as follows:

4 (f) A person [who has been convicted of a felony, or has been removed
5 from a city-wide council established pursuant to this section or commu-
6 nity district education council for any of the following shall] may be
7 permanently ineligible for appointment to a city-wide council for any of
8 the following:

9 (i) an act of malfeasance directly related to his or her service on
10 such city-wide council or community district education council; or

11 (ii) conviction of a crime, if such crime is directly related to his
12 or her service upon such city-wide council or community district educa-
13 tion council, or if service upon such council would involve an unreason-
14 able risk to property or to the safety or welfare of specific individ-
15 uals or the general public.

16 § 2. Subdivision 5 of section 2590-c of the education law, as amended
17 by chapter 345 of the laws of 2009, is amended to read as follows:

18 5. No person may serve on more than one community council or on the
19 city-wide council on special education, the city-wide council on English
20 language learners, or the city-wide council on high schools and a commu-
21 nity council. A member of a community council shall be ineligible to be
22 employed by the community council of which he or she is a member, any
23 other community council, the city-wide council on special education, the
24 city-wide council on English language learners, the city-wide council on
25 high schools, or the city board. No person shall be eligible for member-
26 ship on a community council if he or she holds any elective public
27 office or any elective or appointed party position except that of dele-

1 gate or alternate delegate to a national, state, judicial or other party
2 convention, or member of a county committee.

3 A person [who has been convicted of a felony, or has been removed from
4 a community school board, community district education council, or the
5 city-wide council on special education, the city-wide council on English
6 language learners, or the city-wide council on high schools for any of
7 the following shall] may be permanently ineligible for appointment to
8 any community district education council for any of the following: (a)
9 an act of malfeasance directly related to his or her service on the
10 city-wide council on special education, the city-wide council on English
11 language learners, the city-wide council on high schools, community
12 school board or community district education council; or (b) conviction
13 of a crime, if such crime is directly related to his or her service upon
14 the city-wide council on special education, the city-wide council on
15 English language learners, the city-wide council on high schools, commu-
16 nity school board or community district education council, or if service
17 upon such council would involve an unreasonable risk to property or to
18 the safety or welfare of specific individuals or the general public.

19 Any decision rendered by the chancellor or the city board with respect
20 to the eligibility or qualifications of the nominees for community
21 district education councils must be written and made available for
22 public inspection within seven days of its issuance at the office of the
23 chancellor and the city board. Such written decision shall include the
24 factual and legal basis for its issuance and a record of the vote of
25 each board member who participated in the decision, if applicable.

26 § 3. This act shall take effect immediately, provided that the amend-
27 ments to subdivision 7 of section 2590-b of the education law made by
28 section one of this act shall not affect the repeal of such subdivision

1 and shall be deemed repealed therewith; provided, further, that the
2 amendments to subdivision 5 of section 2590-c of the education law made
3 by section two of this act shall not affect the repeal of such subdivi-
4 sion and shall be deemed to repeal therewith.

5 SUBPART C

6 Section 1. Clauses 1 and 5 of paragraph (c) of subdivision 2 of
7 section 435 of the executive law, clause 1 as amended by chapter 371 of
8 the laws of 1974 and clause 5 as amended by 437 of the laws of 1962, are
9 amended to read as follows:

10 (1) a person convicted of a crime [who has not received a pardon, a
11 certificate of good conduct or a certificate of relief from disabili-
12 ties] if there is a direct relationship between one or more of the
13 previous criminal offenses and the integrity and safety of bingo,
14 considering the factors set forth in article twenty-three-A of the
15 correction law;

16 (5) a firm or corporation in which a person defined in [subdivision]
17 clause (1), (2), (3) or (4) [above] of this paragraph, or a person
18 married or related in the first degree to such a person, has greater
19 than a ten [per centum] percent proprietary, equitable or credit inter-
20 est or in which such a person is active or employed.

21 § 2. This act shall take effect immediately.

22 SUBPART D

23 Section 1. Subdivision 1 of section 130 of the executive law, as
24 amended by section 1 of part LL of chapter 56 of the laws of 2010, para-

1 graph (g) as separately amended by chapter 232 of the laws 2010, is
2 amended to read as follows:

3 1. The secretary of state may appoint and commission as many notaries
4 public for the state of New York as in his or her judgment may be deemed
5 best, whose jurisdiction shall be co-extensive with the boundaries of
6 the state. The appointment of a notary public shall be for a term of
7 four years. An application for an appointment as notary public shall be
8 in form and set forth such matters as the secretary of state shall
9 prescribe. Every person appointed as notary public must, at the time of
10 his or her appointment, be a citizen of the United States and either a
11 resident of the state of New York or have an office or place of business
12 in New York state. A notary public who is a resident of the state and
13 who moves out of the state but still maintains a place of business or an
14 office in New York state does not vacate his or her office as a notary
15 public. A notary public who is a nonresident and who ceases to have an
16 office or place of business in this state, vacates his or her office as
17 a notary public. A notary public who is a resident of New York state and
18 moves out of the state and who does not retain an office or place of
19 business in this state shall vacate his or her office as a notary
20 public. A non-resident who accepts the office of notary public in this
21 state thereby appoints the secretary of state as the person upon whom
22 process can be served on his or her behalf. Before issuing to any appli-
23 cant a commission as notary public, unless he or she be an attorney and
24 counsellor at law duly admitted to practice in this state or a court
25 clerk of the unified court system who has been appointed to such posi-
26 tion after taking a civil service promotional examination in the court
27 clerk series of titles, the secretary of state shall satisfy himself or
28 herself that the applicant is of good moral character, has the equiv-

1 alent of a common school education and is familiar with the duties and
2 responsibilities of a notary public; provided, however, that where a
3 notary public applies, before the expiration of his or her term, for
4 reappointment with the county clerk or where a person whose term as
5 notary public shall have expired applies within six months thereafter
6 for reappointment as a notary public with the county clerk, such quali-
7 fying requirements may be waived by the secretary of state, and further,
8 where an application for reappointment is filed with the county clerk
9 after the expiration of the aforementioned renewal period by a person
10 who failed or was unable to re-apply by reason of his or her induction
11 or enlistment in the armed forces of the United States, such qualifying
12 requirements may also be waived by the secretary of state, provided such
13 application for reappointment is made within a period of one year after
14 the military discharge of the applicant under conditions other than
15 dishonorable. In any case, the appointment or reappointment of any
16 applicant is in the discretion of the secretary of state. The secretary
17 of state may suspend or remove from office, for misconduct, any notary
18 public appointed by him or her but no such removal shall be made unless
19 the person who is sought to be removed shall have been served with a
20 copy of the charges against him or her and have an opportunity of being
21 heard. No person shall be appointed as a notary public under this arti-
22 cle who has been convicted, in this state or any other state or territo-
23 ry, of a [felony or any of the following offenses, to wit:

24 (a) Illegally using, carrying or possessing a pistol or other danger-
25 ous weapon; (b) making or possessing burglar's instruments; (c) buying
26 or receiving or criminally possessing stolen property; (d) unlawful
27 entry of a building; (e) aiding escape from prison; (f) unlawfully
28 possessing or distributing habit forming narcotic drugs; (g) violating

1 sections two hundred seventy, two hundred seventy-a, two hundred seven-
2 ty-b, two hundred seventy-c, two hundred seventy-one, two hundred seven-
3 ty-five, two hundred seventy-six, five hundred fifty, five hundred
4 fifty-one, five hundred fifty-one-a and subdivisions six, ten or eleven
5 of section seven hundred twenty-two of the former penal law as in force
6 and effect immediately prior to September first, nineteen hundred
7 sixty-seven, or violating sections 165.25, 165.30 or subdivision one of
8 section 240.30 of the penal law, or violating sections four hundred
9 seventy-eight, four hundred seventy-nine, four hundred eighty, four
10 hundred eighty-one, four hundred eighty-four, four hundred eighty-nine
11 and four hundred ninety-one of the judiciary law; or (h) vagrancy or
12 prostitution, and who has not subsequent to such conviction received an
13 executive pardon therefor or a certificate of relief from disabilities
14 or a certificate of good conduct pursuant to article twenty-three of the
15 correction law to remove the disability under this section because of
16 such conviction] crime, unless the secretary makes a finding in conform-
17 ance with all applicable statutory requirements, including those
18 contained in article twenty-three-A of the correction law, that such
19 convictions do not constitute a bar to employment.

20 § 2. This act shall take effect immediately.

21 SUBPART E

22 Section 1. Paragraphs 1 and 5 of subdivision (a) of section 189-a of
23 the general municipal law, as added by chapter 574 of the laws of 1978,
24 are amended to read as follows:

25 (1) a person convicted of a crime [who has not received a pardon, a
26 certificate of good conduct or a certificate of relief from disabili-

1 ties] if there is a direct relationship between one or more of the
2 previous criminal offenses and the integrity or safety of charitable
3 gaming, considering the factors set forth in article twenty-three-A of
4 the correction law;

5 (5) a firm or corporation in which a person defined in [subdivision]
6 paragraph (1), (2), (3) or (4) [above] of this subdivision has greater
7 than a ten [per centum] percent proprietary, equitable or credit inter-
8 est or in which such a person is active or employed.

9 § 2. Paragraph (a) of subdivision 1 of section 191 of the general
10 municipal law, as amended by section 15 of part LL of chapter 56 of the
11 laws of 2010, is amended to read as follows:

12 (a) Issuance of licenses to conduct games of chance. If such clerk or
13 department [shall determine] determines:

14 (i) that the applicant is duly qualified to be licensed to conduct
15 games of chance under this article;

16 (ii) that the member or members of the applicant designated in the
17 application to manage games of chance are bona fide active members of
18 the applicant and are persons of good moral character and have never
19 been convicted of a crime[, or,] if [convicted, have received a pardon,
20 a certificate of good conduct or a certificate of relief from disabili-
21 ties pursuant to article twenty-three of the correction law] there is a
22 direct relationship between one or more of the previous criminal
23 offenses and the integrity or safety of charitable gaming, considering
24 the factors set forth in article twenty-three-A of the correction law;

25 (iii) that such games are to be conducted in accordance with the
26 provisions of this article and in accordance with the rules and regu-
27 lations of the [board] gaming commission and applicable local laws or

1 ordinances and that the proceeds thereof are to be disposed of as
2 provided by this article[,]; and

3 [if such clerk or department is satisfied] (iv) that no commission,
4 salary, compensation, reward or recompense whatever will be paid or
5 given to any person managing, operating or assisting therein except as
6 in this article otherwise provided; [it] then such clerk or department
7 shall issue a license to the applicant for the conduct of games of
8 chance upon payment of a license fee of twenty-five dollars for each
9 license period.

10 § 3. Subdivision 9 of section 476 of the general municipal law, as
11 amended by chapter 1057 of the laws of 1965, paragraph (a) as amended by
12 section 16 of part LL of chapter 56 of the laws of 2010, is amended to
13 read as follows:

14 9. "Authorized commercial lessor" shall mean a person, firm or corpo-
15 ration other than a licensee to conduct bingo under the provisions of
16 this article, who or which [shall own] owns or [be] is a net lessee of
17 premises and offer the same for leasing by him, her or it to an author-
18 ized organization for any consideration whatsoever, direct or indirect,
19 for the purpose of conducting bingo therein, provided that he, she or
20 it, as the case may be, shall not be

21 (a) a person convicted of a crime [who has not received a pardon or a
22 certificate of good conduct or a certificate of relief from disabilities
23 pursuant to] if there is a direct relationship between one or more of
24 the previous criminal offenses and the integrity or safety of bingo,
25 considering the factors set forth in article [twenty-three]
26 twenty-three-A of the correction law;

27 (b) a person who is or has been a professional gambler or gambling
28 promoter or who for other reasons is not of good moral character;

1 (c) a public officer who receives any consideration, direct or indi-
2 rect, as owner or lessor of premises offered for the purpose of conduct-
3 ing bingo therein;

4 (d) a firm or corporation in which a person defined in [subdivision]
5 paragraph (a), (b) or (c) [above] of this subdivision or a person
6 married or related in the first degree to such a person has greater than
7 a ten [percentum (10%)] percent proprietary, equitable or credit inter-
8 est or in which such a person is active or employed.

9 Nothing contained in this subdivision shall be construed to bar any
10 firm or corporation [which] that is not organized for pecuniary profit
11 and no part of the net earnings of which inure to the benefit of any
12 individual, member, or shareholder, from being an authorized commercial
13 lessor solely because a public officer, or a person married or related
14 in the first degree to a public officer, is a member of, active in or
15 employed by such firm or corporation.

16 § 4. Paragraph (a) of subdivision 1 of section 481 of the general
17 municipal law, as amended by section 5 of part MM of chapter 59 of the
18 laws of 2017, is amended to read as follows:

19 (a) Issuance of licenses to conduct bingo. If the governing body of
20 the municipality determines:

21 (i) that the applicant is duly qualified to be licensed to conduct
22 bingo under this article;

23 (ii) that the member or members of the applicant designated in the
24 application to conduct bingo are bona fide active members or auxiliary
25 members of the applicant and are persons of good moral character and
26 have never been convicted of a crime [or, if convicted, have received a
27 pardon or a certificate of good conduct or a certificate of relief from
28 disabilities pursuant to article twenty-three] if there is a direct

1 relationship between one or more of the previous criminal offenses and
2 the integrity or safety of bingo, considering the factors set forth in
3 article twenty-three-A of the correction law;

4 (iii) that such games of bingo are to be conducted in accordance with
5 the provisions of this article and in accordance with the rules and
6 regulations of the commission[, and];

7 (iv) that the proceeds thereof are to be disposed of as provided by
8 this article[, and if the governing body is satisfied];

9 (v) that no commission, salary, compensation, reward or recompense
10 [what so ever] whatsoever will be paid or given to any person holding,
11 operating or conducting or assisting in the holding, operation and
12 conduct of any such games of bingo except as in this article otherwise
13 provided; and

14 (vi) that no prize will be offered and given in excess of the sum or
15 value of five thousand dollars in any single game of bingo and that the
16 aggregate of all prizes offered and given in all of such games of bingo
17 conducted on a single occasion[,] under said license shall not exceed
18 the sum or value of fifteen thousand dollars, then the municipality
19 shall issue a license to the applicant for the conduct of bingo upon
20 payment of a license fee of eighteen dollars and seventy-five cents for
21 each bingo occasion[; provided, however, that].

22 Notwithstanding anything to the contrary in this paragraph, the
23 governing body shall refuse to issue a license to an applicant seeking
24 to conduct bingo in premises of a licensed commercial lessor where such
25 governing body determines that the premises presently owned or occupied
26 by such applicant are in every respect adequate and suitable for
27 conducting bingo games.

28 § 5. This act shall take effect immediately.

1

SUBPART F

2 Section 1. Paragraphs 3 and 4 of subsection (d) of section 2108 of the
3 insurance law are REPEALED, and paragraph 5 is renumbered paragraph 3.

4 § 2. This act shall take effect immediately.

5

SUBPART G

6 Section 1. Section 440-a of the real property law, as amended by chap-
7 ter 81 of the laws of 1995, the first undesignated paragraph as amended
8 by section 23 of part LL of chapter 56 of the laws of 2010, is amended
9 to read as follows:

10 § 440-a. License required for real estate brokers and salesmen. No
11 person, co-partnership, limited liability company or corporation shall
12 engage in or follow the business or occupation of, or hold himself or
13 itself out or act temporarily or otherwise as a real estate broker or
14 real estate salesman in this state without first procuring a license
15 therefor as provided in this article. No person shall be entitled to a
16 license as a real estate broker under this article, either as an indi-
17 vidual or as a member of a co-partnership, or as a member or manager of
18 a limited liability company or as an officer of a corporation, unless he
19 or she is twenty years of age or over, a citizen of the United States or
20 an alien lawfully admitted for permanent residence in the United States.
21 No person shall be entitled to a license as a real estate salesman under
22 this article unless he or she is over the age of eighteen years. No
23 person shall be entitled to a license as a real estate broker or real
24 estate salesman under this article who has been convicted in this state
25 or elsewhere of a [felony, of a sex offense, as defined in subdivision

1 two of section one hundred sixty-eight-a of the correction law or any
2 offense committed outside of this state which would constitute a sex
3 offense, or a sexually violent offense, as defined in subdivision three
4 of section one hundred sixty-eight-a of the correction law or any
5 offense committed outside this state which would constitute a sexually
6 violent offense, and who has not subsequent to such conviction received
7 executive pardon therefor or a certificate of relief from disabilities
8 or a certificate of good conduct pursuant to article twenty-three of the
9 correction law, to remove the disability under this section because of
10 such conviction] crime, unless the secretary makes a finding in conform-
11 ance with all applicable statutory requirements, including those
12 contained in article twenty-three-A of the correction law, that such
13 convictions do not constitute a bar to licensure. No person shall be
14 entitled to a license as a real estate broker or real estate salesman
15 under this article who does not meet the requirements of section 3-503
16 of the general obligations law.

17 Notwithstanding [the above] anything to the contrary in this section,
18 tenant associations[,] and not-for-profit corporations authorized in
19 writing by the commissioner of the department of the city of New York
20 charged with enforcement of the housing maintenance code of such city to
21 manage residential property owned by such city or appointed by a court
22 of competent jurisdiction to manage residential property owned by such
23 city shall be exempt from the licensing provisions of this section with
24 respect to the properties so managed.

25 § 2. This act shall take effect immediately.

1 Section 1. Subdivision 5 of section 336-f of the social services law,
2 as added by section 148 of part B of chapter 436 of the laws of 1997, is
3 amended to read as follows:

4 5. The social services district shall require every private or not-
5 for-profit employer that intends to hire one or more work activity
6 participants to certify to the district [that] whether such employer has
7 [not], in the past five years, been convicted of a felony or a misdemea-
8 nor the underlying basis of which involved workplace safety and health
9 or labor standards. Such employer shall also certify as to all
10 violations issued by the department of labor within the past five years.
11 The social services official in the district in which the participant is
12 placed shall determine whether there is a pattern of convictions or
13 violations sufficient to render the potential employer ineligible.
14 Employers who submit false information under this section shall be
15 subject to criminal prosecution for filing a false instrument.

16 § 2. This act shall take effect immediately.

17 SUBPART I

18 Section 1. Subdivision 9 of section 394 of the vehicle and traffic
19 law, as separately renumbered by chapters 300 and 464 of the laws of
20 1960, is amended to read as follows:

21 9. Employees. [No licensee shall knowingly employ, in connection with
22 a driving school in any capacity whatsoever, any person who has been
23 convicted of a felony, or of any crime involving violence, dishonesty,
24 deceit, indecency, degeneracy or moral turpitude] A licensee may not
25 employ, in connection with a driving school in any capacity whatsoever,
26 a person who has been convicted of a crime, if, after considering the

1 factors set forth in article twenty-three-A of the correction law, the
2 licensee determines that there is a direct relationship between the
3 conviction and employment in the driving school, or that employment
4 would constitute an unreasonable risk to property or to the safety of
5 students, customers, or employees of the driving school, or to the
6 general public.

7 § 2. This act shall take effect immediately.

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

17 § 3. This act shall take effect immediately provided, however, that
18 the applicable effective date of Subparts A through I of this act shall
19 be as specifically set forth in the last section of such Parts.

20 PART L

21 Section 1. The executive law is amended by adding a new section 259-t
22 to read as follows:

23 § 259-t. Release on geriatric parole for inmates who are affected by
24 an age-related debility. 1. (a) The board shall have the power to
25 release on geriatric parole any inmate who is at least fifty-five years
26 of age, serving an indeterminate or determinate sentence of imprisonment

1 who, pursuant to subdivision two of this section, has been certified to
2 be suffering from a chronic or serious condition, disease, syndrome, or
3 infirmity, exacerbated by age, that has rendered the inmate so phys-
4 ically or cognitively debilitated or incapacitated that the ability to
5 provide self-care within the environment of a correctional facility is
6 substantially diminished, provided, however, that no inmate serving a
7 sentence imposed upon a conviction for murder in the first degree,
8 aggravated murder or an attempt or conspiracy to commit murder in the
9 first degree or aggravated murder or a sentence of life without parole
10 shall be eligible for such release, and provided further that no inmate
11 shall be eligible for such release unless in the case of an indetermi-
12 nate sentence he or she has served at least one-half of the minimum
13 period of the sentence and in the case of a determinate sentence he or
14 she has served at least one-half of the term of his or her determinate
15 sentence. Solely for the purpose of determining geriatric parole eligi-
16 bility pursuant to this section, such one-half of the minimum period of
17 the indeterminate sentence and one-half of the term of the determinate
18 sentence shall not be credited with any time served under the jurisdic-
19 tion of the department prior to the commencement of such sentence pursu-
20 ant to the opening paragraph of subdivision one of section 70.30 of the
21 penal law or subdivision two-a of section 70.30 of the penal law, except
22 to the extent authorized by subdivision three of section 70.30 of the
23 penal law.

24 (b) Such release shall be granted only after the board considers
25 whether, in light of the inmate's condition, there is a reasonable prob-
26 ability that the inmate, if released, will live and remain at liberty
27 without violating the law, and that such release is not incompatible
28 with the welfare of society and will not so deprecate the seriousness of

1 the crime as to undermine respect for the law, and shall be subject to
2 the limits and conditions specified in subdivision four of this section.
3 In making this determination, the board shall consider: (i) the factors
4 described in subdivision two of section two hundred fifty-nine-i of this
5 article; (ii) the nature of the inmate's conditions, diseases, syndromes
6 or infirmities and the level of care; (iii) the amount of time the
7 inmate must serve before becoming eligible for release pursuant to
8 section two hundred fifty-nine-i of this article; (iv) the current age
9 of the inmate and his or her age at the time of the crime; and (v) any
10 other relevant factor.

11 (c) The board shall afford notice to the sentencing court, the
12 district attorney, the attorney for the inmate and, where necessary
13 pursuant to subdivision two of section two hundred fifty-nine-i of this
14 article, the crime victim, that the inmate is being considered for
15 release pursuant to this section and the parties receiving notice shall
16 have thirty days to comment on the release of the inmate. Release on
17 geriatric parole shall not be granted until the expiration of the
18 comment period provided for in this paragraph.

19 2. (a) The commissioner, on the commissioner's own initiative or at
20 the request of an inmate, or an inmate's spouse, relative or attorney,
21 may, in the exercise of the commissioner's discretion, direct that an
22 investigation be undertaken to determine whether an assessment should be
23 made of an inmate who appears to be suffering from chronic or serious
24 conditions, diseases, syndromes or infirmities, exacerbated by advanced
25 age that has rendered the inmate so physically or cognitively debili-
26 tated or incapacitated that the ability to provide self-care within the
27 environment of a correctional facility is substantially diminished. Any
28 such medical assessment shall be made by a physician licensed to prac-

1 tice medicine in this state pursuant to section sixty-five hundred twen-
2 ty-four of the education law. Such physician shall either be employed by
3 the department, shall render professional services at the request of the
4 department, or shall be employed by a hospital or medical facility used
5 by the department for the medical treatment of inmates. The assessment
6 shall be reported to the commissioner by way of the deputy commissioner
7 for health services or the chief medical officer of the facility and
8 shall include but shall not be limited to a description of the condi-
9 tions, diseases or syndromes suffered by the inmate, a prognosis
10 concerning the likelihood that the inmate will not recover from such
11 conditions, diseases or syndromes, a description of the inmate's phys-
12 ical or cognitive incapacity which shall include a prediction respecting
13 the likely duration of the incapacity, and a statement by the physician
14 of whether the inmate is so debilitated or incapacitated as to be
15 severely restricted in his or her ability to self-ambulate or to perform
16 significant activities of daily living. This assessment also shall
17 include a recommendation of the type and level of services and level of
18 care the inmate would require if granted geriatric parole and a recom-
19 mendation for the types of settings in which the services and treatment
20 should be given.

21 (b) The commissioner, or the commissioner's designee, shall review the
22 assessment and may certify that the inmate is suffering from a chronic
23 or serious condition, disease, syndrome or infirmity, exacerbated by
24 age, that has rendered the inmate so physically or cognitively debili-
25 tated or incapacitated that the ability to provide self-care within the
26 environment of a correctional facility is substantially diminished. If
27 the commissioner does not so certify then the inmate shall not be
28 referred to the board for consideration for release on geriatric parole.

1 If the commissioner does so certify, then the commissioner shall, within
2 seven working days of receipt of such assessment, refer the inmate to
3 the board for consideration for release on geriatric parole. However, an
4 inmate will not be referred to the board of parole with diseases, condi-
5 tions, syndromes or infirmities that pre-existed incarceration unless
6 certified by a physician that such diseases, conditions, syndromes or
7 infirmities, have progressed to render the inmate so physically or
8 cognitively debilitated or incapacitated that the ability to provide
9 self-care within the environment of a correctional facility is substan-
10 tially diminished.

11 3. Any certification by the commissioner or the commissioner's desig-
12 nee pursuant to this section shall be deemed a judicial function and
13 shall not be reviewable if done in accordance with law.

14 4. (a) Once an inmate is released on geriatric parole, that releasee
15 will then be supervised by the department pursuant to paragraph (b) of
16 subdivision two of section two hundred fifty-nine-i of this article.

17 (b) The board may require as a condition of release on geriatric
18 parole that the releasee agree to remain under the care of a physician
19 while on geriatric parole and in a hospital established pursuant to
20 article twenty-eight of the public health law, nursing home established
21 pursuant to article twenty-eight-a of the public health law, a hospice
22 established pursuant to article forty of the public health law or any
23 other placement, including a residence with family or others, that can
24 provide appropriate medical and other necessary geriatric care as recom-
25 mended by the medical assessment required by subdivision two of this
26 section. For those who are released pursuant to this subdivision, a
27 discharge plan shall be completed and state that the availability of the
28 placement has been confirmed, and by whom. Notwithstanding any other

1 provision of law, when an inmate who qualifies for release under this
2 section is cognitively incapable of signing the requisite documentation
3 to effectuate the discharge plan and, after a diligent search no person
4 has been identified who could otherwise be appointed as the inmate's
5 guardian by a court of competent jurisdiction, then, solely for the
6 purpose of implementing the discharge plan, the facility health services
7 director at the facility where the inmate is currently incarcerated
8 shall be lawfully empowered to act as the inmate's guardian for the
9 purpose of effectuating the discharge.

10 (c) Where appropriate, the board shall require as a condition of
11 release that geriatric parolees be supervised on intensive caseloads at
12 reduced supervision ratios.

13 5. A denial of release on geriatric parole shall not preclude the
14 inmate from reapplying for geriatric parole or otherwise affect an
15 inmate's eligibility for any other form of release provided for by law.

16 6. To the extent that any provision of this section requires disclo-
17 sure of medical information for the purpose of processing an application
18 or making a decision, regarding release on geriatric parole or for the
19 purpose of appropriately supervising a person released on geriatric
20 parole, and that such disclosure would otherwise be prohibited by arti-
21 cle twenty-seven-f of that public health law, the provisions of this
22 section shall be controlling.

23 7. The commissioner and the chair of the board shall be authorized to
24 promulgate rules and regulations for their respective agencies to imple-
25 ment the provisions of this section.

26 8. Any decision made by the board pursuant to this section may be
27 appealed pursuant to subdivision four of section two hundred fifty-
28 nine-i of this article.

1 9. The chair of the board shall report annually to the governor, the
2 temporary president of the senate and the speaker of the assembly, the
3 chairpersons of the assembly and senate codes committees, the chair-
4 person of the senate crime and corrections committee, and the chair-
5 person of the assembly corrections committee the number of inmates who
6 have applied for geriatric parole under this section; the number who
7 have been granted geriatric parole; the nature of the illness of the
8 applicants, the counties to which they have been released and the nature
9 of the placement pursuant to the discharge plan; the categories of
10 reasons for denial for those who have been denied; the number of releas-
11 ees on geriatric parole who have been returned to imprisonment in the
12 custody of the department and the reasons for return.

13 § 2. This act shall take effect April 1, 2018.

14 PART M

15 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
16 law, as amended by section 1 of part C of chapter 57 of the laws of
17 2016, is amended to read as follows:

18 (b) The sum of one million five hundred thousand dollars must be
19 deposited into the New York state emergency services revolving loan fund
20 annually; provided, however, that such sums shall not be deposited for
21 state fiscal years two thousand eleven--two thousand twelve, two thou-
22 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
23 fifteen, two thousand fifteen--two thousand sixteen, two thousand
24 sixteen--two thousand seventeen [and], two thousand seventeen--two thou-
25 sand eighteen, two thousand eighteen--two thousand nineteen and two
26 thousand nineteen--two thousand twenty;

1 § 2. This act shall take effect immediately.

2 PART N

3 Section 1. The executive law is amended by adding a new section 216-e
4 to read as follows:

5 § 216-e. Subpoena authority for investigations of online sexual
6 offenses against minors. 1. Except as provided in subdivision two of
7 this section, in any investigation where a minor is a potential victim
8 of any offense specified in articles two hundred thirty, two hundred
9 thirty-five, or two hundred sixty-three of the penal law, and upon
10 reasonable cause to believe that an internet service account or online
11 identifier has been used in the commission of such offense, the super-
12 intendent of the state police and/or the superintendent's authorized
13 designee shall have the authority to issue in writing and cause to be
14 served an administrative subpoena requiring the production of records
15 and testimony relevant to the investigation of such offense, including
16 the following information related to the subscriber or customer of an
17 internet service account or online identifier:

18 (a) Name;

19 (b) Internet username;

20 (c) Billing and service address;

21 (d) Electronic mail address;

22 (e) Internet protocol address;

23 (f) Telephone number of account holder;

24 (g) Method of access to the internet;

25 (h) Local and long distance telephone connection records, or records
26 of session times and durations;

1 (i) Telephone or instrument number or other subscriber number or iden-
2 tity, including any temporarily assigned network address;

3 (j) Account status;

4 (k) Length of service, including start date, and types of service
5 utilized;

6 (l) Means and source of payment for such service, including any credit
7 card or bank account number.

8 2. The following information shall not be subject to disclosure pursu-
9 ant to an administrative subpoena issued under this section:

10 (a) The contents of stored or in-transit electronic communications;

11 (b) Account memberships related to internet groups, newsgroups, mail-
12 ing lists, or specific areas of interest;

13 (c) Account passwords; and

14 (d) Account content, including electronic mail in any form, address
15 books, contacts, financial records, web surfing history, internet proxy
16 content, and files or other digital documents stored with the account or
17 pursuant to use of the account.

18 § 2. This act shall take effect on the thirtieth day after it shall
19 have become a law.

20 PART O

21 Section 1. The state finance law is amended by adding a new section
22 99-bb to read as follows:

23 § 99-bb. Armory rental account. 1. Notwithstanding sections eight,
24 eight-a and seventy of this chapter or any other provision of law, rule,
25 regulation or practice to the contrary, there is hereby established in
26 the joint custody of the state comptroller and the commissioner of taxa-

1 tion and finance an armory rental account fund, which shall consist of
2 all moneys paid as rent pursuant to section one hundred eighty-three of
3 the military law.

4 2. Moneys within the armory rental account shall be available to the
5 adjutant general for services and expenses of the office relating to the
6 direct maintenance and operation of armories.

7 § 2. Subdivision 5 of section 183 of the military law, as amended by
8 section 1 of part C of chapter 152 of the laws of 2001, is amended to
9 read as follows:

10 5. All moneys paid as rent as provided in this section, together with
11 all sums paid to cover expenses of heating and lighting, shall be trans-
12 mitted by the officer in charge and control of the armory through the
13 adjutant general to the state treasury for deposit to the [miscellaneous
14 special revenue fund - 339] agencies enterprise fund armory rental
15 account.

16 § 3. Section 3 of part C of chapter 152 of the laws of 2001 amending
17 the military law relating to military funds of the organized militia, as
18 amended by section 23 of part A of chapter 55 of the laws of 2017, is
19 amended to read as follows:

20 § 3. This act shall take effect [on the same date as the reversion of
21 subdivision 5 of section 183 and subdivision 1 of section 221 of the
22 military law as provided by section 76 of chapter 435 of the laws of
23 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-
24 standing this act shall be deemed to have been in full force and effect
25 on and after July 31, 2005 and shall remain in full force and effect
26 until September 1, 2019 when upon such date this act shall expire] imme-
27 diately; provided however that the amendments made to subdivision 1 of

1 section 221 of the military law by section two of this act shall expire
2 and be deemed repealed September 1, 2019.

3 § 4. This act shall take effect immediately; provided, however, that
4 sections one and two of this act shall take effect April 1, 2018.

5 PART P

6 Section 1. Paragraph (f) of subdivision 3 of section 30.10 of the
7 criminal procedure law, as separately amended by chapters 3 and 320 of
8 the laws of 2006, is amended to read as follows:

9 (f) [For purposes of a] (i) A prosecution involving a [sexual] sexual-
10 ly related felony offense [as defined in article one hundred thirty of
11 the penal law, other than a sexual offense delineated in paragraph (a)
12 of subdivision two of this section,] committed against a child less than
13 eighteen years of age, [incest in the first, second or third degree as
14 defined in sections 255.27, 255.26 and 255.25 of the penal law committed
15 against a child less than eighteen years of age, or use of a child in a
16 sexual performance as defined in section 263.05 of the penal law,] may
17 be commenced at any time. For all other sexually related offenses the
18 period of limitation shall not begin to run until the child has reached
19 the age of eighteen or the offense is reported to a law enforcement
20 agency or statewide central register of child abuse and maltreatment,
21 whichever occurs earlier.

22 (ii) For purposes of this paragraph, a sexually related offense shall
23 mean any offense listed in article one hundred thirty, two hundred thir-
24 ty, two hundred thirty-five, two hundred forty-five, or two hundred
25 sixty-three of the penal law, or sections 120.70 (luring a child),
26 135.05 (unlawful imprisonment in the second degree), 135.10 (unlawful

1 imprisonment in the first degree), 240.37 (loitering for the purposes of
2 engaging in a prostitution offense), 250.45 (unlawful surveillance in
3 the second degree), 250.50 (unlawful surveillance in the first degree),
4 255.15 (bigamy), 255.25 (incest in the third degree), 255.26 (incest in
5 the second degree), 255.27 (incest in the first degree), 260.20 (unlaw-
6 fully dealing with a child in the first degree), 260.21 (unlawfully
7 dealing with a child in the second degree), 260.32 (endangering the
8 welfare of a vulnerable elderly person, or an incompetent or physically
9 disabled person in the second degree), or 260.34 (endangering the
10 welfare of a vulnerable elderly person, or an incompetent or physically
11 disabled person in the first degree) of the penal law.

12 § 2. Subdivision 8 of section 50-e of the general municipal law, as
13 amended by chapter 24 of the laws of 1988, is amended to read as
14 follows:

15 8. Inapplicability of section. (a) This section shall not apply to
16 claims arising under the provisions of the workers' compensation law,
17 the volunteer firefighters' benefit law, or the volunteer ambulance
18 workers' benefit law or to claims against public corporations by their
19 own infant wards.

20 (b) This section shall not apply to any claim made for physical,
21 psychological, or other injury or condition suffered as a result of
22 conduct of a defendant that would constitute a sexually related offense
23 as stated in subparagraph (ii) of paragraph (f) of subdivision three of
24 section 30.10 of the criminal procedure law committed against a child
25 less than eighteen years of age.

26 § 3. Section 50-i of the general municipal law is amended by adding a
27 new subdivision 5 to read as follows:

1 5. Notwithstanding any provision of law to the contrary, this section
2 shall not apply to any claim made against a city, county, town, village,
3 fire district or school district for physical, psychological, or other
4 injury or condition suffered as a result of conduct of a defendant that
5 would constitute a sexually related offense as stated in subparagraph
6 (ii) of paragraph (f) of subdivision three of section 30.10 of the crim-
7 inal procedure law committed against a child less than eighteen years of
8 age.

9 § 4. Section 10 of the court of claims act is amended by adding a new
10 subdivision 10 to read as follows:

11 10. Notwithstanding any provision of law to the contrary, this section
12 shall not apply to any claim made against the state for physical,
13 psychological, or other injury or condition suffered as a result of
14 conduct of a defendant that would constitute a sexually related offense
15 as stated in subparagraph (ii) of paragraph (f) of subdivision three of
16 section 30.10 of the criminal procedure law committed against a child
17 less than eighteen years of age.

18 § 5. Subdivision 2 of section 3813 of the education law, as amended by
19 chapter 346 of the laws of 1978, is amended to read as follows:

20 2. Notwithstanding anything to the contrary hereinbefore contained in
21 this section, no action or special proceeding founded upon tort shall be
22 prosecuted or maintained against any of the parties named in this
23 section or against any teacher or member of the supervisory or adminis-
24 trative staff or employee where the alleged tort was committed by such
25 teacher or member or employee acting in the discharge of his duties
26 within the scope of his employment and/or under the direction of the
27 board of education, trustee or trustees, or governing body of the school
28 unless a notice of claim shall have been made and served in compliance

1 with section fifty-e of the general municipal law. Every such action
2 shall be commenced pursuant to the provisions of section fifty-i of the
3 general municipal law, provided, however, that this section shall not
4 apply to any claim made against a school district for physical, psycho-
5 logical, or other injury or condition suffered as a result of conduct of
6 a defendant that would constitute a sexually related offense as stated
7 in subparagraph (ii) of paragraph (f) of subdivision three of section
8 30.10 of the criminal procedure law committed against a child less than
9 eighteen years of age.

10 § 6. Section 213-c of the civil practice law and rules, as added by
11 chapter 3 of the laws of 2006, is amended to read as follows:

12 § 213-c. Action by victim of conduct constituting certain [sexual]
13 sexually related offenses. 1. Notwithstanding any other limitation set
14 forth in this article, a civil claim or cause of action to recover from
15 a defendant as hereinafter defined, for physical, psychological or other
16 injury or condition suffered by a person as a result of [acts] any act
17 by such defendant [of rape in the first degree as defined in section
18 130.35 of the penal law, or criminal sexual act in the first degree as
19 defined in section 130.50 of the penal law, or aggravated sexual abuse
20 in the first degree as defined in section 130.70 of the penal law, or
21 course of sexual conduct against a child in the first degree as defined
22 in section 130.75 of the penal law] that would constitute a sexually
23 related offense as stated in subparagraph (ii) of paragraph (f) of
24 subdivision three of section 30.10 of the criminal procedure law may be
25 [brought within five years] commenced within fifty years of the commis-
26 sion of the act. As used in this section, the term "defendant" shall
27 mean only a person who commits any of the acts described in this section
28 or who, in a criminal proceeding, could be charged with criminal liabil-

1 ity for the commission of such acts pursuant to section 20.00 of the
2 penal law and shall not apply to any related civil claim or cause of
3 action arising from such acts. Nothing in this section shall be
4 construed to require that a criminal charge be brought or a criminal
5 conviction be obtained as a condition of bringing a civil cause of
6 action or receiving a civil judgment pursuant to this section or be
7 construed to require that any of the rules governing a criminal proceed-
8 ing be applicable to any such civil action.

9 2. In an action brought pursuant to this section, the burden shall be
10 on the plaintiff to prove by a preponderance of the evidence that the
11 acts constituting the sexually related offense were committed by the
12 defendant.

13 § 7. The civil practice law and rules is amended by adding a new
14 section 214-g to read as follows:

15 § 214-g. Certain child sexual abuse cases. Notwithstanding any
16 provision of law that imposes a period of limitation to the contrary,
17 every civil claim or cause of action brought by a person for physical,
18 psychological, or other injury or condition suffered as a result of
19 conduct that would constitute a sexually related offense as stated in
20 subparagraph (ii) of paragraph (f) of subdivision three of section 30.10
21 of the criminal procedure law committed against a child less than eigh-
22 teen years of age, that is barred as of the effective date of this
23 section because the applicable period of limitation has expired is here-
24 by revived, and action thereon may be commenced on or before one year
25 after the effective date of this section.

26 § 8. This act shall take effect immediately; provided, however, that
27 the amendments to section 213-c of the civil practice law and rules made

1 by section six of this act shall apply to any cause of action, regard-
2 less of the date on which such cause of action accrued.

3 PART Q

4 Section 1. Subdivision 14 of section 3 of the alcoholic beverage
5 control law, as amended by chapter 330 of the laws of 1970, is amended
6 to read as follows:

7 14. "Hotel" shall mean a building which is regularly used and kept
8 open as such in bona fide manner for the feeding and lodging of guests,
9 where all who conduct themselves properly and who are able and ready to
10 pay for such services are received if there be accommodations for them.
11 The term "hotel" shall also include an apartment hotel wherein apart-
12 ments are rented for fixed periods of time, either furnished or unfur-
13 nished, where the keeper of such hotel regularly supplies food to the
14 occupants thereof [in a restaurant located in such hotel]. "Hotel" shall
15 also mean and include buildings (commonly called a motel) upon the same
16 lot of land and owned or in possession under a lease in writing by the
17 same person or firm who maintains such buildings for the lodging of
18 guests and supplies them with food [from a restaurant located upon the
19 same premises]. A hotel shall regularly keep food available for sale or
20 service to its customers for consumption on the premises in the hotel or
21 in a restaurant or other food establishment located in the same building
22 as the hotel. The availability of sandwiches, soups or other foods,
23 whether fresh, processed, pre-cooked or frozen, shall be deemed in
24 compliance with this requirement.

1 § 2. Subdivision 5 of section 64 of the alcoholic beverage control
2 law, as amended by chapter 258 of the laws of 1976, is amended to read
3 as follows:

4 5. No retail license under this section shall be granted except for
5 such premises as are being conducted as a bona fide hotel [provided that
6 a restaurant is operated in such premises], restaurant, catering estab-
7 lishment, club, railroad car, vessel or aircraft being operated on regu-
8 larly scheduled flights by a United States certificated airline.

9 § 3. This act shall take effect immediately.

10 PART R

11 Section 1. Section 3 of the alcoholic beverage control law is amended
12 by adding a new subdivision 6-a to read as follows:

13 6-a. "Braggot" shall mean a malt alcoholic beverage made primarily
14 from: honey; water; and malt and/or hops (i) which may also contain
15 fruits, spices, herbs, grain or other agricultural products; and (ii)
16 with honey representing at least fifty-one percent of the starting
17 fermentable sugars by weight of the finished product. For the purposes
18 of this chapter, braggot shall be designated as and sold as a beer.

19 § 2. Section 3 of the alcoholic beverage control law is amended by
20 adding a new subdivision 12-aaaa to read as follows:

21 12-aaaa. "Farm meadery" means and includes any place or premises,
22 located on a farm in New York state, in which New York state labelled
23 mead or New York state labelled braggot is manufactured, stored and
24 sold, or any other place or premises in New York state in which New York
25 state labelled mead or New York state labelled braggot is manufactured,
26 stored and sold.

1 § 3. Section 3 of the alcoholic beverage control law is amended by
2 adding a new subdivision 19-a to read as follows:

3 19-a. "Mead" shall mean a wine made primarily from honey and water:
4 (i) which may also contain hops, fruits, spices, herbs, grain or other
5 agricultural products; and (ii) with honey representing at least fifty-
6 one percent of the starting fermentable sugars by weight of the finished
7 product. The brand or trade name label owner of such alcoholic beverage
8 shall designate whether such alcoholic beverage shall be sold as and
9 treated in the same manner as wine or mead for all purposes under this
10 chapter. Provided, however, any mead containing more than eight and
11 one-half per centum alcohol by volume shall be designated, sold as and
12 treated in the same manner as wine.

13 § 4. Section 3 of the alcoholic beverage control law is amended by
14 adding a new subdivision 20-f to read as follows:

15 20-f. "New York state labeled braggot" means braggot made exclusively
16 from honey produced in New York state.

17 § 5. Section 3 of the alcoholic beverage control law is amended by
18 adding a new subdivision 20-g to read as follows:

19 20-g. "New York state labeled mead" means mead made exclusively from
20 honey produced in New York state.

21 § 6. The alcoholic beverage control law is amended by adding a new
22 article 6-A to read as follows:

23 ARTICLE 6-A

24 SPECIAL PROVISIONS RELATING TO MEAD

25 Section 86. Farm meadery license.

26 87. Authorization for sale of mead and braggot by retail licen-
27 sees.

1 88. Authorization for sale of mead and braggot by wholesale
2 licensees.

3 § 86. Farm meadery license. 1. Any person may apply to the authority
4 for a farm meadery license as provided for in this section to produce
5 mead and braggot within this state for sale. Such application shall be
6 in writing and verified and shall contain such information as the
7 authority shall require. Such application shall be accompanied by a
8 check or draft for the amount required by this article for such license.
9 If the authority grants the application, it shall issue a license in
10 such form as shall be determined by its rules. Such license shall
11 contain a description of the licensed premises and in form and in
12 substance shall be a license to the person therein specifically desig-
13 nated to produce mead and braggot in the premises therein specifically
14 licensed. The annual fee for such a license shall be seventy-five
15 dollars.

16 2. A farm meadery license shall authorize the holder thereof to oper-
17 ate a meadery for the manufacture of New York state labelled mead and
18 New York state labelled braggot. Such a license shall also authorize the
19 licensee to:

20 (a) sell in bulk mead or braggot manufactured by the licensee to any
21 person licensed to manufacture alcoholic beverages in this state or to a
22 permittee engaged in the manufacture of products which are unfit for
23 beverage use;

24 (b) sell or deliver mead or braggot manufactured by the licensee to
25 persons outside the state pursuant to the laws of the place of such
26 delivery;

27 (c) sell mead manufactured by the licensee to wholesalers and retail-
28 ers licensed in this state to sell such mead, licensed farm distillers,

1 licensed farm wineries, licensed wineries, licensed farm breweries,
2 licensed farm cideries and any other licensed farm meadery. All such
3 mead sold by the licensee shall be securely sealed and have attached
4 thereto a label as shall be required by section one hundred seven-a of
5 this chapter;

6 (d) sell braggot manufactured by the licensee to wholesalers and
7 retailers licensed in this state to sell beer, licensed farm distillers,
8 licensed farm wineries, licensed breweries, licensed farm breweries,
9 licensed farm cideries and any other licensed farm meadery. All such
10 braggot sold by the licensee shall be securely sealed and have attached
11 thereto a label as shall be required by section one hundred seven-a of
12 this chapter;

13 (e) operate, or use the services of, a custom crush facility as
14 defined in subdivision nine-a of section three of this chapter;

15 (f) at the licensed premises, conduct tastings of, and sell at retail
16 for consumption on or off the licensed premises, any New York state
17 labeled mead, New York state labeled braggot, New York state labeled
18 beer, New York state labeled cider, New York state labeled liquor or New
19 York state labeled wine. Provided, however, for tastings and sales for
20 on-premises consumption, the licensee shall regularly keep food avail-
21 able for sale or service to its retail customers for consumption on the
22 premises. A licensee providing the following shall be deemed in compli-
23 ance with this provision: (i) sandwiches, soups or other such foods,
24 whether fresh, processed, pre-cooked or frozen; and/or (ii) food items
25 intended to complement the tasting of alcoholic beverages, which shall
26 mean a diversified selection of food that is ordinarily consumed without
27 the use of tableware and can be conveniently consumed while standing or
28 walking, including but not limited to: cheeses, fruits, vegetables,

1 chocolates, breads, mustards and crackers. All of the provisions of this
2 chapter relative to licensees selling alcoholic beverages at retail
3 shall apply;

4 (g) operate a restaurant, hotel, catering establishment, or other food
5 and drinking establishment in or adjacent to the licensed premises and
6 sell at such place, at retail for consumption on the premises, any New
7 York state labeled mead, New York state labeled braggot, New York state
8 labeled beer, New York state labeled cider, New York state labeled
9 liquor or New York state labeled wine. All of the provisions of this
10 chapter relative to licensees selling alcoholic beverages at retail
11 shall apply. Notwithstanding any other provision of law, the licensed
12 farm meadery may apply to the authority for a license under this chapter
13 to sell other alcoholic beverages at retail for consumption on the prem-
14 ises at such establishment; and

15 (h) store and sell gift items in a tax-paid room upon the licensed
16 premises incidental to the sale of mead and braggot. These gift items
17 shall be limited to the following categories: (i) non-alcoholic beverage-
18 es for consumption on or off premises, including but not limited to
19 bottled water, juice and soda beverages; (ii) food items for the purpose
20 of complementing mead tastings, shall mean a diversified selection of
21 food which is ordinarily consumed without the use of tableware and can
22 conveniently be consumed while standing or walking; (iii) food items,
23 which shall include locally produced farm products and any food or food
24 product not specifically prepared for immediate consumption upon the
25 premises; (iv) mead and braggot supplies and accessories, which shall
26 include any item utilized for the storage, serving or consumption of
27 mead and braggot or for decorative purposes; (v) souvenir items, which
28 shall include, but not be limited to artwork, crafts, clothing, agricul-

1 tural products and any other articles which can be construed to propa-
2 gate tourism within the region; and (vi) mead-making and braggot-making
3 equipment.

4 3. A licensed farm meadery may engage in any other business on the
5 licensed premises subject to such rules and regulations as the liquor
6 authority may prescribe. In prescribing such rules and regulations, the
7 liquor authority shall promote the expansion and profitability of mead
8 and braggot production and of tourism in New York, thereby promoting the
9 conservation, production and enhancement of New York state agricultural
10 lands. Further, such rules and regulations shall determine which busi-
11 nesses will be compatible with the policy and purposes of this chapter
12 and shall consider the effect of particular businesses on the community
13 and area in the vicinity of the farm meadery licensee.

14 4. Notwithstanding any provision of this chapter to the contrary, any
15 farm meadery licensee may charge for tours of its premises.

16 5. The holder of a license issued under this section may operate up to
17 five branch offices located away from the licensed farm meadery. Such
18 locations shall be considered part of the licensed premises and all
19 activities allowed at and limited to the farm meadery may be conducted
20 at the branch offices. Such branch offices shall not be located within,
21 share a common entrance and exit with, or have any interior access to
22 any other business, including premises licensed to sell alcoholic bever-
23 ages at retail. Prior to commencing operation of any such branch office,
24 the licensee shall notify the authority of the location of such branch
25 office and the authority may issue a permit for the operation of same.

26 6. (a) No farm meadery shall manufacture in excess of two hundred
27 fifty thousand gallons of mead and/or braggot annually.

1 (b) A licensed farm meadery shall produce at least fifty gallons of
2 mead and/or braggot annually.

3 7. No licensed farm meadery shall manufacture or sell any mead other
4 than New York state labelled mead.

5 8. No licensed farm meadery shall manufacture or sell any braggot
6 other than New York state labelled braggot.

7 9. The authority is hereby authorized to promulgate rules and regu-
8 lations to effectuate the purposes of this section. In prescribing such
9 rules and regulations, the authority shall promote the expansion and
10 profitability of mead production and of tourism in New York, thereby
11 promoting the conservation, production and enhancement of New York state
12 agricultural lands.

13 § 87. Authorization for sale of mead and braggot by retail licensees.

14 1. Each retail licensee under this chapter shall have the right, by
15 virtue of his license and without being required to pay any additional
16 fee for the privilege, to sell at retail for consumption on or off the
17 premises, as the case may be, mead which has not been designated as a
18 wine pursuant to subdivision nineteen-a of section three of this chapter
19 and which has been purchased from a person licensed to produce or sell
20 mead at wholesale under this chapter.

21 2. Each retail licensee authorized to sell wine under this chapter
22 shall have the right, by virtue of his license and without being
23 required to pay any additional fee for the privilege, to sell at retail
24 for consumption on or off the premises, as the case may be, mead which
25 has been designated as a wine pursuant to subdivision nineteen-a of
26 section three of this chapter and which has been purchased from a person
27 licensed to produce or sell mead at wholesale under this chapter.

1 3. Each retail licensee authorized to sell beer under this chapter
2 shall have the right, by virtue of his license and without being
3 required to pay any additional fee for the privilege, to sell at retail
4 for consumption on or off the premises, as the case may be, braggot
5 which has been purchased from a person licensed to produce or sell brag-
6 got at wholesale under this chapter.

7 § 88. Authorization for sale of mead and braggot by wholesale licen-
8 sees. 1. Each wholesale licensee authorized to sell beer under this
9 chapter shall have the right, by virtue of its license and without being
10 required to pay any additional fee for the privilege, to sell at whole-
11 sale: (a) braggot purchased from a person licensed to produce braggot
12 under this chapter. Such braggot shall be subject to the provisions of
13 this chapter regarding the tasting and sale of beer at wholesale and
14 retail; or

15 (b) mead purchased from a person licensed to produce mead and which
16 has not been designated as wine pursuant to subdivision nineteen-a of
17 section three of this chapter. Such mead shall be subject to the
18 provisions of this chapter regarding the tasting and sale of beer at
19 wholesale and retail.

20 2. Each wholesale licensee authorized to sell wine under this chapter
21 shall have the right, by virtue of its license and without being
22 required to pay any additional fee for the privilege, to sell at whole-
23 sale mead purchased from a person licensed to produce mead and which has
24 been designated as wine pursuant to subdivision nineteen-a of section
25 three of this chapter. Such mead shall be subject to the provisions of
26 this chapter regarding the tasting and sale of wine at wholesale and
27 retail.

1 § 7. Subdivision 3 of section 17 of the alcoholic beverage control
2 law, as amended by section 3 of chapter 297 of the laws of 2016, is
3 amended to read as follows:

4 3. To revoke, cancel or suspend for cause any license or permit issued
5 under this chapter and/or to impose a civil penalty for cause against
6 any holder of a license or permit issued pursuant to this chapter. Any
7 civil penalty so imposed shall not exceed the sum of ten thousand
8 dollars as against the holder of any retail permit issued pursuant to
9 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
10 paragraph f of subdivision one of section ninety-nine-b of this chapter,
11 and as against the holder of any retail license issued pursuant to
12 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
13 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
14 sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a
15 of this chapter, and the sum of thirty thousand dollars as against the
16 holder of a license issued pursuant to sections fifty-three, fifty-
17 eight, fifty-eight-c, sixty-one-a, sixty-one-b, seventy-six, seventy-
18 six-a, [and] seventy-eight and eighty-six of this chapter, provided that
19 the civil penalty against the holder of a wholesale license issued
20 pursuant to section fifty-three of this chapter shall not exceed the sum
21 of ten thousand dollars where that licensee violates provisions of this
22 chapter during the course of the sale of beer at retail to a person for
23 consumption at home, and the sum of one hundred thousand dollars as
24 against the holder of any license issued pursuant to sections fifty-one,
25 sixty-one, and sixty-two of this chapter. Any civil penalty so imposed
26 shall be in addition to and separate and apart from the terms and
27 provisions of the bond required pursuant to section one hundred twelve
28 of this chapter. Provided that no appeal is pending on the imposition of

1 such civil penalty, in the event such civil penalty imposed by the divi-
2 sion remains unpaid, in whole or in part, more than forty-five days
3 after written demand for payment has been sent by first class mail to
4 the address of the licensed premises, a notice of impending default
5 judgment shall be sent by first class mail to the licensed premises and
6 by first class mail to the last known home address of the person who
7 signed the most recent license application. The notice of impending
8 default judgment shall advise the licensee: (a) that a civil penalty was
9 imposed on the licensee; (b) the date the penalty was imposed; (c) the
10 amount of the civil penalty; (d) the amount of the civil penalty that
11 remains unpaid as of the date of the notice; (e) the violations for
12 which the civil penalty was imposed; and (f) that a judgment by default
13 will be entered in the supreme court of the county in which the licensed
14 premises are located, or other court of civil jurisdiction or any other
15 place provided for the entry of civil judgments within the state of New
16 York unless the division receives full payment of all civil penalties
17 due within twenty days of the date of the notice of impending default
18 judgment. If full payment shall not have been received by the division
19 within thirty days of mailing of the notice of impending default judg-
20 ment, the division shall proceed to enter with such court a statement of
21 the default judgment containing the amount of the penalty or penalties
22 remaining due and unpaid, along with proof of mailing of the notice of
23 impending default judgment. The filing of such judgment shall have the
24 full force and effect of a default judgment duly docketed with such
25 court pursuant to the civil practice law and rules and shall in all
26 respects be governed by that chapter and may be enforced in the same
27 manner and with the same effect as that provided by law in respect to
28 execution issued against property upon judgments of a court of record. A

1 judgment entered pursuant to this subdivision shall remain in full force
2 and effect for eight years notwithstanding any other provision of law.

3 § 8. Subdivision 3 of section 17 of the alcoholic beverage control
4 law, as amended by section 4 of chapter 297 of the laws of 2016, is
5 amended to read as follows:

6 3. To revoke, cancel or suspend for cause any license or permit issued
7 under this chapter and/or to impose a civil penalty for cause against
8 any holder of a license or permit issued pursuant to this chapter. Any
9 civil penalty so imposed shall not exceed the sum of ten thousand
10 dollars as against the holder of any retail permit issued pursuant to
11 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
12 paragraph f of subdivision one of section ninety-nine-b of this chapter,
13 and as against the holder of any retail license issued pursuant to
14 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
15 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
16 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a
17 of this chapter, and the sum of thirty thousand dollars as against the
18 holder of a license issued pursuant to sections fifty-three, fifty-
19 eight, fifty-eight-c, sixty-one-a, sixty-one-b, seventy-six, seventy-
20 six-a [and], seventy-eight and eighty-six of this chapter, provided that
21 the civil penalty against the holder of a wholesale license issued
22 pursuant to section fifty-three of this chapter shall not exceed the sum
23 of ten thousand dollars where that licensee violates provisions of this
24 chapter during the course of the sale of beer at retail to a person for
25 consumption at home, and the sum of one hundred thousand dollars as
26 against the holder of any license issued pursuant to sections fifty-one,
27 sixty-one and sixty-two of this chapter. Any civil penalty so imposed
28 shall be in addition to and separate and apart from the terms and

1 provisions of the bond required pursuant to section one hundred twelve
2 of this chapter. Provided that no appeal is pending on the imposition of
3 such civil penalty, in the event such civil penalty imposed by the divi-
4 sion remains unpaid, in whole or in part, more than forty-five days
5 after written demand for payment has been sent by first class mail to
6 the address of the licensed premises, a notice of impending default
7 judgment shall be sent by first class mail to the licensed premises and
8 by first class mail to the last known home address of the person who
9 signed the most recent license application. The notice of impending
10 default judgment shall advise the licensee: (a) that a civil penalty was
11 imposed on the licensee; (b) the date the penalty was imposed; (c) the
12 amount of the civil penalty; (d) the amount of the civil penalty that
13 remains unpaid as of the date of the notice; (e) the violations for
14 which the civil penalty was imposed; and (f) that a judgment by default
15 will be entered in the supreme court of the county in which the licensed
16 premises are located, or other court of civil jurisdiction, or any other
17 place provided for the entry of civil judgments within the state of New
18 York unless the division receives full payment of all civil penalties
19 due within twenty days of the date of the notice of impending default
20 judgment. If full payment shall not have been received by the division
21 within thirty days of mailing of the notice of impending default judg-
22 ment, the division shall proceed to enter with such court a statement of
23 the default judgment containing the amount of the penalty or penalties
24 remaining due and unpaid, along with proof of mailing of the notice of
25 impending default judgment. The filing of such judgment shall have the
26 full force and effect of a default judgment duly docketed with such
27 court pursuant to the civil practice law and rules and shall in all
28 respects be governed by that chapter and may be enforced in the same

1 manner and with the same effect as that provided by law in respect to
2 execution issued against property upon judgments of a court of record. A
3 judgment entered pursuant to this subdivision shall remain in full force
4 and effect for eight years notwithstanding any other provision of law.

5 § 9. Paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (l) of
6 subdivision 2 of section 51-a of the alcoholic beverage control law,
7 paragraphs (a), (b), (c), (f), (h), (i) and (l) as added by chapter 108
8 of the laws of 2012, paragraph (d) as amended by chapter 384 of the laws
9 of 2013, paragraph (e) as amended by chapter 328 of the laws of 2016,
10 paragraph (g) as amended by chapter 431 of the laws of 2014, and para-
11 graph (l) as relettered by chapter 384 of the laws of 2013, are amended
12 to read as follows:

13 (a) manufacture New York state labelled cider and New York state
14 labeled braggot;

15 (b) sell in bulk [beer and cider] alcoholic beverages manufactured by
16 the licensee to any person licensed to manufacture alcoholic beverages
17 in this state or to a permittee engaged in the manufacture of products
18 which are unfit for beverage use;

19 (c) sell or deliver [beer and cider] alcoholic beverages manufactured
20 by the licensee to persons outside the state pursuant to the laws of the
21 place of such delivery;

22 (d) sell [beer and cider] alcoholic beverages manufactured by the
23 licensee to wholesalers and retailers licensed in this state to sell
24 such [beer and cider] alcoholic beverages, licensed farm distillers,
25 licensed farm wineries, licensed farm cideries, licensed farm meaderies
26 and any other licensed farm brewery. All such [beer and cider] alcoholic
27 beverages sold by the licensee shall be securely sealed and have

1 attached thereto a label as shall be required by section one hundred
2 seven-a of this chapter;

3 (e) sell at the licensed premises [beer and cider] alcoholic beverages
4 manufactured by the licensee or any other licensed farm brewery[, and
5 wine and spirits manufactured by any licensed farm winery or farm
6 distillery, at retail for consumption on or off the licensed premises];

7 (f) conduct tastings at the licensed premises of [beer and cider]
8 alcoholic beverages manufactured by the licensee or any other licensed
9 farm brewery;

10 (g) operate a restaurant, hotel, catering establishment, or other food
11 and drinking establishment in or adjacent to the licensed premises and
12 sell at such place, at retail for consumption on the premises, [beer and
13 cider] alcoholic beverages manufactured by the licensee and any New York
14 state labeled beer, New York state labeled braggot or New York state
15 labeled cider. All of the provisions of this chapter relative to
16 licenses to sell [beer] alcoholic beverages at retail for consumption on
17 and off the premises shall apply so far as applicable to such licensee.
18 Notwithstanding any other provision of law, the licensed farm brewery
19 may apply to the authority for a license under this chapter to sell
20 other alcoholic beverages at retail for consumption on the premises at
21 such establishment;

22 (h) sell [beer and cider] alcoholic beverages manufactured by the
23 licensee or any other licensed farm brewery at retail for consumption
24 off the premises, at the state fair, at recognized county fairs and at
25 farmers markets operated on a not-for-profit basis;

26 (i) conduct tastings of and sell at retail for consumption off the
27 premises New York state labelled wine and mead manufactured by a

1 [licensed winery or licensed farm winery] person licensed to produce
2 wine or mead under this chapter;

3 (l) conduct tastings of and sell at retail for consumption off the
4 premises New York state labelled braggot manufactured by a person
5 licensed to produce braggot under this chapter; and

6 (m) engage in any other business on the licensed premises subject to
7 such rules and regulations as the authority may prescribe. Such rules
8 and regulations shall determine which businesses will be compatible with
9 the policy and purposes of this chapter and shall consider the effect of
10 particular businesses on the community and area in the vicinity of the
11 farm brewery licensee.

12 § 10. Paragraph (a) and subparagraph (ii) of paragraph (b) of subdivi-
13 sion 3 of section 51-a of the alcoholic beverage control law, as added
14 by chapter 108 of the laws of 2012, are amended to read as follows:

15 (a) A farm brewery licensee may apply for a permit to conduct tastings
16 away from the licensed premises of [beer and cider] alcoholic beverages
17 produced by the licensee. Such permit shall be valid throughout the
18 state and may be issued on an annual basis or for individual events.
19 Each such permit and the exercise of the privilege granted thereby shall
20 be subject to such rules and conditions of the authority as it deems
21 necessary.

22 (ii) any liability stemming from a right of action resulting from a
23 tasting of [beer or cider] alcoholic beverages as authorized herein and
24 in accordance with the provisions of sections 11-100 and 11-101 of the
25 general obligations law, shall accrue to the farm brewery.

26 § 11. Subdivision 4 of section 51-a of the alcoholic beverage control
27 law, as added by chapter 108 of the laws of 2012, is amended to read as
28 follows:

1 4. A licensed farm brewery holding a tasting permit issued pursuant to
2 subdivision three of this section may apply to the authority for a
3 permit to sell [beer and cider] alcoholic beverages produced by such
4 farm brewery, by the bottle, during such tastings in premises licensed
5 under sections sixty-four, sixty-four-a, eighty-one and eighty-one-a of
6 this chapter. Each such permit and the exercise of the privilege grant-
7 ed thereby shall be subject to such rules and conditions of the authori-
8 ty as it deems necessary.

9 § 12. Subdivision 10 of section 51-a of the alcoholic beverage control
10 law, as amended by chapter 431 of the laws of 2014, is amended to read
11 as follows:

12 10. (a) No farm brewery shall manufacture in excess of seventy-five
13 thousand finished barrels of [beer and cider] alcoholic beverages annu-
14 ally.

15 (b) A farm brewery shall manufacture at least fifty barrels of [beer
16 and cider] alcoholic beverages annually.

17 § 13. Subdivisions 1 and 2 of section 56-a of the alcoholic beverage
18 control law, as amended by chapter 422 of the laws of 2016, are amended
19 to read as follows:

20 1. In addition to the annual fees provided for in this chapter, there
21 shall be paid to the authority with each initial application for a
22 license filed pursuant to section fifty-one, fifty-one-a, fifty-two,
23 fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one,
24 sixty-two, seventy-six, seventy-seven [or], seventy-eight or eighty-six
25 of this chapter, a filing fee of four hundred dollars; with each initial
26 application for a license filed pursuant to section sixty-three, sixty-
27 four, sixty-four-a or sixty-four-b of this chapter, a filing fee of two
28 hundred dollars; with each initial application for a license filed

1 pursuant to section fifty-three-a, fifty-four, fifty-five, fifty-five-a,
2 seventy-nine, eighty-one or eighty-one-a of this chapter, a filing fee
3 of one hundred dollars; with each initial application for a permit filed
4 pursuant to section ninety-one, ninety-one-a, ninety-two, ninety-two-a,
5 ninety-three, ninety-three-a, if such permit is to be issued on a calen-
6 dar year basis, ninety-four, ninety-five, ninety-six or ninety-six-a, or
7 pursuant to paragraph b, c, e or j of subdivision one of section nine-
8 ty-nine-b of this chapter if such permit is to be issued on a calendar
9 year basis, or for an additional bar pursuant to subdivision four of
10 section one hundred of this chapter, a filing fee of twenty dollars; and
11 with each application for a permit under section ninety-three-a of this
12 chapter, other than a permit to be issued on a calendar year basis,
13 section ninety-seven, ninety-eight, ninety-nine, or ninety-nine-b of
14 this chapter, other than a permit to be issued pursuant to paragraph b,
15 c, e or j of subdivision one of section ninety-nine-b of this chapter on
16 a calendar year basis, a filing fee of ten dollars.

17 2. In addition to the annual fees provided for in this chapter, there
18 shall be paid to the authority with each renewal application for a
19 license filed pursuant to section fifty-one, fifty-one-a, fifty-two,
20 fifty-three, fifty-eight, fifty-eight-c, fifty-eight-d, sixty-one,
21 sixty-two, seventy-six, seventy-seven [or], seventy-eight or eighty-six
22 of this chapter, a filing fee of one hundred dollars; with each renewal
23 application for a license filed pursuant to section sixty-three, sixty-
24 four, sixty-four-a or sixty-four-b of this chapter, a filing fee of
25 ninety dollars; with each renewal application for a license filed pursu-
26 ant to section seventy-nine, eighty-one or eighty-one-a of this chapter,
27 a filing fee of twenty-five dollars; and with each renewal application
28 for a license or permit filed pursuant to section fifty-three-a, fifty-

1 four, fifty-five, fifty-five-a, ninety-one, ninety-one-a, ninety-two,
2 ninety-two-a, ninety-three, ninety-three-a, if such permit is issued on
3 a calendar year basis, ninety-four, ninety-five, ninety-six or ninety-
4 six-a of this chapter or pursuant to paragraph b, c, e or j of subdivi-
5 sion one of section ninety-nine-b, if such permit is issued on a calen-
6 dar year basis, or with each renewal application for an additional bar
7 pursuant to subdivision four of section one hundred of this chapter, a
8 filing fee of thirty dollars.

9 § 14. Paragraph (j) of subdivision 2 of section 58-c of the alcoholic
10 beverage control law, as amended by chapter 327 of the laws of 2016, is
11 amended and two new paragraphs (j-1) and (j-2) are added to read as
12 follows:

13 (j) conduct tastings of and sell at retail for consumption on or off
14 the premises New York state labelled liquor manufactured by a licensed
15 distiller or licensed farm distiller; provided, however, that no consum-
16 er may be provided, directly or indirectly: (i) with more than three
17 samples of liquor for tasting in one calendar day; or (ii) with a sample
18 of liquor for tasting equal to more than one-quarter fluid ounce; [and]

19 (j-1) conduct tastings of and sell at retail for consumption on or off
20 the premises New York state labelled mead manufactured by a person
21 licensed to produce mead under this chapter;

22 (j-2) conduct tastings of and sell at retail for consumption on or off
23 the premises New York state labelled braggot manufactured by a person
24 licensed to produce braggot under this chapter; and

25 § 15. Clauses (vi) and (vii) of paragraph (a) of subdivision 2-c of
26 section 61 of the alcoholic beverage control law, as amended by chapter
27 103 of the laws of 2017, are amended and two new clauses (viii) and (ix)
28 are added to read as follows:

1 (vi) To conduct tastings of and sell at retail for consumption on or
2 off the premises New York state labelled cider manufactured by a
3 licensed brewer, licensed farm brewery, licensed farm winery, licensed
4 cider producer or licensed farm cidery; [and]

5 (vii) To conduct tastings of and sell at retail for consumption on or
6 off the premises New York state labelled wine manufactured by a licensed
7 winery or licensed farm winery[.];

8 (viii) To conduct tastings of and sell at retail for consumption on or
9 off the premises New York state labelled mead manufactured by a person
10 licensed to produce mead under this chapter; and

11 (ix) To conduct tastings of and sell at retail for consumption on or
12 off the premises New York state labelled braggot manufactured by a
13 person licensed to produce braggot under this chapter.

14 § 16. Paragraphs (a), (b), (c) and (d) of subdivision 2 of section 76
15 of the alcoholic beverage control law, as amended by chapter 108 of the
16 laws of 2012, are amended to read as follows:

17 (a) to operate a winery for the manufacture of wine and mead at the
18 premises specifically designated in the license;

19 (b) to receive and possess wine and mead from other states consigned
20 to a United States government bonded winery, warehouse or storeroom
21 located within the state;

22 (c) to sell in bulk from the licensed premises the products manufac-
23 tured under such license and wine and mead received by such licensee
24 from any other state to any winery licensee, or meadery license any
25 distiller licensee or to a permittee engaged in the manufacture of
26 products which are unfit for beverage use and to sell or deliver such
27 wine or mead to persons outside the state pursuant to the laws of the
28 place of such sale or delivery;

1 (d) to sell from the licensed premises to a licensed wholesaler or
2 retailer, or to a corporation operating railroad cars or aircraft for
3 consumption on such carriers, wine and mead manufactured or received by
4 the licensee as above set forth in the original sealed containers of not
5 more than fifteen gallons each and to sell or deliver such wine and mead
6 to persons outside the state pursuant to the laws of the place of such
7 sale or delivery. All wine and mead sold by such licensee shall be
8 securely sealed and have attached thereto a label setting forth such
9 information as shall be required by this chapter;

10 § 17. Subdivision 4-a of section 76 of the alcoholic beverage control
11 law, as amended by chapter 431 of the laws of 2014, is amended to read
12 as follows:

13 4-a. A licensed winery may operate a restaurant, hotel, catering
14 establishment, or other food and drinking establishment in or adjacent
15 to the licensed premises and sell at such place, at retail for consump-
16 tion on the premises, wine, mead and wine products manufactured by the
17 licensee and any New York state labeled wine, mead or New York state
18 labeled wine product. All of the provisions of this chapter relative to
19 licenses to sell wine at retail for consumption on the premises shall
20 apply so far as applicable to such licensee. Notwithstanding any other
21 provision of law, the licensed winery may apply to the authority for a
22 license under article four of this chapter to sell other alcoholic
23 beverages at retail for consumption on the premises at such establish-
24 ment.

25 § 17-a. Subdivision 13 of section 76 of the alcoholic beverage control
26 law, as added by chapter 221 of the laws of 2011, is amended to read as
27 follows:

1 13. Notwithstanding any other provision of law to the contrary, a
2 winery licensed pursuant to this section may engage in custom wine
3 production allowing individuals to assist in the production of wine or
4 mead for sale for personal or family use, provided, however, that (a)
5 the wine or mead must be purchased by the individual assisting in the
6 production of such wine or mead; and (b) the owner, employee or agent of
7 such winery shall be present at all times during such production.

8 § 18. Subdivision 14 of section 76 of the alcoholic beverage control
9 law, as added by chapter 431 of the laws of 2014, is amended to read as
10 follows:

11 14. Any person licensed under this section shall manufacture at least
12 fifty gallons of wine and/or mead per year.

13 § 19. Paragraphs (a), (c), (e) and (f) of subdivision 2 of section
14 76-a of the alcoholic beverage control law, paragraph (a) as added by
15 chapter 221 of the laws of 2011, paragraph (c) as amended by chapter 384
16 of the laws of 2013, paragraph (e) as amended by chapter 328 of the laws
17 of 2016 and paragraph (f) as amended by chapter 431 of the laws of 2014,
18 are amended to read as follows:

19 (a) operate a farm winery for the manufacture of wine, New York state
20 labeled mead or New York state labeled cider at the premises specif-
21 ically designated in the license;

22 (c) sell from the licensed premises to a licensed winery, farm distil-
23 ler, farm brewery, farm cidery, farm meadery, wholesaler or retailer, or
24 to a corporation operating railroad cars or aircraft for consumption on
25 such carriers, or at retail for consumption off the premises, [wine or
26 cider] alcoholic beverages manufactured by the licensee as above set
27 forth and to sell or deliver such wine or cider to persons outside the
28 state pursuant to the laws of the place of such sale or delivery. All

1 [wine or cider] alcoholic beverages sold by such licensee for consump-
2 tion off the premises shall be securely sealed and have attached thereto
3 a label setting forth such information as shall be required by this
4 chapter;

5 (e) conduct tastings of and sell at the licensed premises [cider and
6 wine], at retail for consumption on or off the licensed premises alco-
7 holic beverages manufactured by the licensee or any other licensed farm
8 winery[, and]; New York state labeled wine manufactured by any licensed
9 winery; New York state labeled beer manufactured by any licensed brewer
10 or farm brewery; New York state labeled cider manufactured by any
11 licensed cider producer, farm cidery or farm brewery; New York state
12 labeled mead manufactured by any licensed farm meadery, winery or farm
13 winery; New York state labeled braggot manufactured by any licensed
14 meadery, brewery or farm brewery and [spirits] New York state labeled
15 liquor manufactured by any licensed [farm brewery or] distiller or farm
16 distillery[, at retail for consumption on or off the licensed premises];

17 (f) operate a restaurant, hotel, catering establishment, or other food
18 and drinking establishment in or adjacent to the licensed premises and
19 sell at such place, at retail for consumption on the premises, [wine,
20 cider and wine products] alcoholic beverages manufactured by the licen-
21 see and any New York state labeled wine, New York state labeled cider,
22 New York state labeled mead or New York state labeled wine product. All
23 of the provisions of this chapter relative to licenses to sell wine at
24 retail for consumption on the premises shall apply so far as applicable
25 to such licensee. Notwithstanding any other provision of law, the
26 licensed farm winery may apply to the authority for a license under
27 [article four of] this chapter to sell other alcoholic beverages at
28 retail for consumption on the premises at such establishment.

1 § 20. Paragraphs (f), (g) and (h) of subdivision 6 of section 76-a of
2 the alcoholic beverage control law are REPEALED.

3 § 21. Subdivision 8 of section 76-a of the alcoholic beverage control
4 law, as amended by chapter 431 of the laws of 2014, is amended to read
5 as follows:

6 8. (a) No licensed farm winery shall manufacture in excess of two
7 hundred fifty thousand finished gallons of [wine] alcoholic beverages
8 annually.

9 (b) Any person licensed under this section shall manufacture at least
10 fifty gallons of [wine] alcoholic beverages per year.

11 § 22. Subdivision 9 of section 76-a of the alcoholic beverage control
12 law, as added by chapter 221 of the laws of 2011, is amended to read as
13 follows:

14 9. Notwithstanding any other provision of law to the contrary, a farm
15 winery licensed pursuant to this section may engage in custom [wine]
16 production allowing individuals to assist in the production of New York
17 state labeled wine, cider and mead for sale for personal or family use,
18 provided, however, that (a) the wine, cider and mead must be purchased
19 by the individual assisting in the production of such wine, cider or
20 mead; and (b) the owner, employee or agent of such winery shall be pres-
21 ent at all times during such production.

22 § 23. Subdivision 2 of section 101-aaa of the alcoholic beverage
23 control law, as amended by chapter 242 of the laws of 2012, is amended
24 to read as follows:

25 2. No manufacturer or wholesaler licensed under this chapter shall
26 sell or deliver any beer, mead, cider or wine products to any retail
27 licensee except as provided for in this section:

28 (a) for cash to be paid at the time of delivery; or

1 (b) on terms requiring payment by such retail licensee for such beer,
2 mead, cider, or wine products on or before the final payment date of any
3 credit period within which delivery is made. Provided, however, that the
4 sale of wine products mead, or cider to a retail licensee by a whole-
5 saler licensed under section fifty-eight, sixty-two, or seventy-eight of
6 this chapter, or a licensed manufacturer of liquor, mead or wine or a
7 cider producer's license, shall be governed by the provisions of section
8 one hundred-one-aa of this article.

9 § 24. Paragraphs (b), (d) and (e) of subdivision 4 of section 107-a of
10 the alcoholic beverage control law, paragraph (b) as amended by chapter
11 369 of the laws of 2017, paragraphs (d) and (e) as amended by chapter
12 354 of the laws of 2013, are amended to read as follows:

13 (b) The annual fee for registration of any brand or trade name label
14 for liquor shall be two hundred fifty dollars; the annual fee for regis-
15 tration of any brand or trade name label for beer, mead or cider shall
16 be one hundred fifty dollars; the annual fee for registration of any
17 brand or trade name label for wine or wine products shall be fifty
18 dollars. Such fee shall be in the form of a check or draft. No annual
19 fee for registration of any brand or trade name label for wine shall be
20 required if it has been approved by the Alcohol and Tobacco Tax and
21 Trade Bureau of the United States Department of Treasury pursuant to
22 this section.

23 Each brand or trade name label registration approved pursuant to this
24 section shall be valid for a term of three years as set forth by the
25 authority and which shall be pro-rated for partial years as applicable.

26 Each brand or trade name label registration approved pursuant to this
27 section shall be valid only for the licensee to whom issued and shall
28 not be transferable.

1 (d) The authority may at any time exempt any discontinued brand from
2 such fee provisions where a manufacturer or wholesaler has an inventory
3 of one hundred cases or less of liquor or wine and five hundred cases or
4 less of beer, and certifies to the authority in writing that such brand
5 is being discontinued. The authority may also at any time exempt any
6 discontinued brand from such fee provisions where a retailer discontinu-
7 ing a brand owned by him has a balance of an order yet to be delivered
8 of fifty cases or less of liquor or wine, or two hundred fifty cases or
9 less of beer, mead, wine products or cider.

10 (e) The authority shall exempt from such fee provisions the registra-
11 tion of each brand or trade name label used for beer, mead or cider that
12 is produced in small size batches totaling fifteen hundred barrels or
13 less of beer, mead or cider annually.

14 § 25. This act shall take effect on the ninetieth day after it shall
15 have become a law, provided that the amendments to section 17 of the
16 alcoholic beverage control law made by section seven of this act shall
17 be subject to the expiration and reversion of such section pursuant to
18 section 4 of chapter 118 of the laws of 2012, as amended, when upon such
19 date the provisions of section eight of this act shall take effect.

20 PART S

21 Section 1. The alcoholic beverage control law is amended by adding a
22 new section 61-c to read as follows:

23 § 61-c. Exporter's license. An exporter's license shall authorize the
24 holder thereof to purchase alcoholic beverages from licensed manufactur-
25 ers solely for purposes of export outside of this state pursuant to and
26 in accordance with the laws of the place of delivery.

1 § 2. Section 66 of the alcoholic beverage control law is amended by
2 adding a new subdivision 3-b to read as follows:

3 3-b. The annual fee for an exporter's license shall be one hundred
4 twenty-five dollars.

5 § 3. Subdivision 3 of section 17 of the alcoholic beverage control
6 law, as amended by section 3 of chapter 297 of the laws of 2016, is
7 amended to read as follows:

8 3. To revoke, cancel or suspend for cause any license or permit issued
9 under this chapter and/or to impose a civil penalty for cause against
10 any holder of a license or permit issued pursuant to this chapter. Any
11 civil penalty so imposed shall not exceed the sum of ten thousand
12 dollars as against the holder of any retail permit issued pursuant to
13 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
14 paragraph f of subdivision one of section ninety-nine-b of this chapter,
15 and as against the holder of any retail license issued pursuant to
16 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
17 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
18 sixty-four-c, seventy-six-f, seventy-nine, eighty-one and eighty-one-a
19 of this chapter, and the sum of thirty thousand dollars as against the
20 holder of a license issued pursuant to sections fifty-three,
21 sixty-one-a, sixty-one-b, sixty-one-c, seventy-six, seventy-six-a, and
22 seventy-eight of this chapter, provided that the civil penalty against
23 the holder of a wholesale license issued pursuant to section fifty-three
24 of this chapter shall not exceed the sum of ten thousand dollars where
25 that licensee violates provisions of this chapter during the course of
26 the sale of beer at retail to a person for consumption at home, and the
27 sum of one hundred thousand dollars as against the holder of any license
28 issued pursuant to sections fifty-one, sixty-one, and sixty-two of this

1 chapter. Any civil penalty so imposed shall be in addition to and sepa-
2 rate and apart from the terms and provisions of the bond required pursu-
3 ant to section one hundred twelve of this chapter. Provided that no
4 appeal is pending on the imposition of such civil penalty, in the event
5 such civil penalty imposed by the division remains unpaid, in whole or
6 in part, more than forty-five days after written demand for payment has
7 been sent by first class mail to the address of the licensed premises, a
8 notice of impending default judgment shall be sent by first class mail
9 to the licensed premises and by first class mail to the last known home
10 address of the person who signed the most recent license application.
11 The notice of impending default judgment shall advise the licensee: (a)
12 that a civil penalty was imposed on the licensee; (b) the date the
13 penalty was imposed; (c) the amount of the civil penalty; (d) the amount
14 of the civil penalty that remains unpaid as of the date of the notice;
15 (e) the violations for which the civil penalty was imposed; and (f) that
16 a judgment by default will be entered in the supreme court of the county
17 in which the licensed premises are located, or other court of civil
18 jurisdiction or any other place provided for the entry of civil judg-
19 ments within the state of New York unless the division receives full
20 payment of all civil penalties due within twenty days of the date of the
21 notice of impending default judgment. If full payment shall not have
22 been received by the division within thirty days of mailing of the
23 notice of impending default judgment, the division shall proceed to
24 enter with such court a statement of the default judgment containing the
25 amount of the penalty or penalties remaining due and unpaid, along with
26 proof of mailing of the notice of impending default judgment. The filing
27 of such judgment shall have the full force and effect of a default judg-
28 ment duly docketed with such court pursuant to the civil practice law

1 and rules and shall in all respects be governed by that chapter and may
2 be enforced in the same manner and with the same effect as that provided
3 by law in respect to execution issued against property upon judgments of
4 a court of record. A judgment entered pursuant to this subdivision shall
5 remain in full force and effect for eight years notwithstanding any
6 other provision of law.

7 § 4. Subdivision 3 of section 17 of the alcoholic beverage control
8 law, as amended by section 4 of chapter 297 of the laws of 2016, is
9 amended to read as follows:

10 3. To revoke, cancel or suspend for cause any license or permit issued
11 under this chapter and/or to impose a civil penalty for cause against
12 any holder of a license or permit issued pursuant to this chapter. Any
13 civil penalty so imposed shall not exceed the sum of ten thousand
14 dollars as against the holder of any retail permit issued pursuant to
15 sections ninety-five, ninety-seven, ninety-eight, ninety-nine-d, and
16 paragraph f of subdivision one of section ninety-nine-b of this chapter,
17 and as against the holder of any retail license issued pursuant to
18 sections fifty-three-a, fifty-four, fifty-four-a, fifty-five, fifty-
19 five-a, sixty-three, sixty-four, sixty-four-a, sixty-four-b,
20 sixty-four-c, seventy-six-f, seventy-nine, eighty-one, and eighty-one-a
21 of this chapter, and the sum of thirty thousand dollars as against the
22 holder of a license issued pursuant to sections fifty-three,
23 sixty-one-a, sixty-one-b, sixty-one-c, seventy-six, seventy-six-a and
24 seventy-eight of this chapter, provided that the civil penalty against
25 the holder of a wholesale license issued pursuant to section fifty-three
26 of this chapter shall not exceed the sum of ten thousand dollars where
27 that licensee violates provisions of this chapter during the course of
28 the sale of beer at retail to a person for consumption at home, and the

1 sum of one hundred thousand dollars as against the holder of any license
2 issued pursuant to sections fifty-one, sixty-one and sixty-two of this
3 chapter. Any civil penalty so imposed shall be in addition to and sepa-
4 rate and apart from the terms and provisions of the bond required pursu-
5 ant to section one hundred twelve of this chapter. Provided that no
6 appeal is pending on the imposition of such civil penalty, in the event
7 such civil penalty imposed by the division remains unpaid, in whole or
8 in part, more than forty-five days after written demand for payment has
9 been sent by first class mail to the address of the licensed premises, a
10 notice of impending default judgment shall be sent by first class mail
11 to the licensed premises and by first class mail to the last known home
12 address of the person who signed the most recent license application.
13 The notice of impending default judgment shall advise the licensee: (a)
14 that a civil penalty was imposed on the licensee; (b) the date the
15 penalty was imposed; (c) the amount of the civil penalty; (d) the amount
16 of the civil penalty that remains unpaid as of the date of the notice;
17 (e) the violations for which the civil penalty was imposed; and (f) that
18 a judgment by default will be entered in the supreme court of the county
19 in which the licensed premises are located, or other court of civil
20 jurisdiction, or any other place provided for the entry of civil judg-
21 ments within the state of New York unless the division receives full
22 payment of all civil penalties due within twenty days of the date of the
23 notice of impending default judgment. If full payment shall not have
24 been received by the division within thirty days of mailing of the
25 notice of impending default judgment, the division shall proceed to
26 enter with such court a statement of the default judgment containing the
27 amount of the penalty or penalties remaining due and unpaid, along with
28 proof of mailing of the notice of impending default judgment. The filing

1 of such judgment shall have the full force and effect of a default judg-
2 ment duly docketed with such court pursuant to the civil practice law
3 and rules and shall in all respects be governed by that chapter and may
4 be enforced in the same manner and with the same effect as that provided
5 by law in respect to execution issued against property upon judgments of
6 a court of record. A judgment entered pursuant to this subdivision shall
7 remain in full force and effect for eight years notwithstanding any
8 other provision of law.

9 § 5. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law; provided that the amendments to subdivision
11 3 of section 17 of the alcoholic beverage control law made by section
12 three of this act shall be subject to the expiration and reversion of
13 such section pursuant to section 4 of chapter 118 of the laws of 2012,
14 as amended, when upon such date the provisions of section four of this
15 act shall take effect; and provided, further, that any and all rules and
16 regulations and any other measures necessary to implement any provision
17 of this act on its effective date may be promulgated and taken, respec-
18 tively, on or before the effective date of such provision.

19

PART T

20 Section 1. Section 2 of chapter 303 of the laws of 1988, relating to
21 the extension of the state commission on the restoration of the capitol,
22 as amended by chapter 207 of the laws of 2013, is amended to read as
23 follows:

24 § 2. The temporary state commission on the restoration of the capitol
25 is hereby renamed as the state commission on the restoration of the
26 capitol (hereinafter to be referred to as the "commission") and is here-

1 by continued until April 1, [2018] 2023. The commission shall consist
2 of eleven members to be appointed as follows: five members shall be
3 appointed by the governor; two members shall be appointed by the tempo-
4 rary president of the senate; two members shall be appointed by the
5 speaker of the assembly; one member shall be appointed by the minority
6 leader of the senate; one member shall be appointed by the minority
7 leader of the assembly, together with the commissioner of general
8 services and the commissioner of parks, recreation and historic preser-
9 vation. The term for each elected member shall be for three years,
10 except that of the first five members appointed by the governor, one
11 shall be for a one year term, and two shall be for a two year term, and
12 one of the first appointments by the president of the senate and by the
13 speaker of the assembly shall be for a two year term. Any vacancy that
14 occurs in the commission shall be filled in the same manner in which the
15 original appointment was made. The commission shall elect a chairman and
16 a vice-chairman from among its members. The members of the state
17 commission on the restoration of the capitol shall be deemed to be
18 members of the commission until their successors are appointed. The
19 members of the commission shall receive no compensation for their
20 services, but shall be reimbursed for their expenses actually and neces-
21 sarily incurred by them in the performance of their duties hereunder.

22 § 2. Section 9 of chapter 303 of the laws of 1988, relating to the
23 extension of the state commission on the restoration of the capitol, as
24 amended by chapter 207 of the laws of 2013, is amended to read as
25 follows:

26 § 9. This act shall take effect immediately, and shall remain in full
27 force and effect until April 1, [2018] 2023.

1 § 3. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2018; provided
3 that the amendments to section 2 of chapter 303 of the laws of 1988 made
4 by section one of this act shall not affect the expiration of such chap-
5 ter, and shall be deemed to expire therewith.

6 PART U

7 Section 1. The section heading and subdivision 1 of section 34 of the
8 public lands law, as amended by chapter 703 of the laws of 1994, are
9 amended to read as follows:

10 Transfer of unappropriated state lands for mental health, [mental
11 retardation] developmental disability, park, recreation, playground,
12 reforestation, public education, public safety, street [or], highway, or
13 other municipal purposes. 1. [Such] The commissioner of general services
14 may, from time to time, transfer and convey to a city, incorporated
15 village, town, or county or, as defined in section one hundred of the
16 general municipal law, to a political subdivision, fire company, or
17 voluntary ambulance service, in consideration of one dollar to be paid
18 to the state of New York, and on such terms and conditions as such
19 commissioner may impose, a part or all of any parcel or parcels of unap-
20 propriated state lands upon certification that such parcel or parcels
21 are useful for local mental health facilities, [mental retardation]
22 developmental disability facilities, park, recreation, playground,
23 reforestation, public education, public safety, street [or], highway, or
24 other municipal purposes, and that they will be properly improved and
25 maintained for one or more of such purposes and provided that this
26 disposition of such parcel or parcels is not otherwise prohibited.

1 Certification shall be evidenced by a formal request from the [board of
2 estimate,] common council, village board, town board [or], county board
3 of supervisors, or other elective governing board or body now or here-
4 after vested by state statute, charter or other law with jurisdiction to
5 initiate and adopt local laws or ordinances, or such board or body as
6 may be authorized by law to initiate such request and certification,
7 setting forth in detail the parcel or parcels to be released, trans-
8 ferred and conveyed and the availability and usefulness of such parcel
9 or parcels for one or more of such purposes. In the city of New York
10 however, certification shall be evidenced by a formal request from the
11 mayor. In the event that lands transferred under the provisions of this
12 section are not properly improved and maintained for one or more of the
13 purposes contemplated by this section by the city, village, town [or],
14 county, political subdivision, fire company, or voluntary ambulance
15 service to which they were transferred, the title thereto shall revert
16 to the people of the state of New York, and the attorney-general may
17 institute an action in the supreme court for a judgment declaring a
18 reversion of such title in the state. [Such] The commissioner may also
19 transfer any unappropriated state lands to the office of parks, recre-
20 ation and historic preservation or the department of environmental
21 conservation, upon the application of the commissioner thereof indicat-
22 ing that such unappropriated state lands are required for state park
23 purposes within the area of jurisdiction of such office or department.

24 § 2. This act shall take effect immediately.

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

3 § 99-bb. Parking services fund. 1. Notwithstanding sections eight,
4 eight-a and seventy of this chapter or any other provision of law, rule,
5 regulation, or practice to the contrary, there is hereby established in
6 the joint custody of the state comptroller and the commissioner of taxa-
7 tion and finance a parking services fund, which shall be classified by
8 the state comptroller as an enterprise fund type, and which shall
9 consist of all moneys received from private entities and individuals as
10 fees for the use of state-owned parking lots and garages.

11 2. Moneys within the parking services fund shall be available to the
12 commissioner of general services for services and expenses of the office
13 relating to the direct maintenance and operation of state-owned parking
14 lots and garages.

15 § 2. The state finance law is amended by adding a new section 99-cc to
16 read as follows:

17 § 99-cc. Solid waste fund. 1. Notwithstanding sections eight, eight-a
18 and seventy of this chapter or any other provision of law, rule, regu-
19 lation, or practice to the contrary, there is hereby established in the
20 joint custody of the state comptroller and the commissioner of taxation
21 and finance a solid waste fund, which shall be classified by the state
22 comptroller as an enterprise fund type, and which shall consist of all
23 moneys received from private entities by the commissioner of general
24 services for the sale of recyclables.

25 2. Moneys within the solid waste fund shall be available to the
26 commissioner of general services for services and expenses of the office
27 relating to the collection, processing and sale of recycled materials.

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

3 § 99-dd. Special events fund. 1. Notwithstanding sections eight,
4 eight-a and seventy of this chapter and any other provision of law,
5 rule, regulation, or practice to the contrary, there is hereby estab-
6 lished in the joint custody of the state comptroller and the commission-
7 er of taxation and finance a special events fund, which shall be classi-
8 fied by the state comptroller as an enterprise fund type, and which
9 shall consist of all moneys received from private entities and individ-
10 uals as fees for the use of physical space at state-owned facilities,
11 including, but not limited to, the Empire State Plaza and Harriman
12 Campus, and any other miscellaneous fees associated with the use of such
13 physical space at such state-owned facilities by private entities and
14 individuals.

15 2. Moneys within the special events fund shall be available to the
16 commissioner of general services for services and expenses of the office
17 relating to the use of state-owned facilities by private entities and
18 individuals.

19 § 4. This act shall take effect April 1, 2018.

20 PART W

21 Section 1. The civil service law is amended by adding a new section 66
22 to read as follows:

23 § 66. Term appointments in information technology. 1. The department
24 may authorize a term appointment without examination to a temporary
25 position requiring special expertise or qualifications in information
26 technology within the office of information technology services. Such

1 appointments shall be authorized only in a case where the office of
2 information technology services certifies to the department that because
3 of the type of services to be rendered, or the temporary or occasional
4 character of such services, it would not be practicable to hold an exam-
5 ination of any kind. Such certification shall be a public document
6 pursuant to the public officers law and shall identify the special
7 expertise or qualifications that are required and why they cannot be
8 obtained through an appointment from an eligible list. The department
9 shall review the certification to confirm that the special expertise or
10 qualifications identified by the office of information technology
11 services cannot be obtained through an appointment from an eligible
12 list. The maximum period for such initial term appointment established
13 pursuant to this subdivision shall not exceed sixty months and, other
14 than as set forth in subdivision two of this section, shall not be
15 extended, and the maximum number of such appointments shall not exceed
16 three hundred. The department shall not approve any temporary positions
17 which are not certified by the office of information technology services
18 to the department in accordance with this section within five years of
19 the date when this section shall have become a law.

20 2. At least fifteen days prior to making a term appointment pursuant
21 to this section, the appointing authority shall publicly and conspicu-
22 ously post information about the temporary position and the required
23 qualifications and shall allow any qualified employee to apply for the
24 position. In the event that a permanent competitive employee is quali-
25 fied for the posted position, the appointment of such employee shall
26 take precedence over the appointment of any term position pursuant to
27 this section. An employee appointed pursuant to this section who has
28 completed two years of continuous service under this section shall be

1 eligible to compete in promotional examinations that are also open to
2 other employees who have permanent civil service appoints and appropri-
3 ate qualifications. In the event that the department fails to certify a
4 promotional list for an examination in which the appointee has competed
5 within the initially sixty month term appointment, such appointment may
6 be extended by the department, upon certification of the appointing
7 authority, for periods of up to thirty-six months until such time as a
8 promotional list resulting from the examination in which the employee
9 completed, is certified.

10 3. A temporary position established pursuant to this section may be
11 abolished for reason of economy, consolidation or abolition of func-
12 tions, curtailment of activities or otherwise. Upon such abolition or at
13 the end of the term of the appointment, the provisions of sections
14 seventy-eight, seventy-nine, eighty and eighty-one of this chapter shall
15 not apply. In the event of a reduction of workforce pursuant to section
16 eighty of this chapter affecting information technology positions, the
17 term appointments pursuant to this section shall be abolished prior to
18 the abolition of permanent competitive class information technology
19 positions at such agency involving comparable skills and responsibil-
20 ities.

21 § 2. Notwithstanding any provision of law to the contrary, the depart-
22 ment of civil service may authorize appointment of term appointees to
23 competitive titles in a manner approved by such department.

24 § 3. This act shall take effect immediately and shall expire and be
25 deemed repealed June 30, 2023; provided, however, that any person
26 appointed prior to that date may continue to be employed for a period
27 not to exceed sixty months from the date of appointment.

1

PART X

2 Section 1. The state finance law is amended by adding a new section
3 5-a to read as follows:

4 § 5-a. New York state secure choice savings program. 1. There is here-
5 by established the New York state secure choice savings program to be
6 administered by the deferred compensation board. The general adminis-
7 tration and responsibility for the operation of the New York state
8 secure choice savings program shall be administered by the New York
9 state deferred compensation board for the purpose of promoting greater
10 retirement savings for private-sector employees in a convenient, low-
11 cost, and portable manner.

12 2. All terms shall have the same meaning as when used in a comparable
13 context in the internal revenue code. As used in this section, the
14 following terms shall have the following meanings:

15 a. "Board" shall mean the New York state deferred compensation board.

16 b. "Superintendent" shall mean the superintendent of the department of
17 financial services.

18 c. "Comptroller" shall mean the comptroller of the state.

19 d. "Employee" shall mean any individual who is eighteen years of age
20 or older, who is employed by an employer, and who earned wages working
21 for an employer in New York state during a calendar year.

22 e. "Employer" shall mean a person or entity engaged in a business,
23 industry, profession, trade, or other enterprise in New York state,
24 whether for profit or not for profit, that has not offered a qualified
25 retirement plan, including, but not limited to, a plan qualified under
26 sections 401(a), 401(k), 403(a), 403(b), 408(k), 408(p) or 457(b) of the
27 internal revenue code of 1986 in the preceding two years.

1 f. "Enrollee" shall mean any employee who is enrolled in the program.

2 g. "Fund" shall mean the New York state secure choice savings program
3 fund.

4 h. "Internal revenue code" shall mean the internal revenue code of
5 1986, or any successor law, in effect for the calendar year.

6 i. "IRA" shall mean a Roth IRA (individual retirement account).

7 j. "Participating employer" shall mean an employer that provides a
8 payroll deposit retirement savings arrangement as provided for by this
9 article for its employees who are enrollees in the program.

10 k. "Payroll deposit retirement savings arrangement" shall mean an
11 arrangement by which a participating employer allows enrollees to remit
12 payroll deduction contributions to the program.

13 l. "Program" shall mean the New York state secure choice savings
14 program.

15 m. "Wages" shall mean any compensation within the meaning of section
16 219(f)(1) of the internal revenue code that is received by an enrollee
17 from a participating employer during the calendar year.

18 3. The board, the individual members of the board, and any other
19 agents appointed or engaged by the board, and all persons serving as
20 program staff shall discharge their duties with respect to the program
21 solely in the interest of the program's enrollees and beneficiaries as
22 follows:

23 a. for the exclusive purposes of providing benefits to enrollees and
24 beneficiaries and defraying reasonable expenses of administering the
25 program;

26 b. by investing with the care, skill, prudence, and diligence under
27 the prevailing circumstances that a prudent person acting in a like

1 capacity and familiar with those matters would use in the conduct of an
2 enterprise of a like character and with like aims; and

3 c. by using any contributions paid by employees and employers remit-
4 ting employee contributions into the fund exclusively for the purpose of
5 paying benefits to the enrollees of the program, for the cost of admin-
6 istration of the program, and for investments made for the benefit of
7 the program.

8 4. In addition to the other duties and responsibilities stated in this
9 article, the board shall:

10 a. Cause the program to be designed, established and operated in a
11 manner that:

12 (i) accords with best practices for retirement savings vehicles;

13 (ii) maximizes participation, savings, and sound investment practices
14 including considering the use of automatic enrollment as allowed under
15 federal law;

16 (iii) maximizes simplicity, including ease of administration for
17 participating employers and enrollees;

18 (iv) provides an efficient product to enrollees by pooling investment
19 funds;

20 (v) ensures the portability of benefits; and

21 (vi) provides for the deaccumulation of enrollee assets in a manner
22 that maximizes financial security in retirement.

23 b. Appoint a trustee to the fund in compliance with section 408 of the
24 internal revenue code.

25 c. Explore and establish investment options, subject to this article,
26 that offer enrollees returns on contributions and the conversion of
27 individual retirement savings account balances to secure retirement
28 income without incurring debt or liabilities to the state.

1 d. Establish the process by which interest, investment earnings, and
2 investment losses are allocated to individual program accounts on a pro
3 rata basis and are computed at the interest rate on the balance of an
4 individual's account.

5 e. Make and enter into contracts necessary for the administration of
6 the program and fund, including, but not limited to, retaining and
7 contracting with investment managers, private financial institutions,
8 other financial and service providers, consultants, actuaries, counsel,
9 auditors, third-party administrators, and other professionals as neces-
10 sary.

11 f. Conduct a review of the performance of any investment vendors every
12 four years, including, but not limited to, a review of returns, fees,
13 and customer service. A copy of reviews shall be posted to the board's
14 internet website.

15 g. Determine the number and duties of staff members needed to adminis-
16 ter the program and assemble such staff, including, appointing a program
17 administrator.

18 h. Cause moneys in the fund to be held and invested as pooled invest-
19 ments described in this article, with a view to achieving cost savings
20 through efficiencies and economies of scale.

21 i. Evaluate and establish the process by which an enrollee is able to
22 contribute a portion of his or her wages to the program for automatic
23 deposit of those contributions and the process by which a participating
24 employer provides a payroll deposit retirement savings arrangement to
25 forward those contributions and related information to the program,
26 including, but not limited to, contracting with financial service compa-
27 nies and third-party administrators with the capability to receive and

1 process employee information and contributions for payroll deposit
2 retirement savings arrangements or similar arrangements.

3 j. Design and establish the process for enrollment including the proc-
4 ess by which an employee can opt to not participate in the program,
5 select a contribution level, select an investment option, and terminate
6 participation in the program.

7 k. Evaluate and establish the process by which an employee may volun-
8 tarily enroll in and make contributions to the program.

9 l. Accept any grants, appropriations, or other moneys from the state,
10 any unit of federal, state, or local government, or any other person,
11 firm, partnership, or corporation solely for deposit into the fund,
12 whether for investment or administrative purposes.

13 m. Evaluate the need for, and procure as needed, insurance against any
14 and all loss in connection with the property, assets, or activities of
15 the program, and indemnify as needed each member of the board from
16 personal loss or liability resulting from a member's action or inaction
17 as a member of the board.

18 n. Make provisions for the payment of administrative costs and
19 expenses for the creation, management, and operation of the program.
20 Subject to appropriation, the state may pay administrative costs associ-
21 ated with the creation and management of the program until sufficient
22 assets are available in the fund for that purpose. Thereafter, all costs
23 of the fund, including repayment of any start-up funds provided by the
24 state, shall be paid only out of moneys on deposit therein. However,
25 private funds or federal funding received in order to implement the
26 program until the fund is self-sustaining shall not be repaid unless
27 those funds were offered contingent upon the promise of repayment. The

1 board shall keep annual administrative expenses as low as possible, but
2 in no event shall they exceed 0.75% of the total trust balance.

3 o. Allocate administrative fees to individual retirement accounts in
4 the program on a pro rata basis.

5 p. Set minimum and maximum contribution levels in accordance with
6 limits established for IRAs by the internal revenue code.

7 q. Facilitate education and outreach to employers and employees.

8 r. Facilitate compliance by the program with all applicable require-
9 ments for the program under the internal revenue code, including tax
10 qualification requirements or any other applicable law and accounting
11 requirements.

12 s. Carry out the duties and obligations of the program in an effec-
13 tive, efficient, and low-cost manner.

14 t. Exercise any and all other powers reasonably necessary for the
15 effectuation of the purposes, objectives, and provisions of this article
16 pertaining to the program.

17 u. Deposit into the New York state secure choice administrative fund
18 all grants, gifts, donations, fees, and earnings from investments from
19 the New York state secure choice savings program fund that are used to
20 recover administrative costs. All expenses of the board shall be paid
21 from the New York state secure choice administrative fund.

22 v. Determine withdrawal provisions, such as economic hardships, porta-
23 bility and leakage.

24 w. Determine employee rights and enforcement of penalties.

25 5. The board shall annually prepare and adopt a written statement of
26 investment policy that includes a risk management and oversight program.
27 This investment policy shall prohibit the board, program, and fund from
28 borrowing for investment purposes. The risk management and oversight

1 program shall be designed to ensure that an effective risk management
2 system is in place to monitor the risk levels of the program and fund
3 portfolio, to ensure that the risks taken are prudent and properly
4 managed, to provide an integrated process for overall risk management,
5 and to assess investment returns as well as risk to determine if the
6 risks taken are adequately compensated compared to applicable perform-
7 ance benchmarks and standards. The board shall consider the statement of
8 investment policy and any changes in the investment policy at a public
9 hearing.

10 6. a. The board shall engage, after an open bid process, an investment
11 manager or managers to invest the fund and any other assets of the
12 program. Moneys in the fund may be invested or reinvested by the comp-
13 troller or may be invested in whole or in part. In selecting the invest-
14 ment manager or managers, the board shall take into consideration and
15 give weight to the investment manager's fees and charges in order to
16 reduce the program's administrative expenses.

17 b. The investment manager or managers shall comply with any and all
18 applicable federal and state laws, rules, and regulations, as well as
19 any and all rules, policies, and guidelines promulgated by the board
20 with respect to the program and the investment of the fund, including,
21 but not limited to, the investment policy.

22 c. The investment manager or managers shall provide such reports as
23 the board deems necessary for the board to oversee each investment
24 manager's performance and the performance of the fund.

25 7. a. The board shall establish as an investment option a life-cycle
26 fund with a target date based upon the age of the enrollee. This shall
27 be the default investment option for enrollees who fail to elect an

1 investment option unless and until the board designates by rule a new
2 investment option as the default.

3 b. The board may also establish any or all of the following additional
4 investment options:

5 (i) a conservative principal protection fund;

6 (ii) a growth fund;

7 (iii) a secure return fund whose primary objective is the preservation
8 of the safety of principal and the provision of a stable and low-risk
9 rate of return; if the board elects to establish a secure return fund,
10 the board may procure any insurance, annuity, or other product to insure
11 the value of enrollees' accounts and guarantee a rate of return; the
12 cost of such funding mechanism shall be paid out of the fund; under no
13 circumstances shall the board, program, fund, the state, or any partic-
14 ipating employer assume any liability for investment or actuarial risk;
15 the board shall determine whether to establish such investment options
16 based upon an analysis of their cost, risk profile, benefit level,
17 feasibility, and ease of implementation; or

18 (iv) an annuity fund.

19 c. If the board elects to establish a secure return fund, the board
20 shall then determine whether such option shall replace the life-cycle
21 fund as the default investment option for enrollees who do not elect an
22 investment option. In making such determination, the board shall consid-
23 er the cost, risk profile, benefit level, and ease of enrollment in the
24 secure return fund. The board may at any time thereafter revisit this
25 question and, based upon an analysis of these criteria, establish either
26 the secure return fund or the life-cycle fund as the default for enrol-
27 lees who do not elect an investment option.

1 8. Interest, investment earnings, and investment losses shall be allo-
2 cated to individual program accounts as established by the board pursu-
3 ant to this article. An individual's retirement savings benefit under
4 the program shall be an amount equal to the balance in the individual's
5 program account on the date the retirement savings benefit becomes paya-
6 ble. The state shall have no liability for the payment of any benefit to
7 any enrollee in the program.

8 9. a. Prior to the opening of the program for enrollment, the board
9 shall design and disseminate to all employers an employer information
10 packet and an employee information packet, which shall include back-
11 ground information on the program, appropriate disclosures for employ-
12 ees, and information regarding the vendor internet website described.

13 b. The board shall provide for the contents of both the employee
14 information packet and the employer information packet. The employee
15 information packet shall be made available in English, Spanish, Haitian
16 Creole, Chinese, Korean, Russian, Arabic, and any other language the
17 comptroller deems necessary.

18 c. The employee information packet shall include a disclosure form.
19 The disclosure form shall explain, but not be limited to, all of the
20 following:

21 (i) the benefits and risks associated with making contributions to the
22 program;

23 (ii) the mechanics of how to make contributions to the program;

24 (iii) how to opt out of the program;

25 (iv) how to participate in the program with a level of employee
26 contributions other than three percent;

27 (v) that they are not required to participate or contribute more than
28 three percent;

1 (vi) that they can opt out after they have enrolled;
2 (vii) the process for withdrawal of retirement savings;
3 (viii) the process for selecting beneficiaries of their retirement
4 savings;
5 (ix) how to obtain additional information about the program;
6 (x) that employees seeking financial advice should contact financial
7 advisors, that participating employers are not in a position to provide
8 financial advice, and that participating employers are not liable for
9 decisions employees make pursuant to this article;
10 (xi) information on how to access any financial literacy programs
11 implemented by the comptroller;
12 (xii) that the program is not an employer-sponsored retirement plan;
13 and
14 (xiii) that the program fund is not guaranteed by the state.
15 d. The employee information packet shall also include a form for an
16 employee to note his or her decision to opt out of participation in the
17 program or elect to participate with a level of employee contributions
18 other than three percent.
19 e. Participating employers shall supply the employee information pack-
20 et to existing employees at least one month prior to the participating
21 employers' launch of the program. Participating employers shall supply
22 the employee information packet to new employees at the time of hiring,
23 and new employees may opt out of participation in the program or elect
24 to participate with a level of employee contributions other than three
25 percent at that time.
26 10. Except as otherwise provided in this article, the program shall be
27 implemented, and enrollment of employees shall begin, within twenty-four
28 months after the effective date of this section. The provisions of this

1 section shall be in force after the board opens the program for enroll-
2 ment.

3 a. Each participating employer may establish a payroll deposit retire-
4 ment savings arrangement to allow each employee to participate in the
5 program and begin employee enrollment at most nine months after the
6 board opens the program for enrollment.

7 b. Enrollees shall have the ability to select a contribution level
8 into the fund. This level may be expressed as a percentage of wages or
9 as a dollar amount up to the deductible amount for the enrollee's taxa-
10 ble year under section 219(b)(1)(A) of the internal revenue code. Enrol-
11 lees may change their contribution level at any time, subject to rules
12 promulgated by the board. If an enrollee fails to select a contribution
13 level using the form described in this article, then he or she shall
14 contribute three percent of his or her wages to the program, provided
15 that such contributions shall not cause the enrollee's total contrib-
16 utions to IRAs for the year to exceed the deductible amount for the
17 enrollee's taxable year under section 219(b)(1)(A) of the internal
18 revenue code. Notwithstanding any other provision of law, any partic-
19 ipating enrollee, whose employer fails to make employee deductions in
20 accordance with the provisions of section one hundred ninety-three of
21 the labor law, may bring an action, pursuant to section one hundred
22 ninety-eight of the labor law, to recover such monies. Further, any
23 participating employer, who fails to make employee deductions in accord-
24 ance with the provisions of section one hundred ninety-three of the
25 labor law, shall be subject to the penalties and fines provided for in
26 section one hundred ninety-eight-a of the labor law.

27 c. Enrollees may select an investment option from the permitted
28 investment options listed in this article. Enrollees may change their

1 investment option at any time, subject to rules promulgated by the
2 board. In the event that an enrollee fails to select an investment
3 option, that enrollee shall be placed in the investment option selected
4 by the board as the default under this article. If the board has not
5 selected a default investment option under this article, then an enrol-
6 lee who fails to select an investment option shall be placed in the
7 life-cycle fund investment option.

8 d. Following initial implementation of the program pursuant to this
9 section, at least once every year, participating employers shall desig-
10 nate an open enrollment period during which employees who previously
11 opted out of the program may enroll in the program.

12 e. An employee who opts out of the program who subsequently wants to
13 participate through the participating employer's payroll deposit retire-
14 ment savings arrangement may only enroll during the participating
15 employer's designated open enrollment period or if permitted by the
16 participating employer at an earlier time.

17 f. Employers shall retain the option at all times to set up any type
18 of employer-sponsored retirement plan instead of having a payroll depos-
19 it retirement savings arrangement to allow employee participation in the
20 program.

21 g. An enrollee may terminate his or her participation in the program
22 at any time in a manner prescribed by the board.

23 h. The board shall, in conjunction with the office of the state comp-
24 troller, establish and maintain a secure website wherein enrollees may
25 log in and acquire information regarding contributions and investment
26 income allocated to, withdrawals from, and balances in their program
27 accounts for the reporting period. Such website must also include infor-
28 mation for the enrollees regarding other options available to the

1 employee and how they can transfer their accounts to other programs
2 should they wish to do so. Such website may include any other informa-
3 tion regarding the program as the board may determine.

4 11. Employee contributions deducted by the participating employer
5 through payroll deduction shall be paid by the participating employer to
6 the fund using one or more payroll deposit retirement savings arrange-
7 ments established by the board under this article, either:

8 a. on or before the last day of the month following the month in which
9 the compensation otherwise would have been payable to the employee in
10 cash; or

11 b. before such later deadline prescribed by the board for making such
12 payments, but not later than the due date for the deposit of tax
13 required to be deducted and withheld relating to collection of income
14 tax at source on wages or for the deposit of tax required to be paid
15 under the unemployment insurance system for the payroll period to which
16 such payments relate.

17 12. a. The state shall have no duty or liability to any party for the
18 payment of any retirement savings benefits accrued by any enrollee under
19 the program. Any financial liability for the payment of retirement
20 savings benefits in excess of funds available under the program shall be
21 borne solely by the entities with whom the board contracts to provide
22 insurance to protect the value of the program.

23 b. No state board, commission, or agency, or any officer, employee, or
24 member thereof is liable for any loss or deficiency resulting from
25 investments selected under this article, except for any liability that
26 arises out of a breach of fiduciary duty.

1 13. a. Participating employers shall not have any liability for an
2 employee's decision to participate in, or opt out of, the program or for
3 the investment decisions of the board or of any enrollee.

4 b. A participating employer shall not be a fiduciary, or considered to
5 be a fiduciary, over the program. A participating employer shall not
6 bear responsibility for the administration, investment, or investment
7 performance of the program. A participating employer shall not be liable
8 with regard to investment returns, program design, and benefits paid to
9 program participants.

10 14. a. The board shall annually submit: (i) an audited financial
11 report, prepared in accordance with generally accepted accounting prin-
12 ciples, on the operations of the program during each calendar year by
13 July first of the following year to the governor, the comptroller, the
14 superintendent and the senate and assembly; and (ii) a report prepared
15 by the board, which shall include, but is not limited to, a summary of
16 the benefits provided by the program, including the number of enrollees
17 in the program, the percentage and amounts of investment options and
18 rates of return, and such other information that is relevant to make a
19 full, fair, and effective disclosure of the operations of the program
20 and the fund. The annual audit shall be made by an independent certified
21 public accountant and shall include, but is not limited to, direct and
22 indirect costs attributable to the use of outside consultants, independ-
23 ent contractors, and any other persons who are not state employees for
24 the administration of the program.

25 b. In addition to any other statements or reports required by law, the
26 board shall provide periodic reports at least annually to enrollees
27 reporting contributions and investment income allocated to, withdrawals
28 from, and balances in their program accounts for the reporting period.

1 Such reports may include any other information regarding the program as
2 the board may determine.

3 15. If the board does not obtain adequate funds to implement the
4 program within the timeframe set forth under this article and is subject
5 to appropriation, the board may delay the implementation of the program.

6 § 2. The state finance law is amended by adding two new sections 99-bb
7 and 99-cc to read as follows:

8 § 99-bb. New York state secure choice savings program fund. a. There
9 is hereby established within the joint custody of the commissioner of
10 taxation and finance and the state comptroller, in consultation with the
11 New York state deferred compensation board, a fund to be known as the
12 New York state secure choice savings program fund.

13 b. The fund shall include the individual retirement accounts of enrol-
14 lees, which shall be accounted for as individual accounts.

15 c. Moneys in the fund shall consist of moneys received from enrollees
16 and participating employers pursuant to automatic payroll deductions and
17 contributions to savings made under the New York state secure choice
18 savings program pursuant to section five-a of this chapter.

19 d. The fund shall be operated in a manner determined by the New York
20 state deferred compensation board, provided that the fund is operated so
21 that the accounts of enrollees established under the program meet the
22 requirements for IRAs under the internal revenue code.

23 e. The amounts deposited in the fund shall not constitute property of
24 the state and the fund shall not be construed to be a department, insti-
25 tution, or agency of the state. Amounts on deposit in the fund shall not
26 be commingled with state funds and the state shall have no claim to or
27 against, or interest in, such funds.

1 § 99-cc. New York state secure choice administrative fund. a. There is
2 hereby established within the joint custody of the commissioner of taxa-
3 tion and finance and the state comptroller, in consultation with the New
4 York state deferred compensation board, a fund to be known as the New
5 York state secure choice administrative fund.

6 b. The New York state deferred compensation board shall use moneys in
7 such fund to pay for administrative expenses it incurs in the perform-
8 ance of its duties under the New York state secure choice savings
9 program pursuant to section five-a of this chapter.

10 c. The New York state deferred compensation board shall use moneys in
11 such fund to cover start-up administrative expenses it incurs in the
12 performance of its duties under section five-a of this chapter.

13 d. Such fund may receive any grants or other moneys designated for
14 administrative purposes from the state, or any unit of federal or local
15 government, or any other person, firm, partnership, or corporation. Any
16 interest earnings that are attributable to moneys in such fund must be
17 deposited into the such fund.

18 § 3. This act shall take effect immediately.

19 PART Y

20 Section 1. Subdivision 2 of section 87 of the workers' compensation
21 law, as added by section 20 of part GG of chapter 57 of the laws of
22 2013, is amended to read as follows:

23 2. Any of the surplus funds belonging to the state insurance fund, by
24 order of the commissioners, approved by the superintendent of financial
25 services, may be invested (1) in the types of securities described in
26 subdivisions one, two, three, four, five, six, eleven, twelve, twelve-a,

1 thirteen, fourteen, fifteen, nineteen, twenty, twenty-one, twenty-one-a,
2 twenty-four, twenty-four-a, twenty-four-b, twenty-four-c and twenty-five
3 of section two hundred thirty-five of the banking law , or (2) in the
4 types of obligations described in paragraph two of subsection (a) of
5 section one thousand four hundred four of the insurance law except that
6 up to twenty-five percent of surplus funds may be invested in obli-
7 gations rated investment grade by a nationally recognized securities
8 rating organization, or[,] (3) up to fifty percent of surplus funds, in
9 the types of securities or investments described in paragraphs [two,]
10 three, eight and ten of subsection (a) of section one thousand four
11 hundred four of the insurance law, except that [up to ten percent of
12 surplus funds may be invested] investments in [the securities of any
13 solvent American institution as described in such paragraphs] diversi-
14 fied index funds and accounts may be made irrespective of the rating [of
15 such institution's obligations] or other similar qualitative standards
16 [described therein, and] applicable under such paragraphs, or (4) up to
17 ten percent of surplus funds, in the types of securities or investments
18 described in paragraphs two, three and ten of subsection (a) of section
19 one thousand four hundred four of the insurance law irrespective of the
20 rating of such institution's obligations or other similar qualitative
21 standard, or (5) up to fifteen percent of surplus funds in securities or
22 investments which do not otherwise qualify for investment under this
23 section as shall be made with the care, prudence and diligence under the
24 circumstances then prevailing that a prudent person acting in a like
25 capacity and familiar with such matters would use in the conduct of an
26 enterprise of a like character and with like aims as provided for the
27 state insurance fund under this article, but shall not include any
28 direct derivative instrument or derivative transaction except for hedg-

1 ing purposes. Notwithstanding any other provision in this subdivision,
2 the aggregate amount that the state insurance fund may invest in the
3 types of securities or investments described in paragraphs three, eight
4 and ten of subsection (a) of section one thousand four hundred four of
5 the insurance law and as a prudent person acting in a like capacity
6 would invest as provided in this subdivision shall not exceed fifty
7 percent of such surplus funds. For the purposes of this subdivision, any
8 funds appropriated pursuant to the provisions of subdivision one or two
9 of section eighty-seven-f of this article shall not be considered
10 surplus funds.

11 § 2. This act shall take effect immediately.

12 PART Z

13 Section 1. Section 167-a of the civil service law, as amended by
14 section 1 of part I of chapter 55 of the laws of 2012, is amended to
15 read as follows:

16 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
17 from the coverage of the health benefit plan of supplementary medical
18 insurance benefits for which an active or retired employee or a depend-
19 ent covered by the health benefit plan is or would be eligible under the
20 federal old-age, survivors and disability insurance program, an amount
21 equal to the standard medicare premium charge for such supplementary
22 medical insurance benefits for such active or retired employee and his
23 or her dependents, if any, shall be paid monthly or at other intervals
24 to such active or retired employee from the health insurance fund;
25 provided, however, such payment for the standard medicare premium charge
26 shall not exceed one hundred thirty-four dollars per month. Where

1 appropriate, such standard medicare premium amount may be deducted from
2 contributions payable by the employee or retired employee; or where
3 appropriate in the case of a retired employee receiving a retirement
4 allowance, such standard medicare premium amount may be included with
5 payments of his or her retirement allowance. All state employer, employ-
6 ee, retired employee and dependent contributions to the health insurance
7 fund, including contributions from public authorities, public benefit
8 corporations or other quasi-public organizations of the state eligible
9 for participation in the health benefit plan as authorized by subdivi-
10 sion two of section one hundred sixty-three of this article, shall be
11 adjusted as necessary to cover the cost of reimbursing federal old-age,
12 survivors and disability insurance program premium charges under this
13 section. This cost shall be included in the calculation of premium or
14 subscription charges for health coverage provided to employees and
15 retired employees of the state, public authorities, public benefit
16 corporations or other quasi-public organizations of the state; provided,
17 however, the state, public authorities, public benefit corporations or
18 other quasi-public organizations of the state shall remain obligated to
19 pay no less than its share of such increased cost consistent with its
20 share of premium or subscription charges provided for by this article.
21 All other employer contributions to the health insurance fund shall be
22 adjusted as necessary to provide for such payments.

23 § 2. This act shall take effect immediately and shall apply to the
24 standard medicare premium amount on and after April 1, 2018.

1 Section 1. Section 167-a of the civil service law, as amended by
2 section 1 of part I of chapter 55 of the laws of 2012, is amended to
3 read as follows:

4 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
5 from the coverage of the health benefit plan of supplementary medical
6 insurance benefits for which an active or retired employee or a depend-
7 ent covered by the health benefit plan is or would be eligible under the
8 federal old-age, survivors and disability insurance program, an amount
9 equal to the standard medicare premium charge for such supplementary
10 medical insurance benefits for such active or retired employee and his
11 or her dependents, if any, shall be paid monthly or at other intervals
12 to such active or retired employee from the health insurance fund.
13 Furthermore, effective January first, two thousand nineteen there shall
14 be no payment whatsoever for the income related monthly adjustment
15 amount for amounts (premiums) incurred on or after January first, two
16 thousand eighteen to any active or retired employee and his or her
17 dependents, if any. Where appropriate, such standard medicare premium
18 amount may be deducted from contributions payable by the employee or
19 retired employee; or where appropriate in the case of a retired employee
20 receiving a retirement allowance, such standard medicare premium amount
21 may be included with payments of his or her retirement allowance. All
22 state employer, employee, retired employee and dependent contributions
23 to the health insurance fund, including contributions from public
24 authorities, public benefit corporations or other quasi-public organiza-
25 tions of the state eligible for participation in the health benefit plan
26 as authorized by subdivision two of section one hundred sixty-three of
27 this article, shall be adjusted as necessary to cover the cost of reim-
28 bursing federal old-age, survivors and disability insurance program

1 premium charges under this section. This cost shall be included in the
2 calculation of premium or subscription charges for health coverage
3 provided to employees and retired employees of the state, public author-
4 ities, public benefit corporations or other quasi-public organizations
5 of the state; provided, however, the state, public authorities, public
6 benefit corporations or other quasi-public organizations of the state
7 shall remain obligated to pay no less than its share of such increased
8 cost consistent with its share of premium or subscription charges
9 provided for by this article. All other employer contributions to the
10 health insurance fund shall be adjusted as necessary to provide for such
11 payments.

12 § 2. This act shall take effect immediately and shall apply on January
13 1, 2018 for the income related monthly adjustment amount for amounts,
14 premiums, incurred on or after January 1, 2018.

15 PART BB

16 Section 1. Section 5004 of the civil practice law and rules, as
17 amended by chapter 258 of the laws of 1981, is amended to read as
18 follows:

19 § 5004. Rate of interest. [Interest shall be at the rate of nine per
20 centum per annum, except where otherwise provided by statute.] Notwith-
21 standing any other provision of law or regulation to the contrary,
22 including any law or regulation that limits the annual rate of interest
23 to be paid on a judgment or accrued claim, the annual rate of interest
24 to be paid on a judgment or accrued claim shall be calculated at the
25 one-year United States treasury bill rate. For the purposes of this
26 section, the "one-year United States treasury bill rate" means the week-

1 ly average one-year constant maturity treasury yield, as published by
2 the board of governors of the federal reserve system, for the calendar
3 week preceding the date of the entry of the judgment awarding damages.

4 § 2. This act shall take effect immediately, and shall be deemed to
5 have been in full force and effect on and after April 1, 2018.

6 PART CC

7 Section 1. Paragraph p of subdivision 10 of section 54 of the state
8 finance law, as amended by section 2 of part K of chapter 57 of the laws
9 of 2011 and subparagraph (ii) as amended by chapter 30 of the laws of
10 2013, is amended to read as follows:

11 p. Citizen empowerment tax credit. (i) For the purposes of this para-
12 graph, "municipalities" shall mean cities with a population less than
13 one million, towns and villages incorporated on or before December thir-
14 ty-first, two thousand seventeen.

15 (ii) Within the annual amounts appropriated therefor, surviving muni-
16 cipalities following a consolidation or dissolution occurring on or
17 after the state fiscal year commencing April first, two thousand seven,
18 and any new coterminous town-village established after July first, two
19 thousand twelve that operates principally as a town or as a village but
20 not as both a town and a village, shall be awarded additional annual
21 aid, starting in the state fiscal year following the state fiscal year
22 in which such reorganization took effect, equal to fifteen percent of
23 the combined amount of real property taxes levied by all of the munici-
24 palities participating in the reorganization in the local fiscal year
25 prior to the local fiscal year in which such reorganization took effect.
26 In instances of the dissolution of a village located in more than one

1 town, such additional aid shall equal the sum of fifteen percent of the
2 real property taxes levied by such village in the village fiscal year
3 prior to the village fiscal year in which such dissolution took effect
4 plus fifteen percent of the average amount of real property taxes levied
5 by the towns in which the village was located in the town fiscal year
6 prior to the town fiscal year in which such dissolution took effect, and
7 shall be divided among such towns based on the percentage of such
8 village's population that resided in each such town as of the most
9 recent federal decennial census. In no case shall the additional annual
10 aid pursuant to this paragraph exceed one million dollars. For villages
11 in which a majority of the electors voting at a referendum on a proposed
12 dissolution pursuant to section seven hundred eighty of the general
13 municipal law vote in favor of dissolution after December thirty-first,
14 two thousand seventeen, in no case shall the additional annual aid
15 pursuant to this paragraph exceed the lesser of one million dollars or
16 the amount of real property taxes levied by such village in the village
17 fiscal year prior to the village fiscal year in which such dissolution
18 took effect. Such additional annual aid shall be apportioned and paid to
19 the chief fiscal officer of each eligible municipality on or before
20 September twenty-fifth of each such state fiscal year on audit and
21 warrant of the state comptroller out of moneys appropriated by the
22 legislature for such purpose to the credit of the local assistance fund.

23 (iii) Any municipality receiving a citizen empowerment tax credit
24 pursuant to this paragraph shall use at least seventy percent of such
25 aid for property tax relief and the balance of such aid for general
26 municipal purposes. For each local fiscal year following the effective
27 date of the chapter of the laws of two thousand eleven which amended
28 this paragraph in which such aid is payable, a statement shall be placed

1 on each property tax bill for such municipality in substantially the
2 following form: "Your property tax savings this year resulting from the
3 State Citizen Empowerment Tax Credit received as the result of local
4 government re-organization is \$_____." The property tax savings from
5 the citizen empowerment tax credit for each property tax bill shall be
6 calculated by (1) multiplying the amount of the citizen empowerment tax
7 credit used for property tax relief by the amount of property taxes
8 levied on such property by such municipality and (2) dividing the result
9 by the total amount of property taxes levied by such municipality.
10 § 2. This act shall take effect immediately.

11 PART DD

12 Section 1. This part enacts into law components of legislation relat-
13 ing to local government shared services. Each component is wholly
14 contained within a Subpart identified as Subparts A through B. The
15 effective date for each particular provision contained within such
16 Subpart is set forth in the last section of such Subpart. Any provision
17 in any section contained within a Subpart, including the effective date
18 of the Subpart, which makes a reference to a section "of this act", when
19 used in connection with that particular component, shall be deemed to
20 mean and refer to the corresponding section of the Subpart in which it
21 is found. Section three of this Part sets forth the general effective
22 date of this Part.

23 SUBPART A

1 Section 1. Section 106-b of the uniform justice court act, as added by
2 chapter 87 of the laws of 2008, is amended to read as follows:

3 § 106-b. Election of [a single] one or more town [justice] justices for
4 two or more adjacent towns.

5 1. Two or more adjacent towns within the same county, acting by and
6 through their town boards, are authorized to jointly undertake a study
7 relating to the election of [a single] one or more town [justice]
8 justices who shall preside in the town courts of each such town. Such
9 study shall be commenced upon and conducted pursuant to a joint resol-
10 ution adopted by the town board of each such adjacent town. Such joint
11 resolution or a certified copy thereof shall upon adoption be filed in
12 the office of the town clerk of each adjacent town which adopts the
13 resolution. No study authorized by this subdivision shall be commenced
14 until the joint resolution providing for the study shall have been filed
15 with the town clerks of at least two adjacent towns which adopted such
16 joint resolution.

17 2. Within thirty days after the conclusion of a study conducted pursu-
18 ant to subdivision one of this section, each town which shall have
19 adopted the joint resolution providing for the study shall publish, in
20 its official newspaper or, if there be no official newspaper, in a news-
21 paper published in the county and having a general circulation within
22 such town, notice that the study has been concluded and the time, date
23 and place of the town public hearing on such study. Each town shall
24 conduct a public hearing on the study, conducted pursuant to subdivision
25 one of this section, not less than twenty days nor more than thirty days
26 after publication of the notice of such public hearing.

27 3. The town board of each town party to the study shall conduct a
28 public hearing upon the findings of such study, and shall hear testimony

1 and receive evidence and information thereon with regard to the election
2 of one or more town [justice] justices to preside over the town courts
3 of the adjacent towns which are parties to the joint resolution provid-
4 ing for the study.

5 4. Within sixty days of the last public hearing upon a study conducted
6 pursuant to subdivision one of this section, town boards of each town
7 which participated in such study shall determine whether the town will
8 participate in a joint plan providing for the election of [a single] one
9 or more town [justice] justices to preside in the town courts of two or
10 more adjacent towns. Every such joint plan shall only be approved by a
11 town by the adoption of a resolution by the town board providing for the
12 adoption of such joint plan. In the event two or more adjacent towns
13 fail to adopt a joint plan, all proceedings authorized by this section
14 shall terminate and the town courts of such towns shall continue to
15 operate in accordance with the existing provisions of law.

16 5. Upon the adoption of a joint plan by two or more adjacent towns,
17 the town boards of the towns adopting such plan shall each adopt a joint
18 resolution providing for:

19 a. the election of [a single] one or more town [justice] justices at
20 large to preside in the town courts of the participating towns;

21 b. the abolition of the existing office of town justice in the partic-
22 ipating towns; and

23 c. the election of [such single] one or more town [justice] justices
24 shall occur at the next general election of town officers and every
25 fourth year thereafter.

26 6. Upon the adoption of a joint resolution, such [resolution shall be
27 forwarded to the state legislature, and shall constitute a municipal
28 home rule message pursuant to article nine of the state constitution and

1 the municipal home rule law. No such joint resolution shall take effect
2 until state legislation enacting the joint resolution shall have become
3 a law] joint plan that provides for the election of one or more town
4 justices to preside in the town courts of two or more adjacent towns
5 shall be deemed effective and shall be implemented in the manner
6 provided in such resolution.

7 7. Every town justice elected to preside in multiple towns pursuant to
8 this section shall have jurisdiction in each of the participating adja-
9 cent towns, shall preside in the town courts of such towns, shall main-
10 tain separate records and dockets for each town court, and shall main-
11 tain a separate bank account for each town court for the deposit of
12 moneys received by each town court.

13 8. In the event any town court operated pursuant to a joint plan
14 enacted into law pursuant to this section is without the services of the
15 [single] one or more town [justice] justices because of absence or disa-
16 bility, the provisions of section one hundred six of this article and
17 the town law shall apply.

18 § 2. This act shall take effect immediately.

19 SUBPART B

20 Section 1. Section 119-u of the general municipal law, as added by
21 chapter 242 of the laws of 1993, subdivision 3 as amended by chapter 418
22 of the laws of 1995, is amended to read as follows:

23 § 119-u. Intermunicipal cooperation in comprehensive planning and land
24 use regulation. 1. Legislative intent. This section is intended to
25 illustrate and broaden the statutory authority that any municipal corpo-
26 ration has under article five-G of this chapter and place within land

1 use, planning and zoning law express statutory authority for counties,
2 cities, towns, and villages to enter into agreements to undertake
3 comprehensive planning, zoning, and land use regulation with each other
4 or one for the other, and to provide that any city, town, or village may
5 contract with a county to carry out all or a portion of the [ministeri-
6 al] functions related to the land use, planning and zoning of such coun-
7 ty, city, town or village as may be agreed upon. By the enactment of
8 this section the legislature seeks to promote intergovernmental cooper-
9 ation that could result in increased coordination and effectiveness of
10 comprehensive planning, zoning, and land use regulation, more efficient
11 use of infrastructure and municipal revenues, as well as the enhanced
12 protection of community resources, especially where such resources span
13 municipal boundaries.

14 2. Authorization and effects. (a) In addition to any other general or
15 special powers vested in a county, city, town or village to prepare a
16 comprehensive plan and enact and administer land use regulations, by
17 local law or ordinance, rule or regulation, each county, city, town or
18 village is hereby authorized to enter into, amend, cancel and terminate
19 agreements with any other municipality or municipalities to undertake
20 all or a portion of such powers, functions and duties.

21 (b) Any one or more municipalities located in a county which has
22 established a county planning board, commission or other agency, herein-
23 after referred to as a county planning agency, are hereby authorized to
24 enter into, amend, cancel and terminate agreements with such county in
25 order to authorize the county planning agency to perform and carry out
26 certain [ministerial] functions on behalf of such municipality or muni-
27 cipalities related to land use, planning and zoning. Such functions may
28 include, but are not limited to, acting in an advisory capacity, assist-

1 ing in the preparation of comprehensive plans, zoning, and land use
2 regulations to be adopted and enforced by such municipality or munici-
3 palities and participating in the formation and functions of individual
4 or joint administrative boards and bodies formed by one or more munici-
5 palities. The administration and enforcement of zoning and land use
6 regulations may be performed in accordance with a program authorized in
7 accordance with sections one hundred nineteen-v and one hundred nine-
8 teen-w of this article.

9 (c) Such agreements shall apply only to the performance or exercise of
10 any function or power which each of the municipal corporations has the
11 authority by any general or special law to prescribe, perform, or exer-
12 cise separately.

13 3. Definitions. As used herein:

14 (a) "Municipality", means a city, town or village.

15 (b) "Land use regulation", means an ordinance or local law enacted by
16 a municipality for the regulation of any aspect of land use and communi-
17 ty resource protection and includes any zoning, subdivision, special use
18 permit or site plan regulation or any other regulations which prescribe
19 the appropriate use of property or the scale, location, and intensity of
20 development.

21 (c) "Community resource", means a specific public facility, infras-
22 tructure system, or geographic area of special economic development,
23 environmental, scenic, cultural, historic, recreational, parkland, open
24 space, natural resource, or other unique significance, located wholly or
25 partially within the boundaries of one or more given municipalities.

26 (d) "Intermunicipal overlay district", means a special land use
27 district which encompasses all or a portion of one or more munici-

1 palities for the purpose of protecting, enhancing, or developing one or
2 more community resources as provided herein.

3 4. Intermunicipal agreements. In addition to any other powers granted
4 to [municipalities] a county, city, town, or village to contract with
5 each other to undertake joint, cooperative agreements any municipality
6 may:

7 (a) create a consolidated planning board or submit a request to the
8 county legislative body for the creation of a county planning board, any
9 one of which may replace individual planning boards, if any, which
10 consolidated or county planning board shall have the powers and duties
11 as shall be determined by such agreement;

12 (b) create a consolidated zoning board of appeals or submit a request
13 to the county legislative body for the creation of a county zoning board
14 of appeals, any one of which may replace individual zoning boards of
15 appeals, if any, which consolidated or county zoning board of appeals
16 shall have the powers and duties as shall be determined by such agree-
17 ment;

18 (c) create a comprehensive plan and/or land use regulations which may
19 be adopted independently by each participating municipality;

20 (d) provide for a land use administration and enforcement program
21 which may replace individual land use administration and enforcement
22 programs, if any, the terms and conditions of which shall be set forth
23 in such agreement; and

24 (e) create an intermunicipal overlay district for the purpose of
25 protecting, enhancing, or developing community resources that encompass
26 two or more municipalities.

27 5. Special considerations. (a) Making joint agreements. Any agreement
28 made pursuant to the provisions of this section may contain provisions

1 as the parties deem to be appropriate, and including provisions relative
2 to the items designated in paragraphs a through m inclusive as set forth
3 in subdivision two of section one hundred nineteen-o of this chapter.

4 (b) Establishing the duration of agreement. Any local law developed
5 pursuant to the provisions of this section may contain procedures for
6 periodic review of the terms and conditions, including those relating to
7 the duration, extension or termination of the agreement.

8 (c) Amending local laws or ordinances. Local laws or ordinances shall
9 be amended, as appropriate, to reflect the provisions contained in
10 intermunicipal agreements established pursuant to the provisions of this
11 section.

12 6. Appeal of action by aggrieved party or parties. Any officer,
13 department, board or bureau of any municipality with the approval of the
14 legislative body, or any person or persons jointly or severally
15 aggrieved by any act or decision of a planning board, county planning
16 board, zoning board of appeals, county zoning board of appeals, or agen-
17 cy created pursuant to the provisions of this [section] article may
18 bring a proceeding by article seventy-eight of the civil practice law
19 and rules in a court of record on the ground that such decision is ille-
20 gal, in whole or in part. Such proceeding must be commenced within thir-
21 ty days after the filing of the decision in the office of the board.
22 Commencement of the proceeding by article seventy-eight of the civil
23 practice law and rules in a court shall stay all other proceedings upon
24 the decision from which the appeal is taken. All issues in any proceed-
25 ing under this [section] article shall have a preference over all other
26 civil actions and proceedings.

27 7. Any agreements made between two or more [municipalities] counties,
28 cities, towns, or villages pursuant to article five-G of this chapter or

1 other law which provides for the undertaking of any land use, planning,
2 and zoning regulation or activity on a joint, cooperative or contract
3 basis, if valid when so made, shall not be invalidated by the provisions
4 of this [section] article.

5 8. Training and attendance requirements. (a) Each member of a county
6 zoning board of appeals, county planning board, or other county body
7 established to approve land use, planning or zoning applications that is
8 subject to an agreement under this article shall complete, at a minimum,
9 four hours of training each year designed to enable such members to more
10 effectively carry out their duties. Training received by a member in
11 excess of four hours in any one year may be carried over by the member
12 into succeeding years in order to meet the requirements of this subdivi-
13 sion. Such training shall be approved by the governing board that
14 appointed the member and may include, but not be limited to, training
15 provided by a municipality, regional or county planning office or
16 commission, county planning federation, state agency, statewide munici-
17 pal association, college or other similar entity. Training may be
18 provided in a variety of formats, including but not limited to, elec-
19 tronic media, video, distance learning and traditional classroom train-
20 ing.

21 (b) To be eligible for reappointment to such board, such member shall
22 have completed the training approved by the board that appointed the
23 member pursuant to law.

24 (c) The training required by this subdivision may be waived or modi-
25 fied by resolution of the board that appointed the member when, in the
26 judgment of such board, it is in the best interest of the municipality
27 to do so.

1 (d) No decision of such board shall be voided or declared invalid
2 because of a failure of any of its board members to comply with this
3 subdivision.

4 9. The provisions of this [section] article shall be in addition to
5 existing authority and shall not be deemed or constructed as a limita-
6 tion, diminution or derogation of any statutory authority authorizing
7 municipal cooperation.

8 § 2. Article 5-J of the general municipal law is amended by adding a
9 new section 119-v to read as follows:

10 § 119-v. County administration of land use regulations. A town, city,
11 or village within a county may request by local law that the legislative
12 body of its county adopt a program for the administration and enforce-
13 ment of any land use and planning regulations and any zoning ordinance
14 or local law, in force or proposed in said town, city, or village.
15 During the period in which the county legislative body is developing and
16 adopting such program, any existing planning, zoning, and other land use
17 regulations included in such county request shall remain in full force
18 and effect. The governing board of each town, city, or village request-
19 ing county administration and enforcement of the local land use and
20 planning regulations shall receive written notification that the county
21 legislative body has adopted such program. Upon such county notification
22 to the town, city, or village, the county program so developed and
23 adopted shall apply in the town, city, or village requesting county
24 administration and enforcement of any land use and planning regulations
25 from thirty days thereafter unless and until the town, city, or village
26 request has been withdrawn by local law. Nothing shall prevent a county
27 legislative body from developing and adopting a program for the county-
28 wide or part-county administration and enforcement of the land use,

1 planning and zoning regulations upon the request of two or more towns,
2 cities, and/or villages located within the county.

3 § 3. Article 5-J of the general municipal law is amended by adding a
4 new section 119-w to read as follows:

5 § 119-w. County planning commission or other similar county entity or
6 department. 1. The county legislative body may establish a county plan-
7 ning commission to implement the intermunicipal agreement created pursu-
8 ant to this article; provided however, that where a county planning
9 board, commission, or other county entity or department already exists
10 in accordance with a county charter or local law, the existing board,
11 commission, entity or department may be appointed by the county legisla-
12 tive body as the county planning commission to implement the intermunic-
13 ipal agreement authorized in this article. Planning commissions estab-
14 lished to implement provisions of this article after December
15 thirty-first, two thousand seventeen shall consist of seven members who
16 shall be appointed by the county legislative body. Three members of the
17 commission shall be appointed for terms of one year, three for terms of
18 two years and one member shall be appointed for a term of three years.
19 Successors shall be appointed for terms of three years each. A vacancy
20 occurring otherwise than by expiration of term shall be filled by
21 appointment by the legislative body of the county government for the
22 unexpired term. Such commission shall have power, within the limits of
23 the appropriation made by the legislative body of the county, to employ
24 a secretary and other necessary clerical assistants and employ or
25 contract with such technical assistants as may be necessary from time to
26 time to give full effect to the provisions of this article.

27 2. Where an intermunicipal agreement created pursuant to this article
28 so provides, the county planning commission may, at the option of the

1 local legislative body of a town, village or city of the county, have
2 control of land use, zoning, and land subdivision in such municipi-
3 palities, and no map subdividing land into lots for residential or busi-
4 ness purposes in any such municipality shall be accepted for filing by
5 the county clerk unless it shall have been first approved by the county
6 planning commission and shall have such approval endorsed thereon.

7 3. For the purpose of promoting the health, safety, morals, or the
8 general welfare of the county, the legislative body of the county, at
9 the option of the legislative body of a town, village or city of the
10 county, when an intermunicipal agreement so provides, such county is
11 authorized to adopt a local law to regulate and restrict the height,
12 number of stories and size of buildings and other structures, the
13 percentage of lot that may be occupied, the size of yards, courts, and
14 other open spaces, the density of population, and the location and use
15 of buildings, structures and land for trade, industry, residence or
16 other purposes; provided further, that all charges and expenses incurred
17 under this article for zoning and planning may be a charge upon the
18 taxable property of that part of the county.

19 4. Such county local law shall provide that a board of appeals may
20 determine and vary the application of the provisions in said local law
21 in harmony with the law's general purpose and intent, and in accordance
22 with general or specific rules therein, provided that for:

23 (a) Orders, requirements, decisions, interpretations, determinations.
24 The board of appeals may reverse or affirm, wholly or partly, or may
25 modify the order, requirement, decision, interpretation or determination
26 appealed from and shall make such order, requirement, decision, inter-
27 pretation or determination as in its opinion ought to have been made in
28 the matter by the administrative official charged with the enforcement

1 of such ordinance or local law and to that end shall have all the powers
2 of the administrative official from whose order, requirement, decision,
3 interpretation or determination the appeal is taken.

4 (b) Use variances. (1) The board of appeals, on appeal from the deci-
5 sion or determination of the administrative official charged with the
6 enforcement of such ordinance or local law, shall have the power to
7 grant use variances, as defined in this section.

8 (2) No such use variance shall be granted by the board of appeals
9 without a showing by the applicant that applicable zoning regulations
10 and restrictions have caused unnecessary hardship. In order to prove
11 such unnecessary hardship the applicant shall demonstrate to the board
12 of appeals that for each and every permitted use under the zoning regu-
13 lations for the particular district where the property is located, (i)
14 the applicant cannot realize a reasonable return, provided that lack of
15 return is substantial as demonstrated by competent financial evidence;
16 (ii) that the alleged hardship relating to the property in question is
17 unique, and does not apply to a substantial portion of the district or
18 neighborhood; (iii) that the requested use variance, if granted, will
19 not alter the essential character of the neighborhood; and (iv) that the
20 alleged hardship has not been self-created.

21 (3) The board of appeals, in the granting of use variances, shall
22 grant the minimum variance that it shall deem necessary and adequate to
23 address the unnecessary hardship proven by the applicant, and at the
24 same time preserve and protect the character of the neighborhood and the
25 health, safety and welfare of the community.

26 (c) Area variances. (1) The zoning board of appeals shall have the
27 power, upon an appeal from a decision or determination of the adminis-

1 trative official charged with the enforcement of such ordinance of local
2 law, to grant area variances as defined in this section.

3 (2) In making its determination, the zoning board of appeals shall
4 take into consideration the benefit to the applicant if the variance is
5 granted, as weighed against the detriment to the health, safety and
6 welfare of the neighborhood or community by such grant. In making such
7 determination the board shall also consider: (i) whether an undesirable
8 change will be produced in the character of the neighborhood or a detri-
9 ment to nearby properties will be created by the granting of the area
10 variance; (ii) whether the benefit sought by the applicant can be
11 achieved by some method, feasible for the applicant to pursue, other
12 than an area variance; (iii) whether the requested area variance is
13 substantial; (iv) whether the proposed variance will have an adverse
14 effect or impact on the physical or environmental conditions in the
15 neighborhood or community; and (v) whether the alleged difficulty was
16 self-created, which consideration shall be relevant to the decision of
17 the board of appeals, but shall not necessarily preclude the granting of
18 the area variance.

19 (3) The board of appeals, in the granting of area variances, shall
20 grant the minimum variance that it shall deem necessary and adequate and
21 at the same time preserve and protect the character of the neighborhood
22 and the health, safety and welfare of the community.

23 (d) Imposition of conditions. The board of appeals shall, in the
24 granting of both use variances and area variances, have the authority to
25 impose such reasonable conditions and restrictions as are directly
26 related to and incidental to the proposed use of the property. Such
27 conditions shall be consistent with the spirit and intent of the zoning
28 ordinance or local law, and shall be imposed for the purpose of minimiz-

1 ing any adverse impact such variance may have on the neighborhood or
2 community.

3 5. In addition to the foregoing, the county legislative body, at the
4 option of the legislative body of a town, village or city of the county,
5 is empowered to adopt by local law a comprehensive plan in so far as the
6 plan relates to any portion of the county addressed in said intermuni-
7 pal agreement and also any portion which relates to state highways and
8 county or town roads, county buildings and navigable waterways, irre-
9 spective of whether they may be located within the boundaries of any
10 town, city or village or elsewhere within the county. Upon the adoption
11 of any such local law, the legislative body of the county shall file
12 with the county clerk forthwith a certified copy thereof, including
13 copies of all relevant maps and plans. The county planning commission or
14 county entity or department appointed by the county legislative body,
15 may develop and recommend the county comprehensive plan to the county
16 legislative body for its adoption.

17 6. Whenever a comprehensive plan, or one or more parts thereof, shall
18 have been adopted as hereinbefore provided, no street, square, park or
19 other public way, ground, open space or other public place, public
20 building, structure or public utility (whether publicly or privately
21 owned) shall be constructed or authorized in any portion of the county
22 in respect to which said plan or part thereof has been adopted, until
23 the location, character and extent thereof shall have been submitted to
24 and approved by the county planning commission as conforming to the
25 general intent and purpose of the comprehensive plan. The county plan-
26 ning commission shall make rules relating to such matters, which shall
27 provide for notice to all parties interested, including units of local
28 government which may be affected thereby, and including the office of

1 parks, recreation and historic preservation if the matter submitted
2 relates to any portion of the county within two hundred feet of any
3 state park or parkway. If the matter submitted relates to the territory
4 of any unit of local government which has adopted a plan of development
5 prior to the adoption of the comprehensive plan, such plan shall not be
6 superseded except by a two-thirds vote of the whole number of members of
7 the county planning commission.

8 § 4. Section 10 of the statute of local governments is amended by
9 adding a new subdivision 6-a to read as follows:

10 6-a. In the case of a county, when authorized by local law adopted by
11 the legislative body of any city, town or village of the county and in
12 accordance with an intermunicipal agreement entered into between the
13 local governments in a manner prescribed by statute, the power to adopt,
14 amend, repeal, and/or enforce zoning and other land use regulations in
15 all or part of such city, village or town, provided however, an intermu-
16 nicipal agreement entered into with a county to allow such county to
17 adopt, amend, repeal, and/or enforce zoning and other land use regu-
18 lations within a village would require the authorization from the legis-
19 lative body of such village.

20 § 5. Section four of this act shall take effect immediately after it
21 is enacted by the legislature with the approval of the governor in
22 accordance with paragraph one of subdivision (b) of section two of arti-
23 cle nine of the constitution, and provided that it is re-enacted by the
24 legislature and approved by the governor in the next calendar year in
25 accordance with such paragraph. After such re-enactment by the legisla-
26 ture and approval by the governor of section four of this act in accord-
27 ance with article nine of the constitution, sections one, two, and three
28 of this act shall take effect immediately after such date; provided,

1 further, that the governor's office shall notify the legislative bill
2 drafting commission upon the occurrence of the enactment of this legis-
3 lation provided for in this section in order that the commission may
4 maintain an accurate and timely effective data base of the official text
5 of the laws of the state of New York in furtherance of effectuating the
6 provisions of section 44 of the legislative law and section 70-b of the
7 public officers law.

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

17 § 3. This act shall take effect immediately; provided, however, that
18 the applicable effective date of Subparts A and B of this Part shall be
19 as specifically set forth in the last section of such Subparts.

20 PART EE

21 Section 1. The general municipal law is amended by adding a new arti-
22 cle 12-I to read as follows:

23 ARTICLE 12-I

24 COUNTY-WIDE SHARED SERVICES PANELS

25 Section 239-bb. County-wide shared services panels.

1 § 239-bb. County-wide shared services panels. 1. Definitions. The
2 following terms shall have the following meanings for the purposes of
3 this article:

4 a. "County" shall mean any county not wholly contained within a city.

5 b. "County CEO" shall mean the county executive, county manager or
6 other chief executive of the county, or, where none, the chair of the
7 county legislative body.

8 c. "Panel" shall mean a county-wide shared services panel established
9 pursuant to subdivision two of this section.

10 d. "Plan" shall mean a county-wide shared services property tax
11 savings plan.

12 2. County-wide shared services panels. a. There shall be a county-wide
13 shared services panel in each county consisting of the county CEO, and
14 one representative from each city, town and village in the county. The
15 chief executive officer of each town, city and village shall be the
16 representative to a panel and shall be the mayor, if a city or a
17 village, or shall be the supervisor, if a town. The county CEO shall
18 serve as chair. All panels established in each county pursuant to part
19 BBB of chapter fifty-nine of the laws of two thousand seventeen, and
20 prior to the enactment of this article, shall continue in satisfaction
21 of this section in such form as they were established, provided that the
22 county CEO may alter the membership of the panel consistent with para-
23 graph b of this subdivision.

24 b. The county CEO may invite any school district, board of cooperative
25 educational services, fire district, fire protection district, or
26 special improvement district in the county to join a panel. Upon such
27 invitation, the governing body of such school district, board of cooper-
28 ative educational services, fire district, fire protection district, or

1 other special district may accept such invitation by selecting a repre-
2 sentative of such governing body, by majority vote, to serve as a member
3 of the panel. Such school district, board of cooperative educational
4 services, fire district, fire protection district or other special
5 district shall maintain such representation until the panel either
6 approves a plan or transmits a statement to the secretary of state on
7 the reason the panel did not approve a plan, pursuant to paragraph d of
8 subdivision seven of this section. Upon approval of a plan or a trans-
9 mission of a statement to the secretary of state that a panel did not
10 approve a plan in any calendar year, the county CEO may, but need not,
11 invite any school district, board of cooperative educational services,
12 fire district, fire protection district or special improvement district
13 in the county to join a panel thereafter convened.

14 c. Notwithstanding any provision of the education law, or any other
15 provision of law, rule or regulation, to the contrary, any school
16 district or board of cooperative educational services may join a panel
17 established pursuant to the provisions of this section, and may further
18 participate in any of the activities of such panel, with any participat-
19 ing county, town, city, village, fire district, fire protection
20 district, special improvement district, school district, or board of
21 cooperative educational services participating in such panels.

22 3. Each county CEO shall, after satisfying the requirements of part
23 BBB of chapter fifty-nine of the laws of two thousand seventeen, revise
24 and update a previously approved plan or develop a new plan. Such plans
25 shall contain new, recurring property tax savings resulting from actions
26 such as, but not limited to, the elimination of duplicative services;
27 shared service arrangements including, joint purchasing, shared highway
28 equipment, shared storage facilities, shared plowing services, and ener-

1 gy and insurance purchasing cooperatives; reducing back office adminis-
2 trative overhead; and better-coordinating services. The secretary of
3 state may provide guidance on the form and structure of such plans.

4 4. While developing a plan, the county CEO shall regularly consult
5 with, and take recommendations from, the representatives: on the panel;
6 of each collective bargaining unit of the county and the cities, towns,
7 and villages; and of each collective bargaining unit of any participat-
8 ing school district, board of cooperative educational services, fire
9 district, fire protection district, or special improvement district.

10 5. The county CEO, the county legislative body and a panel shall
11 accept input from the public, civic, business, labor and community lead-
12 ers on any proposed plan. The county CEO shall cause to be conducted a
13 minimum of three public hearings prior to submission of a plan to a vote
14 of a panel. All such public hearings shall be conducted within the coun-
15 ty, and public notice of all such hearings shall be provided at least
16 one week prior in the manner prescribed in subdivision one of section
17 one hundred four of the public officers law. Civic, business, labor,
18 and community leaders, as well as members of the public, shall be
19 permitted to provide public testimony at any such hearings.

20 6. a. The county CEO shall submit each plan, accompanied by a certif-
21 ication as to the accuracy of the savings contained therein, to the
22 county legislative body at least forty-five days prior to a vote by the
23 panel.

24 b. The county legislative body shall review and consider each plan
25 submitted in accordance with paragraph a of this subdivision. A majority
26 of the members of such body may issue an advisory report on each plan,
27 making recommendations as deemed necessary. The county CEO may modify a

1 plan based on such recommendations, which shall include an updated
2 certification as to the accuracy of the savings contained therein.

3 7. a. A panel shall duly consider any plan properly submitted to the
4 panel by the county CEO and may approve such plan by a majority vote of
5 the panel. Each member of a panel may, prior to the panel-wide vote,
6 cause to be removed from a plan any proposed action affecting the unit
7 of government represented by the respective member. Written notice of
8 such removal shall be provided to the county CEO prior to a panel-wide
9 vote on a plan.

10 b. Plans approved by a panel shall be transmitted to the secretary of
11 state no later than thirty days from the date of approval by a panel
12 accompanied by a certification as to the accuracy of the savings accom-
13 panied therein, and shall be publicly disseminated to residents of the
14 county in a concise, clear, and coherent manner using words with common
15 and everyday meaning.

16 c. The county CEO shall conduct a public presentation of any approved
17 plan no later than thirty days from the date of approval by a panel.
18 Public notice of such presentation shall be provided at least one week
19 prior in the manner prescribed in subdivision one of section one hundred
20 four of the public officers law.

21 d. Beginning in two thousand twenty, by January fifteenth following
22 any calendar year during which a panel did not approve a plan and trans-
23 mit such plan to the secretary of state pursuant to paragraph b of this
24 subdivision, such panel shall release to the public and transmit to the
25 secretary of state a statement explaining why the panel did not approve
26 a plan that year, including, for each vote on a plan, the vote taken by
27 each panel member and an explanation by each panel member of their vote.

1 8. The secretary of state may solicit, and the panels shall provide at
2 her or his request, advice, guidance and recommendations concerning
3 matters related to the operations of local governments and shared
4 services initiatives, including, but not limited to, making recommenda-
5 tions regarding grant proposals incorporating elements of shared
6 services, government dissolutions, government and service consol-
7 idations, or property taxes and such other grants where the secretary
8 deems the input of the panels to be in the best interest of the public.
9 The panel shall advance such advice, guidance or recommendations by a
10 vote of the majority of the members present at such meeting.

11 § 2. If any clause, sentence, paragraph, subdivision, section or part
12 of this act shall be adjudged by any court of competent jurisdiction to
13 be invalid, such judgment shall not affect, impair, or invalidate the
14 remainder thereof, but shall be confined in its operation to the clause,
15 sentence, paragraph, subdivision, section or part thereof directly
16 involved in the controversy in which such judgment shall have been
17 rendered. It is hereby declared to be the intent of the legislature that
18 this act would have been enacted even if such invalid provisions had not
19 been included herein.

20 § 3. This act shall take effect immediately.

21 PART FF

22 Section 1. Subdivision 7 of section 2046-c of the public authorities
23 law, as added by chapter 632 of the laws of the 1982, is amended to read
24 as follows:

25 7. There shall be an annual independent audit of the accounts and
26 business practices of the agency performed by independent outside audi-

1 tors [nominated by the director of the division of the budget]. Any such
2 auditor shall serve no more than three consecutive years.

3 § 2. This act shall take effect immediately.

4 PART GG

5 Section 1. The state comptroller is hereby authorized and directed to
6 loan money in accordance with the provisions set forth in subdivision 5
7 of section 4 of the state finance law to the following funds and/or
8 accounts:

- 9 1. Proprietary vocational school supervision account (20452).
- 10 2. Local government records management account (20501).
- 11 3. Child health plus program account (20810).
- 12 4. EPIC premium account (20818).
- 13 5. Education - New (20901).
- 14 6. VLT - Sound basic education fund (20904).
- 15 7. Sewage treatment program management and administration fund
16 (21000).
- 17 8. Hazardous bulk storage account (21061).
- 18 9. Federal grants indirect cost recovery account (21065).
- 19 10. Low level radioactive waste account (21066).
- 20 11. Recreation account (21067).
- 21 12. Public safety recovery account (21077).
- 22 13. Environmental regulatory account (21081).
- 23 14. Natural resource account (21082).
- 24 15. Mined land reclamation program account (21084).
- 25 16. Great lakes restoration initiative account (21087).
- 26 17. Environmental protection and oil spill compensation fund (21200).

- 1 18. Public transportation systems account (21401).
- 2 19. Metropolitan mass transportation (21402).
- 3 20. Operating permit program account (21451).
- 4 21. Mobile source account (21452).
- 5 22. Statewide planning and research cooperative system account
- 6 (21902).
- 7 23. New York state thruway authority account (21905).
- 8 24. Mental hygiene program fund account (21907).
- 9 25. Mental hygiene patient income account (21909).
- 10 26. Financial control board account (21911).
- 11 27. Regulation of racing account (21912).
- 12 28. New York Metropolitan Transportation Council account (21913).
- 13 29. State university dormitory income reimbursable account (21937).
- 14 30. Criminal justice improvement account (21945).
- 15 31. Environmental laboratory reference fee account (21959).
- 16 32. Clinical laboratory reference system assessment account (21962).
- 17 33. Indirect cost recovery account (21978).
- 18 34. High school equivalency program account (21979).
- 19 35. Multi-agency training account (21989).
- 20 36. Interstate reciprocity for post-secondary distance education
- 21 account (23800).
- 22 37. Bell jar collection account (22003).
- 23 38. Industry and utility service account (22004).
- 24 39. Real property disposition account (22006).
- 25 40. Parking account (22007).
- 26 41. Courts special grants (22008).
- 27 42. Asbestos safety training program account (22009).
- 28 43. Batavia school for the blind account (22032).

- 1 44. Investment services account (22034).
- 2 45. Surplus property account (22036).
- 3 46. Financial oversight account (22039).
- 4 47. Regulation of Indian gaming account (22046).
- 5 48. Rome school for the deaf account (22053).
- 6 49. Seized assets account (22054).
- 7 50. Administrative adjudication account (22055).
- 8 51. Federal salary sharing account (22056).
- 9 52. New York City assessment account (22062).
- 10 53. Cultural education account (22063).
- 11 54. Local services account (22078).
- 12 55. DHCR mortgage servicing account (22085).
- 13 56. Housing indirect cost recovery account (22090).
- 14 57. DHCR-HCA application fee account (22100).
- 15 58. Low income housing monitoring account (22130).
- 16 59. Corporation administration account (22135).
- 17 60. Montrose veteran's home account (22144).
- 18 61. Deferred compensation administration account (22151).
- 19 62. Rent revenue other New York City account (22156).
- 20 63. Rent revenue account (22158).
- 21 64. Tax revenue arrearage account (22168).
- 22 65. Youth facility per diem account (22186).
- 23 66. State university general income offset account (22654).
- 24 67. Lake George park trust fund account (22751).
- 25 68. State police motor vehicle law enforcement account (22802).
- 26 69. Highway safety program account (23001).
- 27 70. DOH drinking water program account (23102).
- 28 71. NYCCC operating offset account (23151).

- 1 72. Commercial gaming revenue account (23701).
- 2 73. Commercial gaming regulation account (23702).
- 3 74. Highway use tax administration account (23801).
- 4 75. Fantasy sports administration account (24951).
- 5 76. Highway and bridge capital account (30051).
- 6 77. Aviation purpose account (30053).
- 7 78. State university residence hall rehabilitation fund (30100).
- 8 79. State parks infrastructure account (30351).
- 9 80. Clean water/clean air implementation fund (30500).
- 10 81. Hazardous waste remedial cleanup account (31506).
- 11 82. Youth facilities improvement account (31701).
- 12 83. Housing assistance fund (31800).
- 13 84. Housing program fund (31850).
- 14 85. Highway facility purpose account (31951).
- 15 86. Information technology capital financing account (32215).
- 16 87. New York racing account (32213).
- 17 88. Capital miscellaneous gifts account (32214).
- 18 89. New York environmental protection and spill remediation account
- 19 (32219).
- 20 90. Mental hygiene facilities capital improvement fund (32300).
- 21 91. Correctional facilities capital improvement fund (32350).
- 22 92. New York State Storm Recovery Capital Fund (33000).
- 23 93. OGS convention center account (50318).
- 24 94. Empire Plaza Gift Shop (50327).
- 25 95. Centralized services fund (55000).
- 26 96. Archives records management account (55052).
- 27 97. Federal single audit account (55053).
- 28 98. Civil service EHS occupational health program account (55056).

- 1 99. Banking services account (55057).
- 2 100. Cultural resources survey account (55058).
- 3 101. Neighborhood work project account (55059).
- 4 102. Automation & printing chargeback account (55060).
- 5 103. OFT NYT account (55061).
- 6 104. Data center account (55062).
- 7 105. Intrusion detection account (55066).
- 8 106. Domestic violence grant account (55067).
- 9 107. Centralized technology services account (55069).
- 10 108. Labor contact center account (55071).
- 11 109. Human services contact center account (55072).
- 12 110. Tax contact center account (55073).
- 13 111. Executive direction internal audit account (55251).
- 14 112. CIO Information technology centralized services account (55252).
- 15 113. Health insurance internal service account (55300).
- 16 114. Civil service employee benefits division administrative account
- 17 (55301).
- 18 115. Correctional industries revolving fund (55350).
- 19 116. Employees health insurance account (60201).
- 20 117. Medicaid management information system escrow fund (60900).
- 21 118. Department of law civil recoveries account.
- 22 § 1-a. The state comptroller is hereby authorized and directed to loan
- 23 money in accordance with the provisions set forth in subdivision 5 of
- 24 section 4 of the state finance law to any account within the following
- 25 federal funds, provided the comptroller has made a determination that
- 26 sufficient federal grant award authority is available to reimburse such
- 27 loans:
- 28 1. Federal USDA-food and nutrition services fund (25000).

- 1 2. Federal health and human services fund (25100).
- 2 3. Federal education fund (25200).
- 3 4. Federal block grant fund (25250).
- 4 5. Federal miscellaneous operating grants fund (25300).
- 5 6. Federal unemployment insurance administration fund (25900).
- 6 7. Federal unemployment insurance occupational training fund (25950).
- 7 8. Federal emergency employment act fund (26000).
- 8 9. Federal capital projects fund (31350).

9 § 1-b. The state comptroller is hereby authorized and directed to loan
10 money in accordance with the provisions set forth in subdivision 5 of
11 section 4 of the state finance law to any fund within the special reven-
12 ue, capital projects, proprietary or fiduciary funds for the purpose of
13 payment of any fringe benefit or indirect cost liabilities or obli-
14 gations incurred.

15 § 2. Notwithstanding any law to the contrary, and in accordance with
16 section 4 of the state finance law, the comptroller is hereby authorized
17 and directed to transfer, upon request of the director of the budget, on
18 or before March 31, 2019, up to the unencumbered balance or the follow-
19 ing amounts:

20 Economic Development and Public Authorities:

- 21 1. \$175,000 from the miscellaneous special revenue fund, underground
22 facilities safety training account (22172), to the general fund.
- 23 2. \$2,500,000 from the miscellaneous special revenue fund, cable tele-
24 vision account (21971), to the general fund.
- 25 3. An amount up to the unencumbered balance from the miscellaneous
26 special revenue fund, business and licensing services account (21977),
27 to the general fund.

1 4. \$14,810,000 from the miscellaneous special revenue fund, code
2 enforcement account (21904), to the general fund.

3 5. \$3,000,000 from the general fund to the miscellaneous special
4 revenue fund, tax revenue arrearage account (22168).

5 Education:

6 1. \$2,294,000,000 from the general fund to the state lottery fund,
7 education account (20901), as reimbursement for disbursements made from
8 such fund for supplemental aid to education pursuant to section 92-c of
9 the state finance law that are in excess of the amounts deposited in
10 such fund for such purposes pursuant to section 1612 of the tax law.

11 2. \$906,800,000 from the general fund to the state lottery fund, VLT
12 education account (20904), as reimbursement for disbursements made from
13 such fund for supplemental aid to education pursuant to section 92-c of
14 the state finance law that are in excess of the amounts deposited in
15 such fund for such purposes pursuant to section 1612 of the tax law.

16 3. \$140,040,000 from the general fund to the New York state commercial
17 gaming fund, commercial gaming revenue account (23701), as reimbursement
18 for disbursements made from such fund for supplemental aid to education
19 pursuant to section 97-nnnn of the state finance law that are in excess
20 of the amounts deposited in such fund for purposes pursuant to section
21 1352 of the racing, pari-mutuel wagering and breeding law.

22 4. Moneys from the state lottery fund (20900) up to an amount deposit-
23 ed in such fund pursuant to section 1612 of the tax law in excess of the
24 current year appropriation for supplemental aid to education pursuant to
25 section 92-c of the state finance law.

26 5. \$300,000 from the New York state local government records manage-
27 ment improvement fund, local government records management account

1 (20501), to the New York state archives partnership trust fund, archives
2 partnership trust maintenance account (20351).

3 6. \$900,000 from the general fund to the miscellaneous special revenue
4 fund, Batavia school for the blind account (22032).

5 7. \$900,000 from the general fund to the miscellaneous special revenue
6 fund, Rome school for the deaf account (22053).

7 8. \$343,400,000 from the state university dormitory income fund
8 (40350) to the miscellaneous special revenue fund, state university
9 dormitory income reimbursable account (21937).

10 9. \$20,000,000 from any of the state education department special
11 revenue and internal service funds to the miscellaneous special revenue
12 fund, indirect cost recovery account (21978).

13 10. \$8,318,000 from the general fund to the state university income
14 fund, state university income offset account (22654), for the state's
15 share of repayment of the STIP loan.

16 11. \$44,000,000 from the state university income fund, state universi-
17 ty hospitals income reimbursable account (22656) to the general fund for
18 hospital debt service for the period April 1, 2018 through March 31,
19 2019.

20 12. \$4,300,000 from the miscellaneous special revenue fund, office of
21 the professions account (22051), to the miscellaneous capital projects
22 fund, office of the professions electronic licensing account (32200).

23 Environmental Affairs:

24 1. \$16,000,000 from any of the department of environmental conserva-
25 tion's special revenue federal funds to the environmental conservation
26 special revenue fund, federal indirect recovery account (21065).

1 2. \$5,000,000 from any of the department of environmental conserva-
2 tion's special revenue federal funds to the conservation fund (21150) as
3 necessary to avoid diversion of conservation funds.

4 3. \$3,000,000 from any of the office of parks, recreation and historic
5 preservation capital projects federal funds and special revenue federal
6 funds to the miscellaneous special revenue fund, federal grant indirect
7 cost recovery account (22188).

8 4. \$1,000,000 from any of the office of parks, recreation and historic
9 preservation special revenue federal funds to the miscellaneous capital
10 projects fund, I love NY water account (32212).

11 5. \$28,000,000 from the general fund to the environmental protection
12 fund, environmental protection fund transfer account (30451).

13 6. \$6,500,000 from the general fund to the hazardous waste remedial
14 fund, hazardous waste oversight and assistance account (31505).

15 7. An amount up to or equal to the cash balance within the special
16 revenue-other waste management & cleanup account (21053) to the capital
17 projects fund (30000).

18 Family Assistance:

19 1. \$7,000,000 from any of the office of children and family services,
20 office of temporary and disability assistance, or department of health
21 special revenue federal funds and the general fund, in accordance with
22 agreements with social services districts, to the miscellaneous special
23 revenue fund, office of human resources development state match account
24 (21967).

25 2. \$4,000,000 from any of the office of children and family services
26 or office of temporary and disability assistance special revenue federal
27 funds to the miscellaneous special revenue fund, family preservation and
28 support services and family violence services account (22082).

1 3. \$18,670,000 from any of the office of children and family services,
2 office of temporary and disability assistance, or department of health
3 special revenue federal funds and any other miscellaneous revenues
4 generated from the operation of office of children and family services
5 programs to the general fund.

6 4. \$140,000,000 from any of the office of temporary and disability
7 assistance or department of health special revenue funds to the general
8 fund.

9 5. \$2,500,000 from any of the office of temporary and disability
10 assistance special revenue funds to the miscellaneous special revenue
11 fund, office of temporary and disability assistance program account
12 (21980).

13 6. \$7,400,000 from any of the office of children and family services,
14 office of temporary and disability assistance, department of labor, and
15 department of health special revenue federal funds to the office of
16 children and family services miscellaneous special revenue fund, multi-
17 agency training contract account (21989).

18 7. \$205,000,000 from the miscellaneous special revenue fund, youth
19 facility per diem account (22186), to the general fund.

20 8. \$621,850 from the general fund to the combined gifts, grants, and
21 bequests fund, WB Hoyt Memorial account (20128).

22 9. \$5,000,000 from the miscellaneous special revenue fund, state
23 central registry (22028), to the general fund.

24 General Government:

25 1. \$1,566,000 from the miscellaneous special revenue fund, examination
26 and miscellaneous revenue account (22065) to the general fund.

27 2. \$8,083,000 from the general fund to the health insurance revolving
28 fund (55300).

- 1 3. \$192,400,000 from the health insurance reserve receipts fund
2 (60550) to the general fund.
- 3 4. \$150,000 from the general fund to the not-for-profit revolving loan
4 fund (20650).
- 5 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
6 general fund.
- 7 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
8 property account (22036), to the general fund.
- 9 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
10 arrearage account (22024), to the general fund.
- 11 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
12 arrearage account (22024), to the miscellaneous special revenue fund,
13 authority budget office account (22138).
- 14 9. \$1,000,000 from the miscellaneous special revenue fund, parking
15 services account (22007), to the general fund, for the purpose of reim-
16 bursing the costs of debt service related to state parking facilities.
- 17 10. \$21,778,000 from the general fund to the centralized services
18 fund, COPS account (55013).
- 19 11. \$13,960,000 from the general fund to the agencies internal service
20 fund, central technology services account (55069), for the purpose of
21 enterprise technology projects.
- 22 12. \$5,500,000 from the miscellaneous special revenue fund, technology
23 financing account (22207) to the internal service fund, data center
24 account (55062).
- 25 13. \$12,500,000 from the internal service fund, human services telecom
26 account (55063) to the internal service fund, data center account
27 (55062).

1 14. \$300,000 from the internal service fund, learning management
2 systems account (55070) to the internal service fund, data center
3 account (55062).

4 15. \$15,000,000 from the miscellaneous special revenue fund, workers'
5 compensation account (21995), to the miscellaneous capital projects
6 fund, workers' compensation board IT business process design fund,
7 (32218).

8 16. \$12,000,000 from the miscellaneous special revenue fund, parking
9 services account (22007), to the centralized services, building support
10 services account (55018).

11 17. \$6,000,000 from the general fund to the internal service fund,
12 business services center account (55022).

13 Health:

14 1. A transfer from the general fund to the combined gifts, grants and
15 bequests fund, breast cancer research and education account (20155), up
16 to an amount equal to the monies collected and deposited into that
17 account in the previous fiscal year.

18 2. A transfer from the general fund to the combined gifts, grants and
19 bequests fund, prostate cancer research, detection, and education
20 account (20183), up to an amount equal to the moneys collected and
21 deposited into that account in the previous fiscal year.

22 3. A transfer from the general fund to the combined gifts, grants and
23 bequests fund, Alzheimer's disease research and assistance account
24 (20143), up to an amount equal to the moneys collected and deposited
25 into that account in the previous fiscal year.

26 4. \$33,134,000 from the HCRA resources fund (20800) to the miscella-
27 neous special revenue fund, empire state stem cell trust fund account
28 (22161).

1 5. \$6,000,000 from the miscellaneous special revenue fund, certificate
2 of need account (21920), to the miscellaneous capital projects fund,
3 healthcare IT capital subfund (32216).

4 6. \$2,000,000 from the miscellaneous special revenue fund, vital
5 health records account (22103), to the miscellaneous capital projects
6 fund, healthcare IT capital subfund (32216).

7 7. \$2,000,000 from the miscellaneous special revenue fund, profes-
8 sional medical conduct account (22088), to the miscellaneous capital
9 projects fund, healthcare IT capital subfund (32216).

10 8. \$91,304,000 from the HCRA resources fund (20800) to the capital
11 projects fund (30000).

12 9. \$6,550,000 from the general fund to the medical marihuana trust
13 fund, health operation and oversight account (23755).

14 10. \$1,086,000 from the miscellaneous special revenue fund, certif-
15 icate of need account (21920), to the general fund.

16 Labor:

17 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
18 penalty account (21923), to the child performer's protection fund, child
19 performer protection account (20401).

20 2. \$11,700,000 from the unemployment insurance interest and penalty
21 fund, unemployment insurance special interest and penalty account
22 (23601), to the general fund.

23 3. \$5,000,000 from the miscellaneous special revenue fund, workers'
24 compensation account (21995), to the training and education program
25 occupation safety and health fund, OSHA-training and education account
26 (21251) and occupational health inspection account (21252).

27 Mental Hygiene:

- 1 1. \$10,000,000 from the general fund, to the miscellaneous special
2 revenue fund, federal salary sharing account (22056).
- 3 2. \$1,800,000,000 from the general fund to the miscellaneous special
4 revenue fund, mental hygiene patient income account (21909).
- 5 3. \$2,200,000,000 from the general fund to the miscellaneous special
6 revenue fund, mental hygiene program fund account (21907).
- 7 4. \$100,000,000 from the miscellaneous special revenue fund, mental
8 hygiene program fund account (21907), to the general fund.
- 9 5. \$100,000,000 from the miscellaneous special revenue fund, mental
10 hygiene patient income account (21909), to the general fund.
- 11 6. \$3,800,000 from the general fund, to the agencies internal service
12 fund, civil service EHS occupational health program account (55056).
- 13 7. \$15,000,000 from the chemical dependence service fund, substance
14 abuse services fund account (22700), to the capital projects fund
15 (30000).
- 16 8. \$3,000,000 from the chemical dependence service fund, substance
17 abuse services fund account (22700), to the mental hygiene capital
18 improvement fund (32305).
- 19 9. \$3,000,000 from the chemical dependence service fund, substance
20 abuse services fund account (22700), to the general fund.
- 21 Public Protection:
 - 22 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
23 management account (21944), to the general fund.
 - 24 2. \$2,087,000 from the general fund to the miscellaneous special
25 revenue fund, recruitment incentive account (22171).
 - 26 3. \$20,773,000 from the general fund to the correctional industries
27 revolving fund, correctional industries internal service account
28 (55350).

- 1 4. \$60,000,000 from any of the division of homeland security and emer-
2 gency services special revenue federal funds to the general fund.
- 3 5. \$8,600,000 from the miscellaneous special revenue fund, criminal
4 justice improvement account (21945), to the general fund.
- 5 6. \$115,420,000 from the state police motor vehicle law enforcement
6 and motor vehicle theft and insurance fraud prevention fund, state
7 police motor vehicle enforcement account (22802), to the general fund
8 for state operation expenses of the division of state police.
- 9 7. \$118,500,000 from the general fund to the correctional facilities
10 capital improvement fund (32350).
- 11 8. \$5,000,000 from the general fund to the dedicated highway and
12 bridge trust fund (30050) for the purpose of work zone safety activities
13 provided by the division of state police for the department of transpor-
14 tation.
- 15 9. \$10,000,000 from the miscellaneous special revenue fund, statewide
16 public safety communications account (22123), to the capital projects
17 fund (30000).
- 18 10. \$9,830,000 from the miscellaneous special revenue fund, legal
19 services assistance account (22096), to the general fund.
- 20 11. \$1,000,000 from the general fund to the agencies internal service
21 fund, neighborhood work project account (55059).
- 22 12. \$7,980,000 from the miscellaneous special revenue fund, finger-
23 print identification & technology account (21950), to the general fund.
- 24 13. \$1,100,000 from the state police motor vehicle law enforcement and
25 motor vehicle theft and insurance fraud prevention fund, motor vehicle
26 theft and insurance fraud account (22801), to the general fund.
- 27 Transportation:

- 1 1. \$17,672,000 from the federal miscellaneous operating grants fund to
2 the miscellaneous special revenue fund, New York Metropolitan Transpor-
3 tation Council account (21913).
- 4 2. \$20,147,000 from the federal capital projects fund to the miscella-
5 neous special revenue fund, New York Metropolitan Transportation Council
6 account (21913).
- 7 3. \$15,058,017 from the general fund to the mass transportation oper-
8 ating assistance fund, public transportation systems operating assist-
9 ance account (21401), of which \$12,000,000 constitutes the base need for
10 operations.
- 11 4. \$265,900,000 from the general fund to the dedicated highway and
12 bridge trust fund (30050).
- 13 5. \$244,250,000 from the general fund to the MTA financial assistance
14 fund, mobility tax trust account (23651).
- 15 6. \$5,000,000 from the miscellaneous special revenue fund, transporta-
16 tion regulation account (22067) to the dedicated highway and bridge
17 trust fund (30050), for disbursements made from such fund for motor
18 carrier safety that are in excess of the amounts deposited in the dedi-
19 cated highway and bridge trust fund (30050) for such purpose pursuant to
20 section 94 of the transportation law.
- 21 7. \$3,000,000 from the miscellaneous special revenue fund, traffic
22 adjudication account (22055), to the general fund.
- 23 8. \$17,421,000 from the mass transportation operating assistance fund,
24 metropolitan mass transportation operating assistance account (21402),
25 to the capital projects fund (30000).
- 26 9. \$5,000,000 from the miscellaneous special revenue fund, transporta-
27 tion regulation account (22067) to the general fund, for disbursements
28 made from such fund for motor carrier safety that are in excess of the

1 amounts deposited in the general fund for such purpose pursuant to
2 section 94 of the transportation law.

3 Miscellaneous:

4 1. \$250,000,000 from the general fund to any funds or accounts for the
5 purpose of reimbursing certain outstanding accounts receivable balances.

6 2. \$500,000,000 from the general fund to the debt reduction reserve
7 fund (40000).

8 3. \$450,000,000 from the New York state storm recovery capital fund
9 (33000) to the revenue bond tax fund (40152).

10 4. \$18,550,000 from the general fund, community projects account GG
11 (10256), to the general fund, state purposes account (10050).

12 5. \$100,000,000 from any special revenue federal fund to the general
13 fund, state purposes account (10050).

14 § 3. Notwithstanding any law to the contrary, and in accordance with
15 section 4 of the state finance law, the comptroller is hereby authorized
16 and directed to transfer, on or before March 31, 2019:

17 1. Upon request of the commissioner of environmental conservation, up
18 to \$12,531,400 from revenues credited to any of the department of envi-
19 ronmental conservation special revenue funds, including \$4,000,000 from
20 the environmental protection and oil spill compensation fund (21200),
21 and \$1,819,600 from the conservation fund (21150), to the environmental
22 conservation special revenue fund, indirect charges account (21060).

23 2. Upon request of the commissioner of agriculture and markets, up to
24 \$3,000,000 from any special revenue fund or enterprise fund within the
25 department of agriculture and markets to the general fund, to pay appro-
26 priate administrative expenses.

27 3. Upon request of the commissioner of agriculture and markets, up to
28 \$2,000,000 from the state exposition special fund, state fair receipts

1 account (50051) to the miscellaneous capital projects fund, state fair
2 capital improvement account (32208).

3 4. Upon request of the commissioner of the division of housing and
4 community renewal, up to \$6,221,000 from revenues credited to any divi-
5 sion of housing and community renewal federal or miscellaneous special
6 revenue fund to the miscellaneous special revenue fund, housing indirect
7 cost recovery account (22090).

8 5. Upon request of the commissioner of the division of housing and
9 community renewal, up to \$5,500,000 may be transferred from any miscel-
10 laneous special revenue fund account, to any miscellaneous special
11 revenue fund.

12 6. Upon request of the commissioner of health up to \$8,500,000 from
13 revenues credited to any of the department of health's special revenue
14 funds, to the miscellaneous special revenue fund, administration account
15 (21982).

16 § 4. On or before March 31, 2019, the comptroller is hereby authorized
17 and directed to deposit earnings that would otherwise accrue to the
18 general fund that are attributable to the operation of section 98-a of
19 the state finance law, to the agencies internal service fund, banking
20 services account (55057), for the purpose of meeting direct payments
21 from such account.

22 § 5. Notwithstanding any law to the contrary, upon the direction of
23 the director of the budget and upon requisition by the state university
24 of New York, the dormitory authority of the state of New York is
25 directed to transfer, up to \$22,000,000 in revenues generated from the
26 sale of notes or bonds, the state university income fund general revenue
27 account (22653) for reimbursement of bondable equipment for further
28 transfer to the state's general fund.

1 § 6. Notwithstanding any law to the contrary, and in accordance with
2 section 4 of the state finance law, the comptroller is hereby authorized
3 and directed to transfer, upon request of the director of the budget and
4 upon consultation with the state university chancellor or his or her
5 designee, on or before March 31, 2019, up to \$16,000,000 from the state
6 university income fund general revenue account (22653) to the state
7 general fund for debt service costs related to campus supported capital
8 project costs for the NY-SUNY 2020 challenge grant program at the
9 University at Buffalo.

10 § 7. Notwithstanding any law to the contrary, and in accordance with
11 section 4 of the state finance law, the comptroller is hereby authorized
12 and directed to transfer, upon request of the director of the budget and
13 upon consultation with the state university chancellor or his or her
14 designee, on or before March 31, 2019, up to \$6,500,000 from the state
15 university income fund general revenue account (22653) to the state
16 general fund for debt service costs related to campus supported capital
17 project costs for the NY-SUNY 2020 challenge grant program at the
18 University at Albany.

19 § 8. Notwithstanding any law to the contrary, the state university
20 chancellor or his or her designee is authorized and directed to transfer
21 estimated tuition revenue balances from the state university collection
22 fund (61000) to the state university income fund, state university
23 general revenue offset account (22655) on or before March 31, 2019.

24 § 9. Notwithstanding any law to the contrary, and in accordance with
25 section 4 of the state finance law, the comptroller is hereby authorized
26 and directed to transfer, upon request of the director of the budget, up
27 to \$1,000,778,300 from the general fund to the state university income
28 fund, state university general revenue offset account (22655) during the

1 period of July 1, 2018 through June 30, 2019 to support operations at
2 the state university.

3 § 10. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state financial law, the comptroller is hereby author-
5 ized and directed to transfer, upon request of the director of the budg-
6 et, up to \$20,000,000 from the general fund to the state university
7 income fund, state university general revenue offset account (22655)
8 during the period of July 1, 2018 to June 30, 2019 to support operations
9 at the state university in accordance with the maintenance of effort
10 pursuant to clause (v) of subparagraph (4) of paragraph h of subdivision
11 2 of section 355 of the education law.

12 § 11. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, upon request of the state university chancel-
15 lor or his or her designee, up to \$126,000,000 from the state university
16 income fund, state university hospitals income reimbursable account
17 (22656), for services and expenses of hospital operations and capital
18 expenditures at the state university hospitals; and the state university
19 income fund, Long Island veterans' home account (22652) to the state
20 university capital projects fund (32400) on or before June 30, 2019.

21 § 12. Notwithstanding any law to the contrary, and in accordance with
22 section 4 of the state finance law, the comptroller, after consultation
23 with the state university chancellor or his or her designee, is hereby
24 authorized and directed to transfer moneys, in the first instance, from
25 the state university collection fund, Stony Brook hospital collection
26 account (61006), Brooklyn hospital collection account (61007), and Syra-
27 cuse hospital collection account (61008) to the state university income
28 fund, state university hospitals income reimbursable account (22656) in

1 the event insufficient funds are available in the state university
2 income fund, state university hospitals income reimbursable account
3 (22656) to permit the full transfer of moneys authorized for transfer,
4 to the general fund for payment of debt service related to the SUNY
5 hospitals. Notwithstanding any law to the contrary, the comptroller is
6 also hereby authorized and directed, after consultation with the state
7 university chancellor or his or her designee, to transfer moneys from
8 the state university income fund to the state university income fund,
9 state university hospitals income reimbursable account (22656) in the
10 event insufficient funds are available in the state university income
11 fund, state university hospitals income reimbursable account (22656) to
12 pay hospital operating costs or to permit the full transfer of moneys
13 authorized for transfer, to the general fund for payment of debt service
14 related to the SUNY hospitals on or before March 31, 2019.

15 § 13. Notwithstanding any law to the contrary, upon the direction of
16 the director of the budget and the chancellor of the state university of
17 New York or his or her designee, and in accordance with section 4 of the
18 state finance law, the comptroller is hereby authorized and directed to
19 transfer monies from the state university dormitory income fund (40350)
20 to the state university residence hall rehabilitation fund (30100), and
21 from the state university residence hall rehabilitation fund (30100) to
22 the state university dormitory income fund (40350), in an amount not to
23 exceed \$80 million from each fund.

24 § 14. Notwithstanding any law to the contrary, and in accordance with
25 section 4 of the state finance law, the comptroller is hereby authorized
26 and directed to transfer monies, upon request of the director of the
27 budget, on or before March 31, 2019, from and to any of the following
28 accounts: the miscellaneous special revenue fund, patient income account

1 (21909), the miscellaneous special revenue fund, mental hygiene program
2 fund account (21907), the miscellaneous special revenue fund, federal
3 salary sharing account (22056), or the general fund in any combination,
4 the aggregate of which shall not exceed \$350 million.

5 § 15. Subdivision 5 of section 97-f of the state finance law, as
6 amended by chapter 18 of the laws of 2003, is amended to read as
7 follows:

8 5. The comptroller shall from time to time, but in no event later than
9 the fifteenth day of each month, pay over for deposit in the mental
10 hygiene [patient income] general fund state operations account all
11 moneys in the mental health services fund in excess of the amount of
12 money required to be maintained on deposit in the mental health services
13 fund. The amount required to be maintained in such fund shall be (i)
14 twenty percent of the amount of the next payment coming due relating to
15 the mental health services facilities improvement program under any
16 agreement between the facilities development corporation and the New
17 York state medical care facilities finance agency multiplied by the
18 number of months from the date of the last such payment with respect to
19 payments under any such agreement required to be made semi-annually,
20 plus (ii) those amounts specified in any such agreement with respect to
21 payments required to be made other than semi-annually, including for
22 variable rate bonds, interest rate exchange or similar agreements or
23 other financing arrangements permitted by law. Prior to making any such
24 payment, the comptroller shall make and deliver to the director of the
25 budget and the chairmen of the facilities development corporation and
26 the New York state medical care facilities finance agency, a certificate
27 stating the aggregate amount to be maintained on deposit in the mental

1 health services fund to comply in full with the provisions of this
2 subdivision.

3 § 16. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer, at the request of the director of the budget,
6 up to \$800 million from the unencumbered balance of any special revenue
7 fund or account, agency fund or account, internal service fund or
8 account, enterprise fund or account, or any combination of such funds
9 and accounts, to the general fund. The amounts transferred pursuant to
10 this authorization shall be in addition to any other transfers expressly
11 authorized in the 2018-19 budget. Transfers from federal funds, debt
12 service funds, capital projects funds, the community projects fund, or
13 funds that would result in the loss of eligibility for federal benefits
14 or federal funds pursuant to federal law, rule, or regulation as assent-
15 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
16 1951 are not permitted pursuant to this authorization.

17 § 17. Notwithstanding any law to the contrary, and in accordance with
18 section 4 of the state finance law, the comptroller is hereby authorized
19 and directed to transfer, at the request of the director of the budget,
20 up to \$100 million from any non-general fund or account, or combination
21 of funds and accounts, to the miscellaneous special revenue fund, tech-
22 nology financing account (22207), the miscellaneous capital projects
23 fund, information technology capital financing account (32215), or the
24 centralized technology services account (55069), for the purpose of
25 consolidating technology procurement and services. The amounts trans-
26 ferred to the miscellaneous special revenue fund, technology financing
27 account (22207) pursuant to this authorization shall be equal to or less
28 than the amount of such monies intended to support information technolo-

1 gy costs which are attributable, according to a plan, to such account
2 made in pursuance to an appropriation by law. Transfers to the technolo-
3 gy financing account shall be completed from amounts collected by non-
4 general funds or accounts pursuant to a fund deposit schedule or perma-
5 nent statute, and shall be transferred to the technology financing
6 account pursuant to a schedule agreed upon by the affected agency
7 commissioner. Transfers from funds that would result in the loss of
8 eligibility for federal benefits or federal funds pursuant to federal
9 law, rule, or regulation as assented to in chapter 683 of the laws of
10 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to
11 this authorization.

12 § 18. Notwithstanding any other law to the contrary, up to \$145
13 million of the assessment reserves remitted to the chair of the workers'
14 compensation board pursuant to subdivision 6 of section 151 of the work-
15 ers' compensation law shall, at the request of the director of the budg-
16 et, be transferred to the state insurance fund, for partial payment and
17 partial satisfaction of the state's obligations to the state insurance
18 fund under section 88-c of the workers' compensation law.

19 § 19. Notwithstanding any law to the contrary, and in accordance with
20 section 4 of the state finance law, the comptroller is hereby authorized
21 and directed to transfer, at the request of the director of the budget,
22 up to \$400 million from any non-general fund or account, or combination
23 of funds and accounts, to the general fund for the purpose of consol-
24 idating technology procurement and services. The amounts transferred
25 pursuant to this authorization shall be equal to or less than the amount
26 of such monies intended to support information technology costs which
27 are attributable, according to a plan, to such account made in pursuance
28 to an appropriation by law. Transfers to the general fund shall be

1 completed from amounts collected by non-general funds or accounts pursu-
2 ant to a fund deposit schedule. Transfers from funds that would result
3 in the loss of eligibility for federal benefits or federal funds pursu-
4 ant to federal law, rule, or regulation as assented to in chapter 683 of
5 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
6 pursuant to this authorization.

7 § 20. Notwithstanding any provision of law to the contrary, as deemed
8 feasible and advisable by its trustees, the power authority of the state
9 of New York is authorized and directed to transfer to the state treasury
10 to the credit of the general fund \$20,000,000 for the state fiscal year
11 commencing April 1, 2018, the proceeds of which will be utilized to
12 support energy-related state activities.

13 § 21. Notwithstanding any provision of law, rule or regulation to the
14 contrary, the New York state energy research and development authority
15 is authorized and directed to make the following contributions to the
16 state treasury to the credit of the general fund on or before March 31,
17 2019: (a) \$913,000; and (b) \$23,000,000 from proceeds collected by the
18 authority from the auction or sale of carbon dioxide emission allowances
19 allocated by the department of environmental conservation.

20 § 22. Subdivision 5 of section 97-rrr of the state finance law, as
21 amended by section 21 of part XXX of chapter 59 of the laws of 2017, is
22 amended to read as follows:

23 5. Notwithstanding the provisions of section one hundred seventy-one-a
24 of the tax law, as separately amended by chapters four hundred eighty-
25 one and four hundred eighty-four of the laws of nineteen hundred eight-
26 y-one, and notwithstanding the provisions of chapter ninety-four of the
27 laws of two thousand eleven, or any other provisions of law to the
28 contrary, during the fiscal year beginning April first, two thousand

1 [seventeen] eighteen, the state comptroller is hereby authorized and
2 directed to deposit to the fund created pursuant to this section from
3 amounts collected pursuant to article twenty-two of the tax law and
4 pursuant to a schedule submitted by the director of the budget, up to
5 [\$2,679,997,000] \$2,409,909,000, as may be certified in such schedule as
6 necessary to meet the purposes of such fund for the fiscal year begin-
7 ning April first, two thousand [seventeen] eighteen.

8 § 23. Notwithstanding any law to the contrary, the comptroller is
9 hereby authorized and directed to transfer, upon request of the director
10 of the budget, on or before March 31, 2019, the following amounts from
11 the following special revenue accounts to the capital projects fund
12 (30000), for the purposes of reimbursement to such fund for expenses
13 related to the maintenance and preservation of state assets:

14 1. \$43,000 from the miscellaneous special revenue fund, administrative
15 program account (21982).

16 2. \$1,478,000 from the miscellaneous special revenue fund, helen hayes
17 hospital account (22140).

18 3. \$366,000 from the miscellaneous special revenue fund, New York city
19 veterans' home account (22141).

20 4. \$513,000 from the miscellaneous special revenue fund, New York
21 state home for veterans' and their dependents at oxford account (22142).

22 5. \$159,000 from the miscellaneous special revenue fund, western New
23 York veterans' home account (22143).

24 6. \$323,000 from the miscellaneous special revenue fund, New York
25 state for veterans in the lower-hudson valley account (22144).

26 7. \$2,550,000 from the miscellaneous special revenue fund, patron
27 services account (22163).

1 8. \$830,000 from the miscellaneous special revenue fund, long island
2 veterans' home account (22652).

3 9. \$5,379,000 from the miscellaneous special revenue fund, state
4 university general income reimbursable account (22653).

5 10. \$112,556,000 from the miscellaneous special revenue fund, state
6 university revenue offset account (22655).

7 11. \$557,000 from the miscellaneous special revenue fund, state
8 university of New York tuition reimbursement account (22659).

9 12. \$41,930,000 from the state university dormitory income fund, state
10 university dormitory income fund (40350).

11 13. \$1,000,000 from the miscellaneous special revenue fund, litigation
12 settlement and civil recovery account (22117).

13 § 24. Subdivisions 2 and 4 of section 97-rrr of the state finance law,
14 subdivision 2 as amended by section 45 of part H of chapter 56 of the
15 laws of 2000 and subdivision 4 as added by section 22-b of part XXX of
16 chapter 59 of the laws of 2017, is amended to read as follows:

17 2. Such fund shall consist of all monies credited or transferred ther-
18 eto from the general fund or from any other fund or sources pursuant to
19 law, and include an amount equal to fifty percent of any estimated cash-
20 basis surplus in the general fund, as certified by the director of the
21 budget on or before the twenty-fifth day of March of each fiscal year.
22 Upon request of the director of the budget, the state comptroller shall
23 transfer such surplus amount from the general fund to the debt reduction
24 reserve fund. The director of the budget shall calculate the surplus as
25 the excess of estimated aggregate receipts above the estimated aggregate
26 disbursements at the end of the fiscal year. Notwithstanding paragraph
27 (a) of subdivision four of section seventy-two of this article, the

1 state comptroller shall retain any balance of monies in the debt
2 reduction reserve fund at the end of any fiscal year in such fund.

3 4. Any amounts disbursed from such fund shall be excluded from the
4 calculation of annual spending growth in state operating funds [until
5 June 30, 2019].

6 § 25. Subdivision 6 of section 4 of the state finance law, as amended
7 by section 24 of part UU of chapter 54 of the laws of 2016, is amended
8 to read as follows:

9 6. Notwithstanding any law to the contrary, at the beginning of the
10 state fiscal year, the state comptroller is hereby authorized and
11 directed to receive for deposit to the credit of a fund and/or an
12 account such monies as are identified by the director of the budget as
13 having been intended for such deposit to support disbursements from such
14 fund and/or account made in pursuance of an appropriation by law. As
15 soon as practicable upon enactment of the budget, the director of the
16 budget shall, but not less than three days following preliminary
17 submission to the chairs of the senate finance committee and the assem-
18 bly ways and means committee, file with the state comptroller an iden-
19 tification of specific monies to be so deposited. Any subsequent change
20 regarding the monies to be so deposited shall be filed by the director
21 of the budget, as soon as practicable, but not less than three days
22 following preliminary submission to the chairs of the senate finance
23 committee and the assembly ways and means committee.

24 All monies identified by the director of the budget to be deposited to
25 the credit of a fund and/or account shall be consistent with the intent
26 of the budget for the then current state fiscal year as enacted by the
27 legislature.

1 [The provisions of this subdivision shall expire on March thirty-
2 first, two thousand eighteen.]

3 § 26. Subdivision 4 of section 40 of the state finance law, as amended
4 by section 25 of part UU of chapter 54 of the laws of 2016, is amended
5 to read as follows:

6 4. Every appropriation made from a fund or account to a department or
7 agency shall be available for the payment of prior years' liabilities in
8 such fund or account for fringe benefits, indirect costs, and telecommu-
9 nications expenses and expenses for other centralized services fund
10 programs without limit. Every appropriation shall also be available for
11 the payment of prior years' liabilities other than those indicated
12 above, but only to the extent of one-half of one percent of the total
13 amount appropriated to a department or agency in such fund or account.

14 [The provisions of this subdivision shall expire March thirty-first,
15 two thousand eighteen.]

16 § 27. Notwithstanding any provision of law to the contrary, in the
17 event that federal legislation, federal regulatory actions, federal
18 executive actions or federal judicial actions reduce federal financial
19 participation in Medicaid funding to New York state or its subdivisions
20 by \$850 million or more in state fiscal years 2018-19 through 2019-20,
21 the director of the division of the budget shall notify the temporary
22 president of the senate and the speaker of the assembly in writing that
23 the federal actions will reduce expected funding to New York state. The
24 director of the division of the budget shall prepare a plan that shall
25 be submitted to the legislature, which shall (a) specify the total
26 amount of the reduction in federal financial participation in Medicaid,
27 (b) itemize the specific programs and activities that will be affected
28 by the reduction in federal financial participation in Medicaid, and (c)

1 identify the general fund and state special revenue fund appropriations
2 and related disbursements that shall be reduced, and in what program
3 areas, provided, however, that such reductions to appropriations and
4 disbursements shall be applied equally and proportionally to the
5 programs affected by the reduction in federal financial participation in
6 Medicaid. Upon such submission, the legislature shall have 90 days after
7 such submission to either prepare its own plan, which may be adopted by
8 concurrent resolution passed by both houses, or if after 90 days the
9 legislature fails to adopt their own plan, the reductions to the general
10 fund and state special revenue fund appropriations and related disburse-
11 ments identified in the division of the budget plan will go into effect
12 automatically.

13 § 28. Notwithstanding any provision of law to the contrary, in the
14 event that federal legislation, federal regulatory actions, federal
15 executive actions or federal judicial actions reduce federal financial
16 participation or other federal aid in funding to New York state that
17 affects the state operating funds financial plan by \$850 million or more
18 in state fiscal years 2018-19 through 2019-20, exclusive of any cuts to
19 Medicaid, the director of the division of the budget shall notify the
20 temporary president of the senate and the speaker of the assembly in
21 writing that the federal actions will reduce expected funding to New
22 York state. The director of the division of the budget shall prepare a
23 plan that shall be submitted to the legislature, which shall (a) specify
24 the total amount of the reduction in federal aid, (b) itemize the
25 specific programs and activities that will be affected by the federal
26 reductions, exclusive of Medicaid, and (c) identify the general fund and
27 state special revenue fund appropriations and related disbursements that
28 shall be reduced, and in what program areas, provided, however, that

1 such reductions to appropriations and disbursements shall be applied
2 equally and proportionally. Upon such submission, the legislature shall
3 have 90 days after such submission to either prepare its own plan, which
4 may be adopted by concurrent resolution passed by both houses, or if
5 after 90 days the legislature fails to adopt their own plan, the
6 reductions to the general fund and state special revenue fund appropri-
7 ations and related disbursements identified in the division of the budg-
8 et plan will go into effect automatically.

9 § 28-a. The state finance law is amended by adding a new section 28 to
10 read as follows:

11 § 28. Reductions to enacted appropriations. 1. Notwithstanding any
12 other provision of law to the contrary, to maintain a balanced budget in
13 the event that the annual estimate for tax receipts for fiscal year two
14 thousand eighteen-nineteen is reduced by five hundred million dollars or
15 more compared to estimate in the fiscal year two thousand eighteen-nine-
16 teen Executive Budget Financial Plan, the appropriations and related
17 cash disbursements for all general fund and state special revenue fund
18 aid to localities appropriations shall be uniformly reduced by the
19 percentage set forth in a written allocation plan prepared by the direc-
20 tor of the budget, provided, however, that the uniform percentage
21 reduction shall not exceed three percent. The following types of appro-
22 priations shall be exempt from uniform reduction: (a) public assistance
23 payments for families and individuals and payments for eligible aged,
24 blind and disabled persons related to supplemental social security; (b)
25 any reductions that would violate federal law; (c) payments of debt
26 service and related expenses for which the state is constitutionally
27 obligated to pay debt service or is contractually obligated to pay debt
28 service, subject to an appropriation, including where the state has a

1 contingent contractual obligation; (d) payments the state is obligated
2 to make pursuant to court orders or judgments; (e) payments for CUNY
3 senior colleges; (f) school aid; (g) Medicaid; and (h) payments from the
4 community projects fund.

5 2. Reductions under this section shall commence within ten days
6 following the publication of a financial plan required under sections
7 twenty-two or twenty-three of this article stating that the annual esti-
8 mate for tax receipts for fiscal year two thousand eighteen-nineteen is
9 reduced by five hundred million dollars or more compared to estimate in
10 the fiscal year two thousand eighteen-nineteen Executive Budget Finan-
11 cial Plan. Such reductions shall be uniformly reduced in accordance
12 with a written allocation plan prepared by the director of the budget,
13 which shall be filed with the state comptroller, the chairman of the
14 senate finance committee and the chairman of the assembly ways and means
15 committee. Such written allocation plan shall include a summary of the
16 methodology for calculating the percentage reductions to the payments
17 from non-exempt appropriations and cash disbursements and the reasons
18 for any exemptions, and a detailed schedule of the reductions and
19 exemptions. The director of the budget shall prepare appropriately
20 reduced certificates, which shall be filed with the state comptroller,
21 the chair of the senate finance committee and the chair of the assembly
22 ways and means committee.

23 3. On March thirty-first, two thousand nineteen, the director of the
24 budget shall calculate the difference, if any, between the annual esti-
25 mate in tax receipts contained in the fiscal year 2019 Executive Budget
26 Financial Plan and actual tax collections for fiscal year two thousand
27 eighteen-nineteen. If actual tax receipts for fiscal year two thousand
28 eighteen-nineteen were not less than five hundred million dollars below

1 the annual estimate in tax receipts contained in the Executive Budget
2 Financial Plan for fiscal year two thousand eighteen-nineteen, then the
3 amounts withheld under this section shall be payable as soon as practi-
4 cable thereafter in the fiscal year two thousand twenty-twenty-one.

5 4. Notwithstanding any inconsistent provision of law, rule or regu-
6 lation, the effectiveness of the provisions of sections twenty-eight
7 hundred seven and thirty-six hundred fourteen of the public health law,
8 section eighteen of chapter two of the laws of nineteen hundred eighty-
9 eight, and 18 NYCRR § 505.14(h), as they relate to time frames for
10 notice, approval or certification of rates of payment, are hereby
11 suspended and without force or effect for purposes of implementing the
12 provisions of this act.

13 § 29. Section 8-b of the state finance law, as added by chapter 169 of
14 the laws of 1994, is amended to read as follows:

15 § 8-b. Additional duties of the comptroller. 1. The comptroller is
16 hereby authorized and directed to assess fringe benefit and central
17 service agency indirect costs on all non-general funds, and on the
18 general fund upon request and at the sole discretion of the director of
19 the budget, and to [bill] charge such assessments [on] to such funds.
20 Such fringe benefit and indirect costs [billings] assessments shall be
21 based on rates provided to the comptroller by the director of the budg-
22 et. Copies of such rates shall be provided to the legislative fiscal
23 committees.

24 2. Receipts derived from such indirect costs assessments, paid pursu-
25 ant to appropriations, shall be [deposited to the indirect costs recov-
26 ery account] refunded to the originating general fund appropriations, or
27 as directed by the director of the budget, in consultation with the
28 comptroller. Receipts derived from the fringe benefit assessments, paid

1 pursuant to appropriations, shall be [deposited to the fringe benefit
2 escrow account. If any of the fringe benefit escrow accounts have avail-
3 able balances, such balances may be applied to other categories in the
4 general state charges schedule as determined by the director of the
5 budget] refunded to any originating general state charge appropriation,
6 pursuant to a schedule submitted by the director of the budget to the
7 comptroller.

8 § 30. Notwithstanding any other law, rule, or regulation to the
9 contrary, the state comptroller is hereby authorized and directed to use
10 any balance remaining in the mental health services fund debt service
11 appropriation, after payment by the state comptroller of all obligations
12 required pursuant to any lease, sublease, or other financing arrangement
13 between the dormitory authority of the state of New York as successor to
14 the New York state medical care facilities finance agency, and the
15 facilities development corporation pursuant to chapter 83 of the laws of
16 1995 and the department of mental hygiene for the purpose of making
17 payments to the dormitory authority of the state of New York for the
18 amount of the earnings for the investment of monies deposited in the
19 mental health services fund that such agency determines will or may have
20 to be rebated to the federal government pursuant to the provisions of
21 the internal revenue code of 1986, as amended, in order to enable such
22 agency to maintain the exemption from federal income taxation on the
23 interest paid to the holders of such agency's mental services facilities
24 improvement revenue bonds. Annually on or before each June 30th, such
25 agency shall certify to the state comptroller its determination of the
26 amounts received in the mental health services fund as a result of the
27 investment of monies deposited therein that will or may have to be

1 rebated to the federal government pursuant to the provisions of the
2 internal revenue code of 1986, as amended.

3 § 31. Subdivision 1 of section 47 of section 1 of chapter 174 of the
4 laws of 1968, constituting the New York state urban development corpo-
5 ration act, as amended by section 24 of part XXX of chapter 59 of the
6 laws of 2017, is amended to read as follows:

7 1. Notwithstanding the provisions of any other law to the contrary,
8 the dormitory authority and the corporation are hereby authorized to
9 issue bonds or notes in one or more series for the purpose of funding
10 project costs for the office of information technology services, depart-
11 ment of law, and other state costs associated with such capital
12 projects. The aggregate principal amount of bonds authorized to be
13 issued pursuant to this section shall not exceed [four hundred fifty
14 million five hundred forty thousand dollars] five hundred forty million
15 nine hundred fifty-four thousand dollars, excluding bonds issued to fund
16 one or more debt service reserve funds, to pay costs of issuance of such
17 bonds, and bonds or notes issued to refund or otherwise repay such bonds
18 or notes previously issued. Such bonds and notes of the dormitory
19 authority and the corporation shall not be a debt of the state, and the
20 state shall not be liable thereon, nor shall they be payable out of any
21 funds other than those appropriated by the state to the dormitory
22 authority and the corporation for principal, interest, and related
23 expenses pursuant to a service contract and such bonds and notes shall
24 contain on the face thereof a statement to such effect. Except for
25 purposes of complying with the internal revenue code, any interest
26 income earned on bond proceeds shall only be used to pay debt service on
27 such bonds.

1 § 32. Subdivision 1 of section 16 of part D of chapter 389 of the laws
2 of 1997, relating to the financing of the correctional facilities
3 improvement fund and the youth facility improvement fund, as amended by
4 section 25 of part XXX of chapter 59 of the laws of 2017, is amended to
5 read as follows:

6 1. Subject to the provisions of chapter 59 of the laws of 2000, but
7 notwithstanding the provisions of section 18 of section 1 of chapter 174
8 of the laws of 1968, the New York state urban development corporation is
9 hereby authorized to issue bonds, notes and other obligations in an
10 aggregate principal amount not to exceed [~~seven~~] eight billion [~~seven~~
11 hundred forty-one] eighty-two million [~~one~~] eight hundred ninety-nine
12 thousand dollars [~~\$7,741,199,000~~] \$8,082,899,000, and shall include all
13 bonds, notes and other obligations issued pursuant to chapter 56 of the
14 laws of 1983, as amended or supplemented. The proceeds of such bonds,
15 notes or other obligations shall be paid to the state, for deposit in
16 the correctional facilities capital improvement fund to pay for all or
17 any portion of the amount or amounts paid by the state from appropri-
18 ations or reappropriations made to the department of corrections and
19 community supervision from the correctional facilities capital improve-
20 ment fund for capital projects. The aggregate amount of bonds, notes or
21 other obligations authorized to be issued pursuant to this section shall
22 exclude bonds, notes or other obligations issued to refund or otherwise
23 repay bonds, notes or other obligations theretofore issued, the proceeds
24 of which were paid to the state for all or a portion of the amounts
25 expended by the state from appropriations or reappropriations made to
26 the department of corrections and community supervision; provided,
27 however, that upon any such refunding or repayment the total aggregate
28 principal amount of outstanding bonds, notes or other obligations may be

1 greater than [seven] eight billion [seven hundred forty-one] eighty-two
2 million [one] eight hundred ninety-nine thousand dollars
3 [\$7,741,199,000] \$8,082,899,000, only if the present value of the aggre-
4 gate debt service of the refunding or repayment bonds, notes or other
5 obligations to be issued shall not exceed the present value of the
6 aggregate debt service of the bonds, notes or other obligations so to be
7 refunded or repaid. For the purposes hereof, the present value of the
8 aggregate debt service of the refunding or repayment bonds, notes or
9 other obligations and of the aggregate debt service of the bonds, notes
10 or other obligations so refunded or repaid, shall be calculated by
11 utilizing the effective interest rate of the refunding or repayment
12 bonds, notes or other obligations, which shall be that rate arrived at
13 by doubling the semi-annual interest rate (compounded semi-annually)
14 necessary to discount the debt service payments on the refunding or
15 repayment bonds, notes or other obligations from the payment dates ther-
16 eof to the date of issue of the refunding or repayment bonds, notes or
17 other obligations and to the price bid including estimated accrued
18 interest or proceeds received by the corporation including estimated
19 accrued interest from the sale thereof.

20 § 33. Paragraph (a) of subdivision 2 of section 47-e of the private
21 housing finance law, as amended by section 26 of part XXX of chapter 59
22 of the laws of 2017, is amended to read as follows:

23 (a) Subject to the provisions of chapter fifty-nine of the laws of two
24 thousand, in order to enhance and encourage the promotion of housing
25 programs and thereby achieve the stated purposes and objectives of such
26 housing programs, the agency shall have the power and is hereby author-
27 ized from time to time to issue negotiable housing program bonds and
28 notes in such principal amount as shall be necessary to provide suffi-

1 cient funds for the repayment of amounts disbursed (and not previously
2 reimbursed) pursuant to law or any prior year making capital appropri-
3 ations or reappropriations for the purposes of the housing program;
4 provided, however, that the agency may issue such bonds and notes in an
5 aggregate principal amount not exceeding \$5,691,399,000 five billion
6 [three] six hundred [eighty-four] ninety-one million [one] three hundred
7 ninety-nine thousand dollars, plus a principal amount of bonds issued to
8 fund the debt service reserve fund in accordance with the debt service
9 reserve fund requirement established by the agency and to fund any other
10 reserves that the agency reasonably deems necessary for the security or
11 marketability of such bonds and to provide for the payment of fees and
12 other charges and expenses, including underwriters' discount, trustee
13 and rating agency fees, bond insurance, credit enhancement and liquidity
14 enhancement related to the issuance of such bonds and notes. No reserve
15 fund securing the housing program bonds shall be entitled or eligible to
16 receive state funds apportioned or appropriated to maintain or restore
17 such reserve fund at or to a particular level, except to the extent of
18 any deficiency resulting directly or indirectly from a failure of the
19 state to appropriate or pay the agreed amount under any of the contracts
20 provided for in subdivision four of this section.

21 § 34. Subdivision (b) of section 11 of chapter 329 of the laws of
22 1991, amending the state finance law and other laws relating to the
23 establishment of the dedicated highway and bridge trust fund, as amended
24 by section 27 of part XXX of chapter 59 of the laws of 2017, is amended
25 to read as follows:

26 (b) Any service contract or contracts for projects authorized pursuant
27 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
28 14-k of the transportation law, and entered into pursuant to subdivision

1 (a) of this section, shall provide for state commitments to provide
2 annually to the thruway authority a sum or sums, upon such terms and
3 conditions as shall be deemed appropriate by the director of the budget,
4 to fund, or fund the debt service requirements of any bonds or any obli-
5 gations of the thruway authority issued to fund or to reimburse the
6 state for funding such projects having a cost not in excess of
7 [\$9,699,586,000] \$10,186,939,000 cumulatively by the end of fiscal year
8 [2017-18] 2018-19.

9 § 35. Subdivision 1 of section 1689-i of the public authorities law,
10 as amended by section 28 of part XXX of chapter 59 of the laws of 2017,
11 is amended to read as follows:

12 1. The dormitory authority is authorized to issue bonds, at the
13 request of the commissioner of education, to finance eligible library
14 construction projects pursuant to section two hundred seventy-three-a of
15 the education law, in amounts certified by such commissioner not to
16 exceed a total principal amount of one hundred [eighty-three] ninety-
17 seven million dollars.

18 § 36. Subdivision (a) of section 27 of part Y of chapter 61 of the
19 laws of 2005, relating to providing for the administration of certain
20 funds and accounts related to the 2005-2006 budget, as amended by
21 section 29 of part XXX of chapter 59 of the laws of 2017, is amended to
22 read as follows:

23 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
24 notwithstanding any provisions of law to the contrary, the urban devel-
25 opment corporation is hereby authorized to issue bonds or notes in one
26 or more series in an aggregate principal amount not to exceed
27 [\$173,600,000] \$220,100,000 two hundred twenty million one hundred thou-
28 sand dollars, excluding bonds issued to finance one or more debt service

1 reserve funds, to pay costs of issuance of such bonds, and bonds or
2 notes issued to refund or otherwise repay such bonds or notes previously
3 issued, for the purpose of financing capital projects including IT
4 initiatives for the division of state police, debt service and leases;
5 and to reimburse the state general fund for disbursements made therefor.
6 Such bonds and notes of such authorized issuer shall not be a debt of
7 the state, and the state shall not be liable thereon, nor shall they be
8 payable out of any funds other than those appropriated by the state to
9 such authorized issuer for debt service and related expenses pursuant to
10 any service contract executed pursuant to subdivision (b) of this
11 section and such bonds and notes shall contain on the face thereof a
12 statement to such effect. Except for purposes of complying with the
13 internal revenue code, any interest income earned on bond proceeds shall
14 only be used to pay debt service on such bonds.

15 § 37. Section 44 of section 1 of chapter 174 of the laws of 1968,
16 constituting the New York state urban development corporation act, as
17 amended by section 30 of part XXX of chapter 59 of the laws of 2017, is
18 amended to read as follows:

19 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
20 provisions of any other law to the contrary, the dormitory authority and
21 the corporation are hereby authorized to issue bonds or notes in one or
22 more series for the purpose of funding project costs for the regional
23 economic development council initiative, the economic transformation
24 program, state university of New York college for nanoscale and science
25 engineering, projects within the city of Buffalo or surrounding envi-
26 rons, the New York works economic development fund, projects for the
27 retention of professional football in western New York, the empire state
28 economic development fund, the clarkson-trudeau partnership, the New

1 York genome center, the cornell university college of veterinary medi-
2 cine, the olympic regional development authority, projects at nano
3 Utica, onondaga county revitalization projects, Binghamton university
4 school of pharmacy, New York power electronics manufacturing consortium,
5 regional infrastructure projects, high tech innovation and economic
6 development infrastructure program, high technology manufacturing
7 projects in Chautauqua and Erie county, an industrial scale research and
8 development facility in Clinton county, upstate revitalization initi-
9 ative projects, downstate revitalization initiative market New York
10 projects, fairground buildings, equipment or facilities used to house
11 and promote agriculture, the state fair, the empire state trail, the
12 moynihan station development project, the Kingsbridge armory project,
13 strategic economic development projects, the cultural, arts and public
14 spaces fund, water infrastructure in the city of Auburn and town of
15 Owasco, a life sciences laboratory public health initiative, not-for-
16 profit pounds, shelters and humane societies, arts and cultural facili-
17 ties improvement program, restore New York's communities initiative,
18 heavy equipment, economic development and infrastructure projects, [and]
19 other state costs associated with such projects and Roosevelt Island
20 operating corporation capital projects. The aggregate principal amount
21 of bonds authorized to be issued pursuant to this section shall not
22 exceed [six] eight billion [seven] one hundred [eight] fifty-eight
23 million [two] five hundred [fifty-seven] ninety thousand dollars,
24 excluding bonds issued to fund one or more debt service reserve funds,
25 to pay costs of issuance of such bonds, and bonds or notes issued to
26 refund or otherwise repay such bonds or notes previously issued. Such
27 bonds and notes of the dormitory authority and the corporation shall not
28 be a debt of the state, and the state shall not be liable thereon, nor

1 shall they be payable out of any funds other than those appropriated by
2 the state to the dormitory authority and the corporation for principal,
3 interest, and related expenses pursuant to a service contract and such
4 bonds and notes shall contain on the face thereof a statement to such
5 effect. Except for purposes of complying with the internal revenue code,
6 any interest income earned on bond proceeds shall only be used to pay
7 debt service on such bonds.

8 2. Notwithstanding any other provision of law to the contrary, in
9 order to assist the dormitory authority and the corporation in undertak-
10 ing the financing for project costs for the regional economic develop-
11 ment council initiative, the economic transformation program, state
12 university of New York college for nanoscale and science engineering,
13 projects within the city of Buffalo or surrounding environs, the New
14 York works economic development fund, projects for the retention of
15 professional football in western New York, the empire state economic
16 development fund, the clarkson-trudeau partnership, the New York genome
17 center, the cornell university college of veterinary medicine, the olym-
18 pic regional development authority, projects at nano Utica, onondaga
19 county revitalization projects, Binghamton university school of pharma-
20 cy, New York power electronics manufacturing consortium, regional
21 infrastructure projects, high technology manufacturing projects in Chau-
22 tauqua and Erie county, an industrial scale research and development
23 facility in Clinton county, upstate revitalization initiative projects,
24 market New York projects, fairground buildings, equipment or facilities
25 used to house and promote agriculture, the state fair, the empire state
26 trail, the moynihan station development project, the Kingsbridge armory
27 project, strategic economic development projects, the cultural, arts and
28 public spaces fund, water infrastructure in the city of Auburn and town

1 of Owasco, a life sciences laboratory public health initiative, not-for-
2 profit pounds, shelters and humane societies, arts and cultural facili-
3 ties improvement program, restore New York's communities initiative,
4 heavy equipment, economic development and infrastructure projects, and
5 other state costs associated with such projects, the director of the
6 budget is hereby authorized to enter into one or more service contracts
7 with the dormitory authority and the corporation, none of which shall
8 exceed thirty years in duration, upon such terms and conditions as the
9 director of the budget and the dormitory authority and the corporation
10 agree, so as to annually provide to the dormitory authority and the
11 corporation, in the aggregate, a sum not to exceed the principal, inter-
12 est, and related expenses required for such bonds and notes. Any service
13 contract entered into pursuant to this section shall provide that the
14 obligation of the state to pay the amount therein provided shall not
15 constitute a debt of the state within the meaning of any constitutional
16 or statutory provision and shall be deemed executory only to the extent
17 of monies available and that no liability shall be incurred by the state
18 beyond the monies available for such purpose, subject to annual appro-
19 priation by the legislature. Any such contract or any payments made or
20 to be made thereunder may be assigned and pledged by the dormitory
21 authority and the corporation as security for its bonds and notes, as
22 authorized by this section.

23 § 38. Subdivisions 1 and 3 of section 1285-p of the public authorities
24 law, as amended by section 31 of part XXX of chapter 59 of the laws of
25 2017, are amended to read as follows:

26 1. Subject to chapter fifty-nine of the laws of two thousand, but
27 notwithstanding any other provisions of law to the contrary, in order to
28 assist the corporation in undertaking the administration and the financ-

1 ing of the design, acquisition, construction, improvement, installation,
2 and related work for all or any portion of any of the following environ-
3 mental infrastructure projects and for the provision of funds to the
4 state for any amounts disbursed therefor: (a) projects authorized under
5 the environmental protection fund, or for which appropriations are made
6 to the environmental protection fund including, but not limited to
7 municipal parks and historic preservation, stewardship, farmland
8 protection, non-point source, pollution control, Hudson River Park, land
9 acquisition, and waterfront revitalization; (b) department of environ-
10 mental conservation capital appropriations for Onondaga Lake for certain
11 water quality improvement projects in the same manner as set forth in
12 paragraph (d) of subdivision one of section 56-0303 of the environmental
13 conservation law; (c) for the purpose of the administration, management,
14 maintenance, and use of the real property at the western New York nucle-
15 ar service center; (d) department of environmental conservation capital
16 appropriations for the administration, design, acquisition,
17 construction, improvement, installation, and related work on department
18 of environmental conservation environmental infrastructure projects; (e)
19 office of parks, recreation and historic preservation appropriations or
20 reappropriations from the state parks infrastructure fund; (f) capital
21 grants for the cleaner, greener communities program; (g) capital costs
22 of water quality infrastructure projects and (h) capital costs of clean
23 water infrastructure projects the director of the division of budget and
24 the corporation are each authorized to enter into one or more service
25 contracts, none of which shall exceed twenty years in duration, upon
26 such terms and conditions as the director and the corporation may agree,
27 so as to annually provide to the corporation in the aggregate, a sum not
28 to exceed the annual debt service payments and related expenses required

1 for any bonds and notes authorized pursuant to section twelve hundred
2 ninety of this title. Any service contract entered into pursuant to this
3 section shall provide that the obligation of the state to fund or to pay
4 the amounts therein provided for shall not constitute a debt of the
5 state within the meaning of any constitutional or statutory provision
6 and shall be deemed executory only to the extent of moneys available for
7 such purposes, subject to annual appropriation by the legislature. Any
8 such service contract or any payments made or to be made thereunder may
9 be assigned and pledged by the corporation as security for its bonds and
10 notes, as authorized pursuant to section twelve hundred ninety of this
11 title.

12 3. The maximum amount of bonds that may be issued for the purpose of
13 financing environmental infrastructure projects authorized by this
14 section shall be [four] five billion [nine] two hundred [fifty-one]
15 ninety-six million [seven] one hundred sixty thousand dollars, exclusive
16 of bonds issued to fund any debt service reserve funds, pay costs of
17 issuance of such bonds, and bonds or notes issued to refund or otherwise
18 repay bonds or notes previously issued. Such bonds and notes of the
19 corporation shall not be a debt of the state, and the state shall not be
20 liable thereon, nor shall they be payable out of any funds other than
21 those appropriated by the state to the corporation for debt service and
22 related expenses pursuant to any service contracts executed pursuant to
23 subdivision one of this section, and such bonds and notes shall contain
24 on the face thereof a statement to such effect.

25 § 39. Subdivision 1 of section 45 of section 1 of chapter 174 of the
26 laws of 1968, constituting the New York state urban development corpo-
27 ration act, as amended by section 32 of part XXX of chapter 59 of the
28 laws of 2017, is amended to read as follows:

1 1. Notwithstanding the provisions of any other law to the contrary,
2 the urban development corporation of the state of New York is hereby
3 authorized to issue bonds or notes in one or more series for the purpose
4 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
5 2020 challenge grant program subject to the approval of a NY-SUNY and
6 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
7 the state university of New York or the chancellor of the city universi-
8 ty of New York, as applicable. The aggregate principal amount of bonds
9 authorized to be issued pursuant to this section shall not exceed
10 \$660,000,000, excluding bonds issued to fund one or more debt service
11 reserve funds, to pay costs of issuance of such bonds, and bonds or
12 notes issued to refund or otherwise repay such bonds or notes previously
13 issued. Such bonds and notes of the corporation shall not be a debt of
14 the state, and the state shall not be liable thereon, nor shall they be
15 payable out of any funds other than those appropriated by the state to
16 the corporation for principal, interest, and related expenses pursuant
17 to a service contract and such bonds and notes shall contain on the face
18 thereof a statement to such effect. Except for purposes of complying
19 with the internal revenue code, any interest income earned on bond
20 proceeds shall only be used to pay debt service on such bonds.

21 § 40. Subdivision (a) of section 48 of part K of chapter 81 of the
22 laws of 2002, relating to providing for the administration of certain
23 funds and accounts related to the 2002-2003 budget, as amended by
24 section 33 of part XXX of chapter 59 of the laws of 2017, is amended to
25 read as follows:

26 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
27 notwithstanding the provisions of section 18 of the urban development
28 corporation act, the corporation is hereby authorized to issue bonds or

1 notes in one or more series in an aggregate principal amount not to
2 exceed [\$250,000,000] \$253,000,000 two-hundred fifty-three million
3 dollars excluding bonds issued to fund one or more debt service reserve
4 funds, to pay costs of issuance of such bonds, and bonds or notes issued
5 to refund or otherwise repay such bonds or notes previously issued, for
6 the purpose of financing capital costs related to homeland security and
7 training facilities for the division of state police, the division of
8 military and naval affairs, and any other state agency, including the
9 reimbursement of any disbursements made from the state capital projects
10 fund, and is hereby authorized to issue bonds or notes in one or more
11 series in an aggregate principal amount not to exceed [\$654,800,000]
12 \$744,800,000, seven hundred forty-four million eight hundred thousand
13 dollars, excluding bonds issued to fund one or more debt service reserve
14 funds, to pay costs of issuance of such bonds, and bonds or notes issued
15 to refund or otherwise repay such bonds or notes previously issued, for
16 the purpose of financing improvements to State office buildings and
17 other facilities located statewide, including the reimbursement of any
18 disbursements made from the state capital projects fund. Such bonds and
19 notes of the corporation shall not be a debt of the state, and the state
20 shall not be liable thereon, nor shall they be payable out of any funds
21 other than those appropriated by the state to the corporation for debt
22 service and related expenses pursuant to any service contracts executed
23 pursuant to subdivision (b) of this section, and such bonds and notes
24 shall contain on the face thereof a statement to such effect.

25 § 41. Subdivision 1 of section 386-b of the public authorities law, as
26 amended by section 34 of part XXX of chapter 59 of the laws of 2017, is
27 amended to read as follows:

1 1. Notwithstanding any other provision of law to the contrary, the
2 authority, the dormitory authority and the urban development corporation
3 are hereby authorized to issue bonds or notes in one or more series for
4 the purpose of financing peace bridge projects and capital costs of
5 state and local highways, parkways, bridges, the New York state thruway,
6 Indian reservation roads, and facilities, and transportation infrastruc-
7 ture projects including aviation projects, non-MTA mass transit
8 projects, and rail service preservation projects, including work appur-
9 tenant and ancillary thereto. The aggregate principal amount of bonds
10 authorized to be issued pursuant to this section shall not exceed four
11 billion [three] four hundred [sixty-four] eighty million dollars
12 [\$4,364,000,000] \$4,480,000,000, excluding bonds issued to fund one or
13 more debt service reserve funds, to pay costs of issuance of such bonds,
14 and to refund or otherwise repay such bonds or notes previously issued.
15 Such bonds and notes of the authority, the dormitory authority and the
16 urban development corporation shall not be a debt of the state, and the
17 state shall not be liable thereon, nor shall they be payable out of any
18 funds other than those appropriated by the state to the authority, the
19 dormitory authority and the urban development corporation for principal,
20 interest, and related expenses pursuant to a service contract and such
21 bonds and notes shall contain on the face thereof a statement to such
22 effect. Except for purposes of complying with the internal revenue code,
23 any interest income earned on bond proceeds shall only be used to pay
24 debt service on such bonds.

25 § 42. Paragraph (c) of subdivision 19 of section 1680 of the public
26 authorities law, as amended by section 35 of part XXX of chapter 59 of
27 the laws of 2017, is amended to read as follows:

1 (c) Subject to the provisions of chapter fifty-nine of the laws of two
2 thousand, the dormitory authority shall not issue any bonds for state
3 university educational facilities purposes if the principal amount of
4 bonds to be issued when added to the aggregate principal amount of bonds
5 issued by the dormitory authority on and after July first, nineteen
6 hundred eighty-eight for state university educational facilities will
7 exceed twelve billion [three] nine hundred [forty-three] forty-eight
8 million eight hundred sixty-four thousand dollars \$12,948,864,000;
9 provided, however, that bonds issued or to be issued shall be excluded
10 from such limitation if: (1) such bonds are issued to refund state
11 university construction bonds and state university construction notes
12 previously issued by the housing finance agency; or (2) such bonds are
13 issued to refund bonds of the authority or other obligations issued for
14 state university educational facilities purposes and the present value
15 of the aggregate debt service on the refunding bonds does not exceed the
16 present value of the aggregate debt service on the bonds refunded there-
17 by; provided, further that upon certification by the director of the
18 budget that the issuance of refunding bonds or other obligations issued
19 between April first, nineteen hundred ninety-two and March thirty-first,
20 nineteen hundred ninety-three will generate long term economic benefits
21 to the state, as assessed on a present value basis, such issuance will
22 be deemed to have met the present value test noted above. For purposes
23 of this subdivision, the present value of the aggregate debt service of
24 the refunding bonds and the aggregate debt service of the bonds
25 refunded, shall be calculated by utilizing the true interest cost of the
26 refunding bonds, which shall be that rate arrived at by doubling the
27 semi-annual interest rate (compounded semi-annually) necessary to
28 discount the debt service payments on the refunding bonds from the

1 payment dates thereof to the date of issue of the refunding bonds to the
2 purchase price of the refunding bonds, including interest accrued there-
3 on prior to the issuance thereof. The maturity of such bonds, other than
4 bonds issued to refund outstanding bonds, shall not exceed the weighted
5 average economic life, as certified by the state university construction
6 fund, of the facilities in connection with which the bonds are issued,
7 and in any case not later than the earlier of thirty years or the expi-
8 ration of the term of any lease, sublease or other agreement relating
9 thereto; provided that no note, including renewals thereof, shall mature
10 later than five years after the date of issuance of such note. The
11 legislature reserves the right to amend or repeal such limit, and the
12 state of New York, the dormitory authority, the state university of New
13 York, and the state university construction fund are prohibited from
14 covenanting or making any other agreements with or for the benefit of
15 bondholders which might in any way affect such right.

16 § 43. Paragraph (c) of subdivision 14 of section 1680 of the public
17 authorities law, as amended by section 36 of part XXX of chapter 59 of
18 the laws of 2017, is amended to read as follows:

19 (c) Subject to the provisions of chapter fifty-nine of the laws of two
20 thousand, (i) the dormitory authority shall not deliver a series of
21 bonds for city university community college facilities, except to refund
22 or to be substituted for or in lieu of other bonds in relation to city
23 university community college facilities pursuant to a resolution of the
24 dormitory authority adopted before July first, nineteen hundred eighty-
25 five or any resolution supplemental thereto, if the principal amount of
26 bonds so to be issued when added to all principal amounts of bonds
27 previously issued by the dormitory authority for city university commu-
28 nity college facilities, except to refund or to be substituted in lieu

1 of other bonds in relation to city university community college facili-
2 ties will exceed the sum of four hundred twenty-five million dollars and
3 (ii) the dormitory authority shall not deliver a series of bonds issued
4 for city university facilities, including community college facilities,
5 pursuant to a resolution of the dormitory authority adopted on or after
6 July first, nineteen hundred eighty-five, except to refund or to be
7 substituted for or in lieu of other bonds in relation to city university
8 facilities and except for bonds issued pursuant to a resolution supple-
9 mental to a resolution of the dormitory authority adopted prior to July
10 first, nineteen hundred eighty-five, if the principal amount of bonds so
11 to be issued when added to the principal amount of bonds previously
12 issued pursuant to any such resolution, except bonds issued to refund or
13 to be substituted for or in lieu of other bonds in relation to city
14 university facilities, will exceed [seven] eight billion [nine] three
15 hundred [eighty-one] fourteen million [nine] six hundred [sixty-eight]
16 ninety-one thousand dollars \$8,314,691,000. The legislature reserves
17 the right to amend or repeal such limit, and the state of New York, the
18 dormitory authority, the city university, and the fund are prohibited
19 from covenanting or making any other agreements with or for the benefit
20 of bondholders which might in any way affect such right.

21 § 44. Subdivision 10-a of section 1680 of the public authorities law,
22 as amended by section 37 of part XXX of chapter 59 of the laws of 2017,
23 is amended to read as follows:

24 10-a. Subject to the provisions of chapter fifty-nine of the laws of
25 two thousand, but notwithstanding any other provision of the law to the
26 contrary, the maximum amount of bonds and notes to be issued after March
27 thirty-first, two thousand two, on behalf of the state, in relation to
28 any locally sponsored community college, shall be nine hundred [four-

1 teen] fifty-three million [five] two hundred [ninety] sixty-five thou-
2 sand dollars \$953,265,000. Such amount shall be exclusive of bonds and
3 notes issued to fund any reserve fund or funds, costs of issuance and to
4 refund any outstanding bonds and notes, issued on behalf of the state,
5 relating to a locally sponsored community college.

6 § 45. Subdivision 1 of section 17 of part D of chapter 389 of the laws
7 of 1997, relating to the financing of the correctional facilities
8 improvement fund and the youth facility improvement fund, as amended by
9 section 38 of part XXX of chapter 59 of the laws of 2017, is amended to
10 read as follows:

11 1. Subject to the provisions of chapter 59 of the laws of 2000, but
12 notwithstanding the provisions of section 18 of section 1 of chapter 174
13 of the laws of 1968, the New York state urban development corporation is
14 hereby authorized to issue bonds, notes and other obligations in an
15 aggregate principal amount not to exceed [six] seven hundred [eighty-
16 two] sixty-nine million [nine] six hundred fifteen thousand dollars
17 [(\$682,915,000)] (\$769,615,000), which authorization increases the
18 aggregate principal amount of bonds, notes and other obligations author-
19 ized by section 40 of chapter 309 of the laws of 1996, and shall include
20 all bonds, notes and other obligations issued pursuant to chapter 211 of
21 the laws of 1990, as amended or supplemented. The proceeds of such
22 bonds, notes or other obligations shall be paid to the state, for depos-
23 it in the youth facilities improvement fund, to pay for all or any
24 portion of the amount or amounts paid by the state from appropriations
25 or reappropriations made to the office of children and family services
26 from the youth facilities improvement fund for capital projects. The
27 aggregate amount of bonds, notes and other obligations authorized to be
28 issued pursuant to this section shall exclude bonds, notes or other

1 obligations issued to refund or otherwise repay bonds, notes or other
2 obligations theretofore issued, the proceeds of which were paid to the
3 state for all or a portion of the amounts expended by the state from
4 appropriations or reappropriations made to the office of children and
5 family services; provided, however, that upon any such refunding or
6 repayment the total aggregate principal amount of outstanding bonds,
7 notes or other obligations may be greater than [six] seven hundred
8 [eighty-two] sixty-nine million [nine] six hundred fifteen thousand
9 dollars [(\$682,915,000)] (\$769,615,000), only if the present value of
10 the aggregate debt service of the refunding or repayment bonds, notes or
11 other obligations to be issued shall not exceed the present value of the
12 aggregate debt service of the bonds, notes or other obligations so to be
13 refunded or repaid. For the purposes hereof, the present value of the
14 aggregate debt service of the refunding or repayment bonds, notes or
15 other obligations and of the aggregate debt service of the bonds, notes
16 or other obligations so refunded or repaid, shall be calculated by
17 utilizing the effective interest rate of the refunding or repayment
18 bonds, notes or other obligations, which shall be that rate arrived at
19 by doubling the semi-annual interest rate (compounded semi-annually)
20 necessary to discount the debt service payments on the refunding or
21 repayment bonds, notes or other obligations from the payment dates ther-
22 eof to the date of issue of the refunding or repayment bonds, notes or
23 other obligations and to the price bid including estimated accrued
24 interest or proceeds received by the corporation including estimated
25 accrued interest from the sale thereof.

26 § 46. Paragraph b of subdivision 2 of section 9-a of section 1 of
27 chapter 392 of the laws of 1973, constituting the New York state medical

1 care facilities finance agency act, as amended by section 39 of part XXX
2 of chapter 59 of the laws of 2017, is amended to read as follows:

3 b. The agency shall have power and is hereby authorized from time to
4 time to issue negotiable bonds and notes in conformity with applicable
5 provisions of the uniform commercial code in such principal amount as,
6 in the opinion of the agency, shall be necessary, after taking into
7 account other moneys which may be available for the purpose, to provide
8 sufficient funds to the facilities development corporation, or any
9 successor agency, for the financing or refinancing of or for the design,
10 construction, acquisition, reconstruction, rehabilitation or improvement
11 of mental health services facilities pursuant to paragraph a of this
12 subdivision, the payment of interest on mental health services improve-
13 ment bonds and mental health services improvement notes issued for such
14 purposes, the establishment of reserves to secure such bonds and notes,
15 the cost or premium of bond insurance or the costs of any financial
16 mechanisms which may be used to reduce the debt service that would be
17 payable by the agency on its mental health services facilities improve-
18 ment bonds and notes and all other expenditures of the agency incident
19 to and necessary or convenient to providing the facilities development
20 corporation, or any successor agency, with funds for the financing or
21 refinancing of or for any such design, construction, acquisition, recon-
22 struction, rehabilitation or improvement and for the refunding of mental
23 hygiene improvement bonds issued pursuant to section 47-b of the private
24 housing finance law; provided, however, that the agency shall not issue
25 mental health services facilities improvement bonds and mental health
26 services facilities improvement notes in an aggregate principal amount
27 exceeding eight billion [three] seven hundred [ninety-two] fifty-eight
28 million [eight] seven hundred [fifteen] eleven thousand dollars, exclud-

1 ing mental health services facilities improvement bonds and mental
2 health services facilities improvement notes issued to refund outstand-
3 ing mental health services facilities improvement bonds and mental
4 health services facilities improvement notes; provided, however, that
5 upon any such refunding or repayment of mental health services facili-
6 ties improvement bonds and/or mental health services facilities improve-
7 ment notes the total aggregate principal amount of outstanding mental
8 health services facilities improvement bonds and mental health facili-
9 ties improvement notes may be greater than eight billion [three] seven
10 hundred [ninety-two] fifty-eight million [eight] seven hundred [fifteen]
11 eleven thousand dollars \$8,758,711,000 only if, except as hereinafter
12 provided with respect to mental health services facilities bonds and
13 mental health services facilities notes issued to refund mental hygiene
14 improvement bonds authorized to be issued pursuant to the provisions of
15 section 47-b of the private housing finance law, the present value of
16 the aggregate debt service of the refunding or repayment bonds to be
17 issued shall not exceed the present value of the aggregate debt service
18 of the bonds to be refunded or repaid. For purposes hereof, the present
19 values of the aggregate debt service of the refunding or repayment
20 bonds, notes or other obligations and of the aggregate debt service of
21 the bonds, notes or other obligations so refunded or repaid, shall be
22 calculated by utilizing the effective interest rate of the refunding or
23 repayment bonds, notes or other obligations, which shall be that rate
24 arrived at by doubling the semi-annual interest rate (compounded semi-
25 annually) necessary to discount the debt service payments on the refund-
26 ing or repayment bonds, notes or other obligations from the payment
27 dates thereof to the date of issue of the refunding or repayment bonds,
28 notes or other obligations and to the price bid including estimated

1 accrued interest or proceeds received by the authority including esti-
2 mated accrued interest from the sale thereof. Such bonds, other than
3 bonds issued to refund outstanding bonds, shall be scheduled to mature
4 over a term not to exceed the average useful life, as certified by the
5 facilities development corporation, of the projects for which the bonds
6 are issued, and in any case shall not exceed thirty years and the maxi-
7 mum maturity of notes or any renewals thereof shall not exceed five
8 years from the date of the original issue of such notes. Notwithstanding
9 the provisions of this section, the agency shall have the power and is
10 hereby authorized to issue mental health services facilities improvement
11 bonds and/or mental health services facilities improvement notes to
12 refund outstanding mental hygiene improvement bonds authorized to be
13 issued pursuant to the provisions of section 47-b of the private housing
14 finance law and the amount of bonds issued or outstanding for such
15 purposes shall not be included for purposes of determining the amount of
16 bonds issued pursuant to this section. The director of the budget shall
17 allocate the aggregate principal authorized to be issued by the agency
18 among the office of mental health, office for people with developmental
19 disabilities, and the office of alcoholism and substance abuse services,
20 in consultation with their respective commissioners to finance bondable
21 appropriations previously approved by the legislature.

22 § 47. Subdivision 1 of section 1680-r of the public authorities law,
23 as amended by section 41 of part XXX of chapter 59 of the laws of 2017,
24 is amended to read as follows:

25 1. Notwithstanding the provisions of any other law to the contrary,
26 the dormitory authority and the urban development corporation are hereby
27 authorized to issue bonds or notes in one or more series for the purpose
28 of funding project costs for the capital restructuring financing program

1 for health care and related facilities licensed pursuant to the public
2 health law or the mental hygiene law and other state costs associated
3 with such capital projects, the health care facility transformation
4 programs, and the essential health care provider program. The aggregate
5 principal amount of bonds authorized to be issued pursuant to this
6 section shall not exceed [two] three billion [seven hundred million]
7 dollars, excluding bonds issued to fund one or more debt service reserve
8 funds, to pay costs of issuance of such bonds, and bonds or notes issued
9 to refund or otherwise repay such bonds or notes previously issued. Such
10 bonds and notes of the dormitory authority and the urban development
11 corporation shall not be a debt of the state, and the state shall not be
12 liable thereon, nor shall they be payable out of any funds other than
13 those appropriated by the state to the dormitory authority and the urban
14 development corporation for principal, interest, and related expenses
15 pursuant to a service contract and such bonds and notes shall contain on
16 the face thereof a statement to such effect. Except for purposes of
17 complying with the internal revenue code, any interest income earned on
18 bond proceeds shall only be used to pay debt service on such bonds.

19 § 48. Section 50 of section 1 of chapter 174 of the laws of 1968
20 constituting the New York state urban development corporation act, as
21 added by section 42 of part XXX of chapter 59 of the laws of 2017, is
22 amended to read as follows:

23 § 50. 1. Notwithstanding the provisions of any other law to the
24 contrary, the dormitory authority and the urban development corporation
25 are hereby authorized to issue bonds or notes in one or more series for
26 the purpose of funding project costs undertaken by or on behalf of
27 special act school districts, state-supported schools for the blind and
28 deaf, approved private special education schools, non-public schools,

1 community centers, day care facilities, and other state costs associated
2 with such capital projects. The aggregate principal amount of bonds
3 authorized to be issued pursuant to this section shall not exceed
4 fifty-five million dollars, excluding bonds issued to fund one or more
5 debt service reserve funds, to pay costs of issuance of such bonds, and
6 bonds or notes issued to refund or otherwise repay such bonds or notes
7 previously issued. Such bonds and notes of the dormitory authority and
8 the urban development corporation shall not be a debt of the state, and
9 the state shall not be liable thereon, nor shall they be payable out of
10 any funds other than those appropriated by the state to the dormitory
11 authority and the urban development corporation for principal, interest,
12 and related expenses pursuant to a service contract and such bonds and
13 notes shall contain on the face thereof a statement to such effect.
14 Except for purposes of complying with the internal revenue code, any
15 interest income earned on bond proceeds shall only be used to pay debt
16 service on such bonds.

17 2. Notwithstanding any other provision of law to the contrary, in
18 order to assist the dormitory authority and the urban development corpo-
19 ration in undertaking the financing for project costs undertaken by or
20 on behalf of special act school districts, state-supported schools for
21 the blind and deaf and approved private special education schools, non-
22 public schools, community centers, day care facilities, and other state
23 costs associated with such capital projects, the director of the budget
24 is hereby authorized to enter into one or more service contracts with
25 the dormitory authority and the urban development corporation, none of
26 which shall exceed thirty years in duration, upon such terms and condi-
27 tions as the director of the budget and the dormitory authority and the
28 urban development corporation agree, so as to annually provide to the

1 dormitory authority and the urban development corporation, in the aggregate,
2 a sum not to exceed the principal, interest, and related expenses
3 required for such bonds and notes. Any service contract entered into
4 pursuant to this section shall provide that the obligation of the state
5 to pay the amount therein provided shall not constitute a debt of the
6 state within the meaning of any constitutional or statutory provision
7 and shall be deemed executory only to the extent of monies available and
8 that no liability shall be incurred by the state beyond the monies
9 available for such purpose, subject to annual appropriation by the
10 legislature. Any such contract or any payments made or to be made there-
11 under may be assigned and pledged by the dormitory authority and the
12 urban development corporation as security for its bonds and notes, as
13 authorized by this section.

14 § 49. Subdivision (a) of section 28 of part Y of chapter 61 of the
15 laws of 2005, relating to providing for the administration of certain
16 funds and accounts related to the 2005-2006 budget, as amended by
17 section 42-a of part XXX of chapter 59 of the laws of 2017, is amended
18 to read as follows:

19 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
20 notwithstanding any provisions of law to the contrary, one or more
21 authorized issuers as defined by section 68-a of the state finance law
22 are hereby authorized to issue bonds or notes in one or more series in
23 an aggregate principal amount not to exceed [~~\$47,000,000~~] \$67,000,000,
24 sixty-seven million dollars excluding bonds issued to finance one or
25 more debt service reserve funds, to pay costs of issuance of such bonds,
26 and bonds or notes issued to refund or otherwise repay such bonds or
27 notes previously issued, for the purpose of financing capital projects
28 for public protection facilities in the Division of Military and Naval

1 Affairs, debt service and leases; and to reimburse the state general
2 fund for disbursements made therefor. Such bonds and notes of such
3 authorized issuer shall not be a debt of the state, and the state shall
4 not be liable thereon, nor shall they be payable out of any funds other
5 than those appropriated by the state to such authorized issuer for debt
6 service and related expenses pursuant to any service contract executed
7 pursuant to subdivision (b) of this section and such bonds and notes
8 shall contain on the face thereof a statement to such effect. Except for
9 purposes of complying with the internal revenue code, any interest
10 income earned on bond proceeds shall only be used to pay debt service on
11 such bonds.

12 § 50. Subdivision 1 of section 49 of section 1 of chapter 174 of the
13 laws of 1968, constituting the New York state urban development corpo-
14 ration act, as amended by section 42-b of part XXX of chapter 59 of the
15 laws of 2017, is amended to read as follows:

16 1. Notwithstanding the provisions of any other law to the contrary,
17 the dormitory authority and the corporation are hereby authorized to
18 issue bonds or notes in one or more series for the purpose of funding
19 project costs for the state and municipal facilities program and other
20 state costs associated with such capital projects. The aggregate princi-
21 pal amount of bonds authorized to be issued pursuant to this section
22 shall not exceed one billion nine hundred [twenty-five] thirty-eight
23 million five hundred thousand dollars, excluding bonds issued to fund
24 one or more debt service reserve funds, to pay costs of issuance of such
25 bonds, and bonds or notes issued to refund or otherwise repay such bonds
26 or notes previously issued. Such bonds and notes of the dormitory
27 authority and the corporation shall not be a debt of the state, and the
28 state shall not be liable thereon, nor shall they be payable out of any

1 funds other than those appropriated by the state to the dormitory
2 authority and the corporation for principal, interest, and related
3 expenses pursuant to a service contract and such bonds and notes shall
4 contain on the face thereof a statement to such effect. Except for
5 purposes of complying with the internal revenue code, any interest
6 income earned on bond proceeds shall only be used to pay debt service on
7 such bonds.

8 § 51. Subdivision 1 of section 51 of section 1 of chapter 174 of the
9 laws of 1968, constituting the New York state urban development corpo-
10 ration act, as amended by section 42-c of part XXX of chapter 59 of the
11 laws of 2017, is amended to read as follows:

12 1. Notwithstanding the provisions of any other law to the contrary,
13 the dormitory authority and the urban development corporation are hereby
14 authorized to issue bonds or notes in one or more series for the purpose
15 of funding project costs for the nonprofit infrastructure capital
16 investment program and other state costs associated with such capital
17 projects. The aggregate principal amount of bonds authorized to be
18 issued pursuant to this section shall not exceed one hundred twenty
19 million dollars, excluding bonds issued to fund one or more debt service
20 reserve funds, to pay costs of issuance of such bonds, and bonds or
21 notes issued to refund or otherwise repay such bonds or notes previously
22 issued. Such bonds and notes of the dormitory authority and the urban
23 development corporation shall not be a debt of the state, and the state
24 shall not be liable thereon, nor shall they be payable out of any funds
25 other than those appropriated by the state to the dormitory authority
26 and the urban development corporation for principal, interest, and
27 related expenses pursuant to a service contract and such bonds and notes
28 shall contain on the face thereof a statement to such effect. Except for

1 purposes of complying with the internal revenue code, any interest
2 income earned on bond proceeds shall only be used to pay debt service on
3 such bonds.

4 § 52. Paragraph (b) of subdivision 4 of section 72 of the state
5 finance law, as amended by section 43 of part XXX of chapter 59 of the
6 laws of 2017, is amended to read as follows:

7 (b) On or before the beginning of each quarter, the director of the
8 budget may certify to the state comptroller the estimated amount of
9 monies that shall be reserved in the general debt service fund for the
10 payment of debt service and related expenses payable by such fund during
11 each month of the state fiscal year, excluding payments due from the
12 revenue bond tax fund. Such certificate may be periodically updated, as
13 necessary. Notwithstanding any provision of law to the contrary, the
14 state comptroller shall reserve in the general debt service fund the
15 amount of monies identified on such certificate as necessary for the
16 payment of debt service and related expenses during the current or next
17 succeeding quarter of the state fiscal year. Such monies reserved shall
18 not be available for any other purpose. Such certificate shall be
19 reported to the chairpersons of the Senate Finance Committee and the
20 Assembly Ways and Means Committee. The provisions of this paragraph
21 shall expire June thirtieth, two thousand twenty.

22 § 53. The opening paragraph of paragraph (a) and paragraph (g) of
23 subdivision 2 of section 56 of the state finance law, as amended by
24 section 48 of part XXX of chapter 59 of the laws of 2017, are amended to
25 read as follows:

26 Refunding bonds shall be issued only when the comptroller shall have
27 certified that, as a result of the refunding, there will be a debt
28 service savings to the state on a present value basis as a result of the

1 refunding transaction and that either (i) the refunding will benefit
2 state taxpayers over the life of the refunding bonds by achieving an
3 actual debt service savings each year or state fiscal year during the
4 term to maturity of the refunding bonds when debt service on the refund-
5 ing bonds is expected to be paid from legislative appropriations or (ii)
6 debt service on the refunding bonds shall be payable in annual install-
7 ments of principal and interest which result in substantially level or
8 declining debt service payments pursuant to paragraph (b) of subdivision
9 two of section fifty-seven of this article. Such certification by the
10 comptroller shall be conclusive as to matters contained therein after
11 the refunding bonds have been issued.

12 (g) Any refunding bonds issued pursuant to this section shall be paid
13 in annual installments which shall, so long as any refunding bonds are
14 outstanding, be made in each year or state fiscal year in which install-
15 ments were due on the bonds to be refunded and shall be in an amount
16 which shall result in annual debt service payments which shall be less
17 in each year or state fiscal year than the annual debt service payments
18 on the bonds to be refunded unless debt service on the refunding bonds
19 is payable in annual installments of principal and interest which will
20 result in substantially level or declining debt service payments pursu-
21 ant to paragraph (b) of subdivision two of section fifty-seven of this
22 article.

23 § 54. Subdivisions 1, 2 and 6 of section 57 of the state finance law,
24 as amended by section 49 of part XXX of chapter 59 of the laws of 2017,
25 are amended to read as follows:

26 1. Whenever the legislature, after authorization of a bond issue by
27 the people at a general election, as provided by section eleven of arti-
28 cle seven of the state constitution, or as provided by section three of

1 article eighteen of the state constitution, shall have authorized, by
2 one or more laws, the creation of a state debt or debts, bonds of the
3 state, to the amount of the debt or debts so authorized, shall be issued
4 and sold by the state comptroller. Any appropriation from the proceeds
5 of the sale of bonds, pursuant to this section, shall be deemed to be an
6 authorization for the creation of a state debt or debts to the extent of
7 such appropriation. The state comptroller may issue and sell a single
8 series of bonds pursuant to one or more such authorizations and for one
9 or more duly authorized works or purposes. As part of the proceedings
10 for each such issuance and sale of bonds, the state comptroller shall
11 designate the works or purposes for which they are issued. It shall not
12 be necessary for him to designate the works or purposes for which the
13 bonds are issued on the face of the bonds. The proceeds from the sale of
14 bonds for more than one work or purpose shall be separately accounted
15 for according to the works or purposes designated for such sale by the
16 comptroller and the proceeds received for each work or purpose shall be
17 expended only for such work or purpose. The bonds shall bear interest at
18 such rate or rates as in the judgment of the state comptroller may be
19 sufficient or necessary to effect a sale of the bonds, and such interest
20 shall be payable at least semi-annually, in the case of bonds with a
21 fixed interest rate, and at least annually, in the case of bonds with an
22 interest rate that varies periodically, in the city of New York unless
23 annual payments of principal and interest result in substantially level
24 or declining debt service payments over the life of an issue of bonds
25 pursuant to paragraph (b) of subdivision two of this section or unless
26 accrued interest is contributed to a sinking fund in accordance with
27 subdivision three of section twelve of article seven of the state
28 constitution, in which case interest shall be paid at such times and at

1 such places as shall be determined by the state comptroller prior to
2 issuance of the bonds.

3 2. Such bonds, or the portion thereof at any time issued, shall be
4 made payable (a) in equal annual principal installments or (b) in annual
5 installments of principal and interest which result in substantially
6 level or declining debt service payments, over the life of the bonds,
7 the first of which annual installments shall be payable not more than
8 one year from the date of issue and the last of which shall be payable
9 at such time as the comptroller may determine but not more than forty
10 years or state fiscal years after the date of issue, not more than fifty
11 years after the date of issue in the case of housing bonds, and not more
12 than twenty-five years in the case of urban renewal bonds. Where bonds
13 are payable pursuant to paragraph (b) of this subdivision, except for
14 the year or state fiscal year of initial issuance if less than a full
15 year of debt service is to become due in that year or state fiscal year,
16 either (i) the greatest aggregate amount of debt service payable in any
17 year or state fiscal year shall not differ from the lowest aggregate
18 amount of debt service payable in any other year or state fiscal year by
19 more than five percent or (ii) the aggregate amount of debt service in
20 each year or state fiscal year shall be less than the aggregate amount
21 of debt service in the immediately preceding year or state fiscal year.
22 For purposes of this subdivision, debt service shall include all princi-
23 pal, redemption price, sinking fund installments or contributions, and
24 interest scheduled to become due. For purposes of determining whether
25 debt service is level or declining on bonds issued with a variable rate
26 of interest pursuant to paragraph b of subdivision four of this section,
27 the comptroller shall assume a market rate of interest as of the date of
28 issuance. Where the comptroller determines that interest on any bonds

1 shall be compounded and payable at maturity, such bonds shall be payable
2 only in accordance with paragraph (b) of this subdivision unless accrued
3 interest is contributed to a sinking fund in accordance with subdivision
4 three of section twelve of article seven of the state constitution. In
5 no case shall any bonds or portion thereof be issued for a period longer
6 than the probable life of the work or purpose, or part thereof, to which
7 the proceeds of the bonds are to be applied, or in the alternative, the
8 weighted average period of the probable life of the works or purposes to
9 which the proceeds of the bonds are to be applied taking into consider-
10 ation the respective amounts of bonds issued for each work or purpose,
11 as may be determined under section sixty-one of this article and in
12 accordance with the certificate of the commissioner of general services,
13 and/or the commissioner of transportation, state architect, state
14 commissioner of housing and urban renewal, or other authority, as the
15 case may be, having charge by law of the acquisition, construction, work
16 or improvement for which the debt was authorized. Such certificate shall
17 be filed in the office of the state comptroller and shall state the
18 group, or, where the probable lives of two or more separable parts of
19 the work or purposes are different, the groups, specified in such
20 section, for which the amount or amounts, shall be provided by the issu-
21 ance and sale of bonds. Weighted average period of probable life shall
22 be determined by computing the sum of the products derived from multi-
23 plying the dollar value of the portion of the debt contracted for each
24 work or purpose (or class of works or purposes) by the probable life of
25 such work or purpose (or class of works or purposes) and dividing the
26 resulting sum by the dollar value of the entire debt after taking into
27 consideration any original issue discount. Any costs of issuance
28 financed with bond proceeds shall be prorated among the various works or

1 purposes. Such bonds, or the portion thereof at any time sold, shall be
2 of such denominations, subject to the foregoing provisions, as the state
3 comptroller may determine. Notwithstanding the foregoing provisions of
4 this subdivision, the comptroller may issue all or a portion of such
5 bonds as serial debt, term debt or a combination thereof, maturing as
6 required by this subdivision, provided that the comptroller shall have
7 provided for the retirement each year or state fiscal year, or otherwise
8 have provided for the payment of, through sinking fund installment
9 payments or otherwise, a portion of such term bonds in an amount meeting
10 the requirements of paragraph (a) or (b) of this subdivision or shall
11 have established a sinking fund and provided for contributions thereto
12 as provided in subdivision eight of this section and section twelve of
13 article seven of the state constitution.

14 6. Except with respect to bonds issued in the manner provided in para-
15 graph (c) of subdivision seven of this section, all bonds of the state
16 of New York which the comptroller of the state of New York is authorized
17 to issue and sell, shall be executed in the name of the state of New
18 York by the manual or facsimile signature of the state comptroller and
19 his seal (or a facsimile thereof) shall be thereunto affixed, imprinted,
20 engraved or otherwise reproduced. In case the state comptroller who
21 shall have signed and sealed any of the bonds shall cease to hold the
22 office of state comptroller before the bonds so signed and sealed shall
23 have been actually countersigned and delivered by the fiscal agent or
24 trustee, such bonds may, nevertheless, be countersigned and delivered as
25 herein provided, and may be issued as if the state comptroller who
26 signed and sealed such bonds had not ceased to hold such office. Any
27 bond of a series may be signed and sealed on behalf of the state of New
28 York by such person as at the actual time of the execution of such bond

1 shall hold the office of comptroller of the state of New York, although
2 at the date of the bonds of such series such person may not have held
3 such office. The coupons to be attached to the coupon bonds of each
4 series shall be signed by the facsimile signature of the state comp-
5 troller of the state of New York or by any person who shall have held
6 the office of state comptroller of the state of New York on or after the
7 date of the bonds of such series, notwithstanding that such person may
8 not have been such state comptroller at the date of any such bond or may
9 have ceased to be such state comptroller at the date when any such bond
10 shall be actually countersigned and delivered. The bonds of each series
11 shall be countersigned with the manual signature of an authorized
12 employee of the fiscal agent or trustee of the state of New York. No
13 bond and no coupon thereunto appertaining shall be valid or obligatory
14 for any purpose until such manual countersignature of an authorized
15 employee of the fiscal agent or trustee of the state of New York shall
16 have been duly affixed to such bond.

17 § 55. Section 62 of the state finance law, as amended by section 51 of
18 part XXX of chapter 59 of the laws of 2017, is amended to read as
19 follows:

20 § 62. Replacement of lost certificates. The comptroller, who may act
21 through his duly authorized fiscal agent or trustee appointed pursuant
22 to section sixty-five of this article, may issue to the lawful owner of
23 any certificate or bond issued by him in behalf of this state, which he
24 or such duly authorized fiscal agent or trustee is satisfied, by due
25 proof filed in his office or with such duly authorized fiscal agent or
26 trustee, has been lost or casually destroyed, a new certificate or bond,
27 corresponding in date, number and amount with the certificate or bond so
28 lost or destroyed, and expressing on its face that it is a renewed

1 certificate or bond. No such renewed certificate or bond shall be issued
2 unless sufficient security is given to satisfy the lawful claim of any
3 person to the original certificate or bond, or to any interest therein.
4 The comptroller shall report annually to the legislature the number and
5 amount of all renewed certificates or bonds so issued. If the renewed
6 certificate is issued by the state's duly authorized fiscal agent or
7 trustee and such agent or trustee agrees to be responsible for any loss
8 suffered as a result of unauthorized payment, the security shall be
9 provided to and approved by the fiscal agent or trustee and no addi-
10 tional approval by the comptroller or the attorney general shall be
11 required.

12 § 56. Section 65 of the state finance law, as amended by section 52 of
13 part XXX of chapter 59 of the laws of 2017, is amended to read as
14 follows:

15 § 65. Appointment of fiscal agent or trustee; powers and duties. 1.
16 Notwithstanding any other provisions of this chapter, the comptroller,
17 on behalf of the state, may contract from time to time for a period or
18 periods not exceeding ten years each, except in the case of a bank or
19 trust company agreeing to act as issuing, paying and/or tender agent
20 with respect to a particular issue of variable interest rate bonds in
21 which case the comptroller, on behalf of the state, may contract for a
22 period not to exceed the term of such particular issue of bonds, with
23 one or more banks or trust companies located in the city of New York, to
24 act as fiscal agent, trustee, or agents of the state, and for the main-
25 tenance of an office for the registration, conversion, reconversion and
26 transfer of the bonds and notes of the state, including the preparation
27 and substitution of new bonds and notes, for the payment of the princi-
28 pal thereof and interest thereon, for related services, and to otherwise

1 effectuate the powers and duties of a fiscal agent or trustee on behalf
2 of the state in all such respects as may be determined by the comp-
3 troller for such bonds and notes, and for the payment by the state of
4 such compensation therefor as the comptroller may determine. Any such
5 fiscal agent or trustee may, where authorized pursuant to the terms of
6 its contract, accept delivery of obligations purchased by the state and
7 of securities deposited with the state pursuant to sections one hundred
8 five and one hundred six of this chapter and hold the same in safekeep-
9 ing, make delivery to purchasers of obligations sold by the state, and
10 accept deposit of such proceeds of sale without securing the same. Any
11 such contract may also provide that such fiscal agent or trustee may,
12 upon the written instruction of the comptroller, deposit any obligations
13 or securities which it receives pursuant to such contract, in an account
14 with a federal reserve bank, to be held in such account in the form of
15 entries on the books of the federal reserve bank, and to be transferred
16 in the event of any assignment, sale, redemption, maturity or other
17 disposition of such obligations or securities, by entries on the books
18 of the federal reserve bank. Any such bank or trust company shall be
19 responsible to the people of this state for the faithful and safe
20 conduct of the business of said office, for the fidelity and integrity
21 of its officers and agents employed in such office, and for all loss or
22 damage which may result from any failure to discharge their duties, and
23 for any improper and incorrect discharge of those duties, and shall save
24 the state free and harmless from any and all loss or damage occasioned
25 by or incurred in the performance of such services. Any such contract
26 may be terminated by the comptroller at any time. In the event of any
27 change in any office maintained pursuant to any such contract, the comp-

1 troller shall give public notice thereof in such form as he may deter-
2 mine appropriate.

3 2. The comptroller shall prescribe rules and regulations for the
4 registration, conversion, reconversion and transfer of the bonds and
5 notes of the state, including the preparation and substitution of new
6 bonds, for the payment of the principal thereof and interest thereon,
7 and for other authorized services to be performed by such fiscal agent
8 or trustee. Such rules and regulations, and all amendments thereof,
9 shall be prepared in duplicate, one copy of which shall be filed in the
10 office of the department of audit and control and the other in the
11 office of the department of state. A copy thereof may be filed as a
12 public record in such other offices as the comptroller may determine.
13 Such rules and regulations shall be obligatory on all persons having any
14 interests in bonds and notes of the state heretofore or hereafter
15 issued.

16 § 57. Subdivision 2 of section 365 of the public authorities law, as
17 amended by section 54 of part XXX of chapter 59 of the laws of 2017, is
18 amended to read as follows:

19 2. The notes and bonds shall be authorized by resolution of the board,
20 shall bear such date or dates and mature at such time or times, in the
21 case of notes and any renewals thereof within five years after their
22 respective dates and in the case of bonds not exceeding forty years from
23 their respective dates, as such resolution or resolutions may provide.
24 The notes and bonds shall bear interest at such rate or rates, be in
25 such denominations, be in such form, either coupon or registered, carry
26 such registration privileges, be executed in such manner, be payable in
27 such medium of payment, at such place or places, and be subject to such
28 terms of redemption as such resolution or resolutions may provide. Bonds

1 and notes shall be sold by the authority, at public or private sale, at
2 such price or prices as the authority may determine. Bonds and notes of
3 the authority shall not be sold by the authority at private sale unless
4 such sale and the terms thereof have been approved in writing by the
5 comptroller, where such sale is not to the comptroller, or by the direc-
6 tor of the budget, where such sale is to the comptroller.

7 § 58. Section 55 of chapter 59 of the laws of 2017 relating to provid-
8 ing for the administration of certain funds and accounts related to the
9 2017-18 budget and authorizing certain payments and transfers, is
10 amended to read as follows:

11 § 55. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2017; provided,
13 however, that the provisions of sections one, two, three, four, five,
14 six, seven, eight, thirteen, fourteen, fifteen, sixteen, seventeen,
15 eighteen, nineteen, twenty, [twenty-one,] twenty-two, twenty-two-e and
16 twenty-two-f of this act shall expire March 31, 2018 when upon such date
17 the provisions of such sections shall be deemed repealed; and provided,
18 further, that section twenty-two-c of this act shall expire March 31,
19 2021.

20 § 59. Paragraph (b) of subdivision 3 and clause (B) of subparagraph
21 (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chap-
22 ter 63 of the laws of 2005, relating to the composition and responsibil-
23 ities of the New York state higher education capital matching grant
24 board, as amended by section 45 of part UU of chapter 54 of the laws of
25 2016, are amended to read as follows:

26 (b) Within amounts appropriated therefor, the board is hereby author-
27 ized and directed to award matching capital grants totaling [240] two
28 hundred seventy million dollars. Each college shall be eligible for a

1 grant award amount as determined by the calculations pursuant to subdi-
2 vision five of this section. In addition, such colleges shall be eligi-
3 ble to compete for additional funds pursuant to paragraph (h) of subdi-
4 vision four of this section.

5 (B) The dormitory authority shall not issue any bonds or notes in an
6 amount in excess of [240] two hundred seventy million dollars for the
7 purposes of this section; excluding bonds or notes issued to fund one or
8 more debt service reserve funds, to pay costs of issuance of such bonds,
9 and bonds or notes issued to refund or otherwise repay such bonds or
10 notes previously issued. Except for purposes of complying with the
11 internal revenue code, any interest on bond proceeds shall only be used
12 to pay debt service on such bonds.

13 § 60. Subdivision 1 of section 1680-n of the public authorities law,
14 as added by section 46 of part T of chapter 57 of the laws of 2007, is
15 amended to read as follows:

16 1. Notwithstanding the provisions of any other law to the contrary,
17 the authority and the urban development corporation are hereby author-
18 ized to issue bonds or notes in one or more series for the purpose of
19 funding project costs for the acquisition of state buildings and other
20 facilities. The aggregate principal amount of bonds authorized to be
21 issued pursuant to this section shall not exceed one hundred [forty]
22 sixty-five million dollars, excluding bonds issued to fund one or more
23 debt service reserve funds, to pay costs of issuance of such bonds, and
24 bonds or notes issued to refund or otherwise repay such bonds or notes
25 previously issued. Such bonds and notes of the authority and the urban
26 development corporation shall not be a debt of the state, and the state
27 shall not be liable thereon, nor shall they be payable out of any funds
28 other than those appropriated by the state to the authority and the

1 urban development corporation for principal, interest, and related
2 expenses pursuant to a service contract and such bonds and notes shall
3 contain on the face thereof a statement to such effect. Except for
4 purposes of complying with the internal revenue code, any interest
5 income earned on bond proceeds shall only be used to pay debt service on
6 such bonds.

7 § 61. Subdivision 1 of section 386-a of the public authorities law, as
8 amended by section 46 of part I of chapter 60 of the laws of 2015, is
9 amended to read as follows:

10 1. Notwithstanding any other provision of law to the contrary, the
11 authority, the dormitory authority and the urban development corporation
12 are hereby authorized to issue bonds or notes in one or more series for
13 the purpose of assisting the metropolitan transportation authority in
14 the financing of transportation facilities as defined in subdivision
15 seventeen of section twelve hundred sixty-one of this chapter. The
16 aggregate principal amount of bonds authorized to be issued pursuant to
17 this section shall not exceed one billion [five] six hundred [twenty]
18 ninety-four million dollars [(\$1,520,000,000)] \$1,694,000,000, excluding
19 bonds issued to fund one or more debt service reserve funds, to pay
20 costs of issuance of such bonds, and to refund or otherwise repay such
21 bonds or notes previously issued. Such bonds and notes of the authority,
22 the dormitory authority and the urban development corporation shall not
23 be a debt of the state, and the state shall not be liable thereon, nor
24 shall they be payable out of any funds other than those appropriated by
25 the state to the authority, the dormitory authority and the urban devel-
26 opment corporation for principal, interest, and related expenses pursu-
27 ant to a service contract and such bonds and notes shall contain on the
28 face thereof a statement to such effect. Except for purposes of comply-

1 ing with the internal revenue code, any interest income earned on bond
2 proceeds shall only be used to pay debt service on such bonds.

3 § 62. Subdivision 1 of section 1680-k of the public authorities law,
4 as added by section 5 of part J-1 of chapter 109 of the laws of 2006, is
5 amended to read as follows:

6 1. Subject to the provisions of chapter fifty-nine of the laws of two
7 thousand, but notwithstanding any provisions of law to the contrary, the
8 dormitory authority is hereby authorized to issue bonds or notes in one
9 or more series in an aggregate principal amount not to exceed forty
10 million seven hundred fifteen thousand dollars excluding bonds issued to
11 finance one or more debt service reserve funds, to pay costs of issuance
12 of such bonds, and bonds or notes issued to refund or otherwise repay
13 such bonds or notes previously issued, for the purpose of financing the
14 construction of the New York state agriculture and markets food labora-
15 tory. Eligible project costs may include, but not be limited to the cost
16 of design, financing, site investigations, site acquisition and prepara-
17 tion, demolition, construction, rehabilitation, acquisition of machinery
18 and equipment, and infrastructure improvements. Such bonds and notes of
19 such authorized issuers shall not be a debt of the state, and the state
20 shall not be liable thereon, nor shall they be payable out of any funds
21 other than those appropriated by the state to such authorized issuers
22 for debt service and related expenses pursuant to any service contract
23 executed pursuant to subdivision two of this section and such bonds and
24 notes shall contain on the face thereof a statement to such effect.
25 Except for purposes of complying with the internal revenue code, any
26 interest income earned on bond proceeds shall only be used to pay debt
27 service on such bonds.

1 § 63. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2018; provided,
3 however, that the provisions of sections one, two, three, four, five,
4 six, seven, eight, twelve, thirteen, fourteen, sixteen, seventeen, eigh-
5 teen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-
6 seven, twenty-eight, and twenty-eight-a of this act shall expire March
7 31, 2019 when upon such date the provisions of such sections shall be
8 deemed repealed.

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

18 § 3. This act shall take effect immediately provided, however, that
19 the applicable effective date of Parts A through GG of this act shall be
20 as specifically set forth in the last section of such Parts.