

10 convicted of no other felony offense, who has not previously been  
11 convicted of either a violent felony offense as defined in section 70.02  
12 of this article, a class A felony offense or a class B felony offense,  
13 and is not under the jurisdiction of or awaiting delivery to the depart-  
14 ment of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION,  
15 the court may direct that such sentence be executed as a parole super-  
16 vision sentence as defined in and pursuant to the procedures prescribed  
17 in section 410.91 of the criminal procedure law.

18 S 124. Section 70.20 of the penal law, as amended by chapter 303 of  
19 the laws of 1981, subdivision 1 as separately amended by chapters 3 and  
20 516 of the laws of 1995, paragraphs (b), (c), (d) and (e) of subdivision  
21 1 as added by chapter 516 of the laws of 1995, subdivision 2-a as added  
22 by chapter 1 of the laws of 1995, subdivision 3 as amended by chapter 3  
23 of the laws of 1995, subdivision 4 as amended by chapter 479 of the laws  
24 of 1992, paragraph (a) of subdivision 4 as separately amended by chapter  
25 465 of the laws of 1992 and paragraphs (d) and (e) of subdivision 4 as  
26 relettered and subdivision 5 as designated by chapter 516 of the laws of  
27 1995, is amended to read as follows:

28 S 70.20 Place of imprisonment.

29 1. (a) Indeterminate or determinate sentence. Except as provided in  
30 subdivision four of this section, when an indeterminate or determinate  
31 sentence of imprisonment is imposed, the court shall commit the defend-  
32 ant to the custody of the state department of [correctional services]  
33 CORRECTIONS AND COMMUNITY SUPERVISION for the term of his or her  
34 sentence and until released in accordance with the law; provided, howev-  
35 er, that a defendant sentenced pursuant to subdivision seven of section  
36 70.06 shall be committed to the custody of the state department of  
37 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION for imme-  
38 diate delivery to a reception center operated by the department.

39 (b) The court in committing a defendant who is not yet eighteen years  
40 of age to the department of [correctional services] CORRECTIONS AND  
41 COMMUNITY SUPERVISION shall inquire as to whether the parents or legal  
42 guardian of the defendant, if present, will grant to the minor the  
43 capacity to consent to routine medical, dental and mental health  
44 services and treatment.

45 (c) Notwithstanding paragraph (b) of this subdivision, where the court  
46 commits a defendant who is not yet eighteen years of age to the custody  
47 of the department of [correctional services] CORRECTIONS AND COMMUNITY  
48 SUPERVISION in accordance with this section and no medical consent has  
49 been obtained prior to said commitment, the commitment order shall be  
50 deemed to grant the capacity to consent to routine medical, dental and  
51 mental health services and treatment to the person so committed.

52 (d) Nothing in this subdivision shall preclude a parent or legal guar-  
53 dian of an inmate who is not yet eighteen years of age from making a  
54 motion on notice to the department of [correctional services]  
55 CORRECTIONS AND COMMUNITY SUPERVISION pursuant to article twenty-two of  
56 the civil practice law and rules and section one hundred forty of the

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

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

8 2. Definite sentence. Except as provided in subdivision four of this  
9 section, when a definite sentence of imprisonment is imposed, the court  
10 shall commit the defendant to the county or regional correctional insti-  
11 tution for the term of his sentence and until released in accordance  
12 with the law.

13 2-a. Sentence of life imprisonment without parole. When a sentence of  
14 life imprisonment without parole is imposed, the court shall commit the  
15 defendant to the custody of the state department of [correctional  
16 services] CORRECTIONS AND COMMUNITY SUPERVISION for the remainder of the  
17 life of the defendant.

18 3. Undischarged imprisonment in other jurisdiction. When a defendant  
19 who is subject to an undischarged term of imprisonment, imposed at a  
20 previous time by a court of another jurisdiction, is sentenced to an  
21 additional term or terms of imprisonment by a court of this state to run  
22 concurrently with such undischarged term, as provided in subdivision  
23 four of section 70.25, the return of the defendant to the custody of the  
24 appropriate official of the other jurisdiction shall be deemed a commit-  
25 ment for such portion of the term or terms of the sentence imposed by  
26 the court of this state as shall not exceed the said undischarged term.  
27 The defendant shall be committed to the custody of the state department  
28 of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION if the  
29 additional term or terms are indeterminate or determinate or to the  
30 appropriate county or regional correctional institution if the said term  
31 or terms are definite for such portion of the term or terms of the  
32 sentence imposed as shall exceed such undischarged term or until  
33 released in accordance with law. If such additional term or terms  
34 imposed shall run consecutively to the said undischarged term, the  
35 defendant shall be committed as provided in subdivisions one and two of  
36 this section.

37 4. (a) Notwithstanding any other provision of law to the contrary, a  
38 juvenile offender, or a juvenile offender who is adjudicated a youthful  
39 offender and given an indeterminate or a definite sentence, shall be  
40 committed to the custody of the [director of the division for  
41 youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES who  
42 shall arrange for the confinement of such offender in secure facilities  
43 of the [division] OFFICE. The release or transfer of such offenders  
44 from the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES  
45 shall be governed by section five hundred eight of the executive law.

46 (b) The court in committing a juvenile offender and youthful offender  
47 to the custody of the [division for youth] OFFICE OF CHILDREN AND FAMILY  
48 SERVICES shall inquire as to whether the parents or legal guardian of  
49 the youth, if present, will consent for the [division] OFFICE OF CHIL-  
50 DREN AND FAMILY SERVICES to provide routine medical, dental and mental  
51 health services and treatment.

52 (c) Notwithstanding paragraph (b) of this subdivision, where the court  
53 commits an offender to the custody of the [division for youth] OFFICE OF  
54 CHILDREN AND FAMILY SERVICES in accordance with this section and no  
55 medical consent has been obtained prior to said commitment, the commit-  
56 ment order shall be deemed to grant consent for the [division for youth]

1 OFFICE OF CHILDREN AND FAMILY SERVICES to provide for routine medical,  
2 dental and mental health services and treatment to the offender so  
3 committed.

4 (d) Nothing in this subdivision shall preclude a parent or legal guar-  
5 dian of an offender who is not yet eighteen years of age from making a  
6 motion on notice to the [division for youth] OFFICE OF CHILDREN AND  
7 FAMILY SERVICES pursuant to article twenty-two of the civil practice law  
8 and rules objecting to routine medical, dental or mental health services  
9 and treatment being provided to such offender under the provisions of  
10 paragraph (b) of this subdivision.

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

15 5. Subject to regulations of the department of health, routine  
16 medical, dental and mental health services and treatment is defined for  
17 the purposes of this section to mean any routine diagnosis or treatment,  
18 including without limitation the administration of medications or nutri-  
19 tion, the extraction of bodily fluids for analysis, and dental care  
20 performed with a local anesthetic. Routine mental health treatment shall  
21 not include psychiatric administration of medication unless it is part  
22 of an ongoing mental health plan or unless it is otherwise authorized by  
23 law.

24 S 125. Subdivisions 1 and 3 of section 70.20 of the penal law, subdi-  
25 vision 1 as amended by chapter 516 of the laws of 1995 and subdivision 3  
26 as amended by chapter 303 of the laws of 1981, are amended to read as  
27 follows:

28 1. (a) Indeterminate sentence. Except as provided in subdivision four  
29 of this section, when an indeterminate sentence of imprisonment is  
30 imposed, the court shall commit the defendant to the custody of the  
31 state department of [correctional services] CORRECTIONS AND COMMUNITY  
32 SUPERVISION for the term of his or her sentence and until released in  
33 accordance with the law.

34 (b) The court in committing a defendant who is not yet eighteen years  
35 of age to the department of [correctional services] CORRECTIONS AND  
36 COMMUNITY SUPERVISION shall inquire as to whether the parents or legal  
37 guardian of the defendant, if present, will grant to the minor the  
38 capacity to consent to routine medical, dental and mental health  
39 services and treatment.

40 (c) Notwithstanding paragraph (b) of this subdivision, where the court  
41 commits a defendant who is not yet eighteen years of age to the custody  
42 of the department of [correctional services] CORRECTIONS AND COMMUNITY  
43 SUPERVISION in accordance with this section and no medical consent has  
44 been obtained prior to said commitment, the commitment order shall be  
45 deemed to grant the capacity to consent to routine medical, dental and  
46 mental health services and treatment to the person so committed.

47 (d) Nothing in this subdivision shall preclude a parent or legal guar-  
48 dian of an inmate who is not yet eighteen years of age from making a  
49 motion on notice to the department of [correctional services]  
50 CORRECTIONS AND COMMUNITY SUPERVISION pursuant to article twenty-two of  
51 the civil practice law and rules and section one hundred forty of the  
52 correction law, objecting to routine medical, dental or mental health  
53 services and treatment being provided to such inmate under the  
54 provisions of paragraph (b) of this subdivision.

55 (e) Nothing in this section shall require that consent be obtained  
56 from the parent or legal guardian, where no consent is necessary or

1 where the defendant is authorized by law to consent on his or her own  
2 behalf to any medical, dental, and mental health service or treatment.

3 3. Undischarged imprisonment in other jurisdiction. When a defendant  
4 who is subject to an undischarged term of imprisonment, imposed at a  
5 previous time by a court of another jurisdiction, is sentenced to an  
6 additional term or terms of imprisonment by a court of this state to run  
7 concurrently with such undischarged term, as provided in subdivision  
8 four of section 70.25, the return of the defendant to the custody of the  
9 appropriate official of the other jurisdiction shall be deemed a commit-  
10 ment for such portion of the term or terms of the sentence imposed by  
11 the court of this state as shall not exceed the said undischarged term.  
12 The defendant shall be committed to the custody of the state department  
13 of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION if the  
14 additional term or terms are indeterminate or to the appropriate county  
15 or regional correctional institution if the said term or terms are defi-  
16 nite for such portion of the term or terms of the sentence imposed as  
17 shall exceed such undischarged term or until released in accordance with  
18 law. If such additional term or terms imposed shall run consecutively to  
19 the said undischarged term, the defendant shall be committed as provided  
20 in subdivisions one and two of this section.

21 S 126. The opening paragraph of subdivision 1 and subdivisions 6 and 7  
22 of section 70.30 of the penal law, the opening paragraph of subdivision  
23 1 as amended by chapter 3 of the laws of 1995, subdivision 6 as amended  
24 by chapter 465 of the laws of 1974 and subdivision 7 as amended by chap-  
25 ter 392 of the laws of 1988, are amended to read as follows:

26 An indeterminate or determinate sentence of imprisonment commences  
27 when the prisoner is received in an institution under the jurisdiction  
28 of the state department of [correctional services] CORRECTIONS AND  
29 COMMUNITY SUPERVISION. Where a person is under more than one indetermi-  
30 nate or determinate sentence, the sentences shall be calculated as  
31 follows:

32 6. Escape. When a person who is serving a sentence of imprisonment  
33 escapes from custody, the escape shall interrupt the sentence and such  
34 interruption shall continue until the return of the person to the insti-  
35 tution in which the sentence was being served or, if the sentence was  
36 being served in an institution under the jurisdiction of the state  
37 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
38 VISION, to an institution under the jurisdiction of that department. Any  
39 time spent by such person in custody from the date of escape to the date  
40 the sentence resumes shall be credited against the term or maximum term  
41 of the interrupted sentence, provided:

42 (a) That such custody was due to an arrest or surrender based upon the  
43 escape; or

44 (b) That such custody arose from an arrest on another charge which  
45 culminated in a dismissal or an acquittal; or

46 (c) That such custody arose from an arrest on another charge which  
47 culminated in a conviction, but in such case, if a sentence of imprison-  
48 ment was imposed, the credit allowed shall be limited to the portion of  
49 the time spent in custody that exceeds the period, term or maximum term  
50 of imprisonment imposed for such conviction.

51 7. Absconding from temporary release or furlough program. When a  
52 person who is serving a sentence of imprisonment is permitted to leave  
53 an institution to participate in a program of work release or furlough  
54 program as such term is defined in section six hundred thirty-one of the  
55 correction law, or in the case of an institution under the jurisdiction  
56 of the state department of [correctional services] CORRECTIONS AND

1 COMMUNITY SUPERVISION or a facility under the jurisdiction of the state  
2 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES to partic-  
3 ipate in a program of temporary release, fails to return to the institu-  
4 tion or facility at or before the time prescribed for his OR HER return,  
5 such failure shall interrupt the sentence and such interruption shall  
6 continue until the return of the person to the institution in which the  
7 sentence was being served or, if the sentence was being served in an  
8 institution under the jurisdiction of the state department of [correc-  
9 tional services] CORRECTIONS AND COMMUNITY SUPERVISION or a facility  
10 under the jurisdiction of the state [division for youth] OFFICE OF CHIL-  
11 DREN AND FAMILY SERVICES to an institution under the jurisdiction of  
12 that department or a facility under the jurisdiction of that [division]  
13 OFFICE. Any time spent by such person in an institution from the date  
14 of his OR HER failure to return to the date his OR HER sentence resumes  
15 shall be credited against the term or maximum term of the interrupted  
16 sentence, provided:

17 (a) That such incarceration was due to an arrest or surrender based  
18 upon the failure to return; or

19 (b) That such incarceration arose from an arrest on another charge  
20 which culminated in a dismissal or an acquittal; or

21 (c) That such custody arose from an arrest on another charge which  
22 culminated in a conviction, but in such case, if a sentence of imprison-  
23 ment was imposed, the credit allowed shall be limited to the portion of  
24 the time spent in custody that exceeds the period, term or maximum term  
25 of imprisonment imposed for such conviction.

26 S 127. The opening paragraph of subdivision 1 of section 70.30 of the  
27 penal law, as amended by chapter 481 of the laws of 1978, is amended to  
28 read as follows:

29 An indeterminate sentence of imprisonment commences when the prisoner  
30 is received in an institution under the jurisdiction of the state  
31 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
32 VISION. Where a person is under more than one indeterminate sentence,  
33 the sentences shall be calculated as follows:

34 S 127-a. Section 70.35 of the penal law, as amended by chapter 3 of  
35 the laws of 1995, is amended to read as follows:

36 S 70.35 Merger of certain definite and indeterminate or determinate  
37 sentences.

38 The service of an indeterminate or determinate sentence of imprison-  
39 ment shall satisfy any definite sentence of imprisonment imposed on a  
40 person for an offense committed prior to the time the indeterminate or  
41 determinate sentence was imposed, except as provided in paragraph (b) of  
42 subdivision five of section 70.25 of this article. A person who is serv-  
43 ing a definite sentence at the time an indeterminate or determinate  
44 sentence is imposed shall be delivered to the custody of the state  
45 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
46 VISION to commence service of the indeterminate or determinate sentence  
47 immediately unless the person is serving a definite sentence pursuant to  
48 paragraph (b) of subdivision five of section 70.25 of this article. In  
49 any case where the indeterminate or determinate sentence is revoked or  
50 vacated, the person shall receive credit against the definite sentence  
51 for each day spent in the custody of the state department of [correc-  
52 tional services] CORRECTIONS AND COMMUNITY SUPERVISION.

53 S 127-b. Section 70.35 of the penal law, as amended by chapter 527 of  
54 the laws of 1989, is amended to read as follows:

55 S 70.35 Merger of certain definite and indeterminate sentences.

1 The service of an indeterminate sentence of imprisonment shall satisfy  
2 any definite sentence of imprisonment imposed on a person for an offense  
3 committed prior to the time the indeterminate sentence was imposed,  
4 except as provided in paragraph (b) of subdivision five of section 70.25  
5 of this article. A person who is serving a definite sentence at the time  
6 an indeterminate sentence is imposed shall be delivered to the custody  
7 of the state department of [correctional services] CORRECTIONS AND  
8 COMMUNITY SUPERVISION to commence service of the indeterminate sentence  
9 immediately unless the person is serving a definite sentence pursuant to  
10 paragraph (b) of subdivision five of section 70.25 of this article. In  
11 any case where the indeterminate sentence is revoked or vacated, the  
12 person shall receive credit against the definite sentence for each day  
13 spent in the custody of the state department of [correctional services]  
14 CORRECTIONS AND COMMUNITY SUPERVISION.

15 S 127-c. Paragraph (a) of subdivision 1 of section 70.40 of the penal  
16 law, as amended by chapter 3 of the laws of 1995, subparagraph (i) as  
17 amended by chapter 435 of the laws of 1997, subparagraph (v) as amended  
18 by section 7 of part J of chapter 56 of the laws of 2009, is amended to  
19 read as follows:

20 (a) Release on parole shall be in the discretion of the state board of  
21 parole, and such person shall continue service of his OR HER sentence or  
22 sentences while on parole, in accordance with and subject to the  
23 provisions of the executive law AND THE CORRECTION LAW.

24 (i) A person who is serving one or more than one indeterminate  
25 sentence of imprisonment may be paroled from the institution in which he  
26 OR SHE is confined at any time after the expiration of the minimum or  
27 the aggregate minimum period of the sentence or sentences or, where  
28 applicable, the minimum or aggregate minimum period reduced by the merit  
29 time allowance granted pursuant to paragraph (d) of subdivision one of  
30 section eight hundred three of the correction law.

31 (ii) A person who is serving one or more than one determinate sentence  
32 of imprisonment shall be ineligible for discretionary release on parole.

33 (iii) A person who is serving one or more than one indeterminate  
34 sentence of imprisonment and one or more than one determinate sentence  
35 of imprisonment, which run concurrently may be paroled at any time after  
36 the expiration of the minimum period of imprisonment of the indetermi-  
37 nate sentence or sentences, or upon the expiration of six-sevenths of  
38 the term of imprisonment of the determinate sentence or sentences,  
39 whichever is later.

40 (iv) A person who is serving one or more than one indeterminate  
41 sentence of imprisonment and one or more than one determinate sentence  
42 of imprisonment which run consecutively may be paroled at any time after  
43 the expiration of the sum of the minimum or aggregate minimum period of  
44 the indeterminate sentence or sentences and six-sevenths of the term or  
45 aggregate term of imprisonment of the determinate sentence or sentences.

46 (v) Notwithstanding any other subparagraph of this paragraph, a person  
47 may be paroled from the institution in which he OR SHE is confined at  
48 any time on medical parole pursuant to section two hundred  
49 [fifty-nine-r] FIFTY-NINE-E or section two hundred [fifty-nine-s]  
50 FIFTY-NINE-F of the executive law or for deportation pursuant to para-  
51 graph (d) of subdivision two of section two hundred [fifty-nine-i]  
52 FIFTY-NINE-B of the executive law or after the successful completion of  
53 a shock incarceration program pursuant to article twenty-six-A of the  
54 correction law.

55 S 127-d. Paragraph (a) of subdivision 1 of section 70.40 of the penal  
56 law, as separately amended by chapter 261 of the laws of 1987 and chap-

ter 55 of the laws of 1992, subparagraph (i) as added by chapter 3 of the laws of 1995, is amended to read as follows:

(a) (I) A person who is serving one or more than one indeterminate sentence of imprisonment may be paroled from the institution in which he OR SHE is confined at any time after the expiration of the minimum or the aggregate minimum period of imprisonment of the sentence or sentences or after the successful completion of a shock incarceration program, as defined in article twenty-six-A of the correction law, whichever is sooner. Release on parole shall be in the discretion of the state board of parole, and such person shall continue service of his OR HER sentence or sentences while on parole, in accordance with and subject to the provisions of the executive law AND THE CORRECTION LAW.

[(i)] (II) A person who is serving one or more than one indeterminate sentence of imprisonment may be paroled from the institution in which he OR SHE is confined at any time after the expiration of the minimum or the aggregate minimum period of the sentence or sentences.

S 127-d-1. Paragraph (b) of subdivision 1 of section 70.40 of the penal law, as amended by chapter 1 of the laws of 1998, is amended to read as follows:

(b) A person who is serving one or more than one indeterminate or determinate sentence of imprisonment shall, if he OR SHE so requests, be conditionally released from the institution in which he OR SHE is confined when the total good behavior time allowed to him OR HER, pursuant to the provisions of the correction law, is equal to the unserved portion of his OR HER term, maximum term or aggregate maximum term; provided, however, that (i) in no event shall a person serving one or more indeterminate sentence of imprisonment and one or more determinate sentence of imprisonment which run concurrently be conditionally released until serving at least six-sevenths of the determinate term of imprisonment which has the longest unexpired time to run and (ii) in no event shall a person be conditionally released prior to the date on which such person is first eligible for discretionary parole release. The conditions of release, including those governing post-release supervision, shall be such as may be imposed by the [state board of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION in accordance with the provisions of the [executive] CORRECTION law.

Every person so released shall be under the supervision of the state [board of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION for a period equal to the unserved portion of the term, maximum term, aggregate maximum term, or period of post-release supervision.

S 127-e. Paragraph (b) of subdivision 1 of section 70.40 of the penal law, as separately amended by chapter 467 of the laws of 1979 and chapter 1 of the laws of 1998, the closing paragraph as separately amended by chapter 148 of the laws of 1975 and chapter 1 of the laws of 1998, is amended to read as follows:

(b) A person who is serving one or more than one indeterminate sentence of imprisonment shall, if he OR SHE so requests, be conditionally released from the institution in which he OR SHE is confined when the total good behavior time allowed to him OR HER, pursuant to the provisions of the correction law, is equal to the unserved portion of his OR HER maximum or aggregate maximum term. The conditions of release, including those governing post-release supervision, shall be such as may be imposed by the [state board of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION in accordance with the provisions of the [executive] CORRECTION law.

1 Every person so released shall be under the supervision of the [state  
2 board of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION for  
3 a period equal to the unserved portion of the maximum, aggregate maximum  
4 term, or period of post-release supervision.

5 S 127-f. Paragraph (c) of subdivision 1 of section 70.40 of the penal  
6 law, as added by section 13 of part E of chapter 62 of the laws of 2003,  
7 is amended to read as follows:

8 (c) A person who is serving one or more than one indeterminate  
9 sentence of imprisonment shall, if he or she so requests, be released  
10 from the institution in which he or she is confined if granted presump-  
11 tive release pursuant to section eight hundred six of the correction  
12 law. The conditions of release shall be such as may be imposed by the  
13 [state board of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPER-  
14 VISION in accordance with the provisions of the [executive] CORRECTION  
15 law. Every person so released shall be under the supervision of the  
16 [state board of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPER-  
17 VISION for a period equal to the unserved portion of his or her maximum  
18 or aggregate maximum term unless discharged in accordance with law.

19 S 127-g. Subdivision 2 of section 70.40 of the penal law, as amended  
20 by section 4 of part SS of chapter 56 of the laws of 2009, is amended to  
21 read as follows:

22 2. Definite sentence. A person who is serving one or more than one  
23 definite sentence of imprisonment with a term or aggregate term in  
24 excess of ninety days, and is eligible for release according to the  
25 criteria set forth in paragraphs (a), (b) and (c) of subdivision one of  
26 section two hundred seventy-three of the correction law, may, if he or  
27 she so requests, be conditionally released from the institution in which  
28 he or she is confined at any time after service of sixty days of that  
29 term, exclusive of credits allowed under subdivisions four and six of  
30 section 70.30. In computing service of sixty days, the credit allowed  
31 for jail time under subdivision three of section 70.30 shall be calcu-  
32 lated as time served. Conditional release from such institution shall be  
33 in the discretion of the parole board, or a local conditional release  
34 commission established pursuant to article twelve of the correction law,  
35 provided, however that where such release is by a local conditional  
36 release commission, the person must be serving a definite sentence with  
37 a term in excess of one hundred twenty days and may only be released  
38 after service of ninety days of such term. In computing service of nine-  
39 ty days, the credit allowed for jail time under subdivision three of  
40 section 70.30 of this article shall be calculated as time served. A  
41 conditional release granted under this subdivision shall be upon such  
42 conditions as may be imposed by the [parole board] DEPARTMENT OF  
43 CORRECTIONS AND COMMUNITY SUPERVISION, in accordance with the provisions  
44 of the [executive] CORRECTION law, or a local conditional release  
45 commission in accordance with the provisions of the correction law.

46 Conditional release shall interrupt service of the sentence or  
47 sentences and the remaining portion of the term or aggregate term shall  
48 be held in abeyance. Every person so released shall be under the super-  
49 vision of the [parole board] DEPARTMENT OF CORRECTIONS AND COMMUNITY  
50 SUPERVISION or a local probation department and in the custody of the  
51 local conditional release commission in accordance with article twelve  
52 of the correction law, for a period of one year. The local probation  
53 department shall cause complete records to be kept of every person  
54 released to its supervision pursuant to this subdivision. The [division  
55 of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION may  
56 supply to a local probation department and the local conditional release



1 commission custody information and records maintained on persons under  
2 the supervision of such local probation department to aid in the  
3 performance of its supervision responsibilities. Compliance with the  
4 conditions of release during the period of supervision shall satisfy the  
5 portion of the term or aggregate term that has been held in abeyance.

6 S 127-h. Paragraphs (a) and (b) of subdivision 3 of section 70.40 of  
7 the penal law, paragraph (a) as amended by section 14 of part E of chap-  
8 ter 62 of the laws of 2003, paragraph (b) as amended by section 5 of  
9 part SS of chapter 56 of the laws of 2009, are amended to read as  
10 follows:

11 (a) When a person is alleged to have violated the terms of presumptive  
12 release or parole and the [state board of parole] DEPARTMENT OF  
13 CORRECTIONS AND COMMUNITY SUPERVISION has declared such person to be  
14 delinquent, the declaration of delinquency shall interrupt the person's  
15 sentence as of the date of the delinquency and such interruption shall  
16 continue until the return of the person to an institution under the  
17 jurisdiction of the state department of [correctional services]  
18 CORRECTIONS AND COMMUNITY SUPERVISION.

19 (b) When a person is alleged to have violated the terms of his OR HER  
20 conditional release or post-release supervision and has been declared  
21 delinquent by the [parole board] DEPARTMENT OF CORRECTIONS AND COMMUNITY  
22 SUPERVISION or the local conditional release commission having super-  
23 vision over such person, the declaration of delinquency shall interrupt  
24 the period of supervision or post-release supervision as of the date of  
25 the delinquency. For a conditional release, such interruption shall  
26 continue until the return of the person to the institution from which he  
27 OR SHE was released or, if he OR SHE was released from an institution  
28 under the jurisdiction of the state department of [correctional  
29 services] CORRECTIONS AND COMMUNITY SUPERVISION, to an institution under  
30 the jurisdiction of that department. Upon such return, the person shall  
31 resume service of his OR HER sentence. For a person released to post-re-  
32 lease supervision, the provisions of section 70.45 shall apply.

33 S 127-i. Subdivision 1-a of section 70.45 of the penal law, as added  
34 by chapter 7 of the laws of 2007, is amended to read as follows:

35 1-a. When, following a final hearing, a time assessment has been  
36 imposed upon a person convicted of a felony sex offense who owes three  
37 years or more on a period of post-release supervision, imposed pursuant  
38 to subdivision two-a of this section, such defendant, after serving  
39 three years of the time assessment, shall be reviewed by the board of  
40 parole and may be re-released to post-release supervision only upon a  
41 determination by the board of parole made in accordance with subdivision  
42 [two] SEVEN of section [two hundred fifty-nine-i of the executive] TWO  
43 HUNDRED FIVE OF THE CORRECTION law. If re-release is not granted, the  
44 board shall specify a date not more than twenty-four months from such  
45 determination for reconsideration, and the procedures to be followed  
46 upon reconsideration shall be the same. If a time assessment of less  
47 than three years is imposed upon such a defendant, the defendant shall  
48 be released upon the expiration of such time assessment, unless he or  
49 she is subject to further imprisonment or confinement under any  
50 provision of law.

51 S 127-j. Subdivisions 3, 4 and 5 of section 70.45 of the penal law, as  
52 added by chapter 1 of the laws of 1998, paragraph (d) of subdivision 5  
53 as amended by section 5 of part E of chapter 56 of the laws of 2007, are  
54 amended to read as follows:

55 3. Conditions of post-release supervision. The [board of parole]  
56 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION shall establish and

1 impose conditions of post-release supervision in the same manner and to  
2 the same extent as it may establish and impose conditions in accordance  
3 with the [executive] CORRECTION law upon persons who are granted parole  
4 or conditional release; provided that, notwithstanding any other  
5 provision of law, the [board of parole] DEPARTMENT OF CORRECTIONS AND  
6 COMMUNITY SUPERVISION may impose as a condition of post-release super-  
7 vision that for a period not exceeding six months immediately following  
8 release from the underlying term of imprisonment the person be trans-  
9 ferred to and participate in the programs of a residential treatment  
10 facility as that term is defined in subdivision six of section two of  
11 the correction law. Upon release from the underlying term of imprison-  
12 ment, the person shall be furnished with a written statement setting  
13 forth the conditions of post-release supervision in sufficient detail to  
14 provide for the person's conduct and supervision.

15 4. Revocation of post-release supervision. An alleged violation of any  
16 condition of post-release supervision shall be initiated, heard and  
17 determined in accordance with the provisions of [subdivisions three and  
18 four of] section [two hundred fifty-nine-i of the executive law] TWO  
19 HUNDRED FIVE OF THE CORRECTION LAW.

20 5. Calculation of service of period of post-release supervision. A  
21 period or periods of post-release supervision shall be calculated and  
22 served as follows:

23 (a) A period of post-release supervision shall commence upon the  
24 person's release from imprisonment to supervision by the [division of  
25 parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION and shall  
26 interrupt the running of the determinate sentence or sentences of impri-  
27 sonment and the indeterminate sentence or sentences of imprisonment, if  
28 any. The remaining portion of any maximum or aggregate maximum term  
29 shall then be held in abeyance until the successful completion of the  
30 period of post-release supervision or the person's return to the custody  
31 of the [department of correctional services] DEPARTMENT OF CORRECTIONS  
32 AND COMMUNITY SUPERVISION, whichever occurs first.

33 (b) Upon the completion of the period of post-release supervision, the  
34 running of such sentence or sentences of imprisonment shall resume and  
35 only then shall the remaining portion of any maximum or aggregate maxi-  
36 mum term previously held in abeyance be credited with and diminished by  
37 such period of post-release supervision. The person shall then be under  
38 the jurisdiction of the [division of parole] DEPARTMENT OF CORRECTIONS  
39 AND COMMUNITY SUPERVISION for the remaining portion of such maximum or  
40 aggregate maximum term.

41 (c) When a person is subject to two or more periods of post-release  
42 supervision, such periods shall merge with and be satisfied by discharge  
43 of the period of post-release supervision having the longest unexpired  
44 time to run; provided, however, any time served upon one period of post-  
45 release supervision shall not be credited to any other period of post-  
46 release supervision except as provided in subdivision five of section  
47 70.30 of this article.

48 (d) When a person is alleged to have violated a condition of post-re-  
49 lease supervision and the [division of parole] DEPARTMENT OF CORRECTIONS  
50 AND COMMUNITY SUPERVISION has declared such person to be delinquent: (i)  
51 the declaration of delinquency shall interrupt the period of post-re-  
52 lease supervision; (ii) such interruption shall continue until the  
53 person is restored to post-release supervision; (iii) if the person is  
54 restored to post-release supervision without being returned to the  
55 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
56 VISION, any time spent in custody from the date of delinquency until

1 restoration to post-release supervision shall first be credited to the  
2 maximum or aggregate maximum term of the sentence or sentences of impri-  
3 sonment, but only to the extent authorized by subdivision three of  
4 section 70.40 of this article. Any time spent in custody solely pursuant  
5 to such delinquency after completion of the maximum or aggregate maximum  
6 term of the sentence or sentences of imprisonment shall be credited to  
7 the period of post-release supervision, if any; and (iv) if the person  
8 is ordered returned to the department of [correctional services]  
9 CORRECTIONS AND COMMUNITY SUPERVISION, the person shall be required to  
10 serve the time assessment before being re-released to post-release  
11 supervision. In the event the balance of the remaining period of post-  
12 release supervision is six months or less, such time assessment may be  
13 up to six months unless a longer period is authorized pursuant to subdi-  
14 vision one of this section. The time assessment shall commence upon the  
15 issuance of a determination after a final hearing that the person has  
16 violated one or more conditions of supervision. While serving such  
17 assessment, the person shall not receive any good behavior allowance  
18 pursuant to section eight hundred three of the correction law. Any time  
19 spent in custody from the date of delinquency until return to the  
20 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
21 VISION shall first be credited to the maximum or aggregate maximum term  
22 of the sentence or sentences of imprisonment, but only to the extent  
23 authorized by subdivision three of section 70.40 of this article. The  
24 maximum or aggregate maximum term of the sentence or sentences of impri-  
25 sonment shall run while the person is serving such time assessment in  
26 the custody of the department of [correctional services] CORRECTIONS AND  
27 COMMUNITY SUPERVISION. Any time spent in custody solely pursuant to  
28 such delinquency after completion of the maximum or aggregate maximum  
29 term of the sentence or sentences of imprisonment shall be credited to  
30 the period of post-release supervision, if any.

31 (e) Notwithstanding paragraph (d) of this subdivision, in the event a  
32 person is sentenced to one or more additional indeterminate or determi-  
33 nate term or terms of imprisonment prior to the completion of the period  
34 of post-release supervision, such period of post-release supervision  
35 shall be held in abeyance and the person shall be committed to the  
36 custody of the department of [correctional services] CORRECTIONS AND  
37 COMMUNITY SUPERVISION in accordance with the requirements of the prior  
38 and additional terms of imprisonment.

39 (f) When a person serving a period of post-release supervision is  
40 returned to the department of [correctional services] CORRECTIONS AND  
41 COMMUNITY SUPERVISION pursuant to an additional consecutive sentence of  
42 imprisonment and without a declaration of delinquency, such period of  
43 post-release supervision shall be held in abeyance while the person is  
44 in the custody of the department of [correctional services] CORRECTIONS  
45 AND COMMUNITY SUPERVISION. Such period of post-release supervision  
46 shall resume running upon the person's re-release.

47 S 127-k. Paragraph (d) of subdivision 3 of section 70.70 of the penal  
48 law, as added by chapter 738 of the laws of 2004, is amended to read as  
49 follows:

50 (d) Sentence of parole supervision. In the case of a person sentenced  
51 for a specified offense or offenses as defined in subdivision five of  
52 section 410.91 of the criminal procedure law, who stands convicted of no  
53 other felony offense, who has not previously been convicted of either a  
54 violent felony offense as defined in section 70.02 of this article, a  
55 class A felony offense or a class B felony offense, and is not under the  
56 jurisdiction of or awaiting delivery to the department of [correctional

services] CORRECTIONS AND COMMUNITY SUPERVISION, the court may direct that a determinate sentence imposed pursuant to this subdivision shall be executed as a parole supervision sentence as defined in and pursuant to the procedures prescribed in section 410.91 of the criminal procedure law.

S 127-l. Subdivision 1 of section 85.15 of the penal law, as amended by chapter 3 of the laws of 1995, is amended to read as follows:

1. Indeterminate and determinate sentences. The service of an indeterminate or a determinate sentence of imprisonment shall satisfy any sentence of intermittent imprisonment imposed on a person for an offense committed prior to the time the indeterminate or determinate sentence was imposed. A person who is serving a sentence of intermittent imprisonment at the time an indeterminate or a determinate sentence of imprisonment is imposed shall be delivered to the custody of the state department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION to commence service of the indeterminate or determinate sentence immediately.

S 127-m. Subdivision 1 of section 85.15 of the penal law, as added by chapter 477 of the laws of 1970, is amended to read as follows:

1. Indeterminate and reformatory sentences. The service of an indeterminate or a reformatory sentence of imprisonment shall satisfy any sentence of intermittent imprisonment imposed on a person for an offense committed prior to the time the indeterminate or reformatory sentence was imposed. A person who is serving a sentence of intermittent imprisonment at the time an indeterminate or a reformatory sentence of imprisonment is imposed shall be delivered to the custody of the state department of [correction] CORRECTIONS AND COMMUNITY SUPERVISION to commence service of the indeterminate or reformatory sentence immediately.

S 127-n. Section 205.17 of the penal law, as amended by chapter 460 of the laws of 1983, is amended to read as follows:

S 205.17 Absconding from temporary release in the first degree.

A person is guilty of absconding from temporary release in the first degree when having been released from confinement in a correctional institution under the jurisdiction of the state department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or a facility under the jurisdiction of the state [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES to participate in a program of temporary release, he OR SHE intentionally fails to return to the institution or facility of his OR HER confinement at or before the time prescribed for his OR HER return.

Absconding from temporary release in the first degree is a class E felony.

S 127-o. Section 205.19 of the penal law, as added by chapter 554 of the laws of 1986, is amended to read as follows:

S 205.19 Absconding from a community treatment facility.

A person is guilty of absconding from a community treatment facility when having been released from confinement from a correctional institution under the jurisdiction of the state department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION by transfer to a community treatment facility, he OR SHE leaves such facility without authorization or he OR SHE intentionally fails to return to the community treatment facility at or before the time prescribed for his OR HER return.

Absconding from a community treatment facility is a class E felony.

1 S 127-p. Section 240.32 of the penal law, as separately amended by  
2 chapters 422 and 441 of the laws of 2000, is amended to read as follows:  
3 S 240.32 Aggravated harassment of an employee by an inmate.

4 An inmate or respondent is guilty of aggravated harassment of an  
5 employee by an inmate when, with intent to harass, annoy, threaten or  
6 alarm a person in a facility whom he OR SHE knows or reasonably should  
7 know to be an employee of such facility or the [division of] BOARD OF  
8 parole or the office of mental health, or a probation department, bureau  
9 or unit or a police officer, he OR SHE causes or attempts to cause such  
10 employee to come into contact with blood, seminal fluid, urine or feces,  
11 by throwing, tossing or expelling such fluid or material.

12 For purposes of this section, "inmate" means an inmate or detainee in  
13 a correctional facility, local correctional facility or a hospital, as  
14 such term is defined in subdivision two of section four hundred of the  
15 correction law. For purposes of this section, "respondent" means a juve-  
16 nile in a secure facility operated and maintained by the office of chil-  
17 dren and family services who is placed with or committed to the office  
18 of children and family services. For purposes of this section, "facili-  
19 ty" means a correctional facility or local correctional facility, hospi-  
20 tal, as such term is defined in subdivision two of section four hundred  
21 of the correction law, or a secure facility operated and maintained by  
22 the office of children and family services.

23 Aggravated harassment of an employee by an inmate is a class E felony.

24 S 127-q. Paragraphs (e) and (f) of subdivision 3 of section 130.05 of  
25 the penal law, paragraph (e) as amended by chapter 1 of the laws of  
26 2000, subparagraph (iv) of paragraph (e) as added and paragraph (f) as  
27 amended by chapter 335 of the laws of 2007, are amended to read as  
28 follows:

29 (e) committed to the care and custody of the state department of  
30 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or a  
31 hospital, as such term is defined in subdivision two of section four  
32 hundred of the correction law, and the actor is an employee, not married  
33 to such person, who knows or reasonably should know that such person is  
34 committed to the care and custody of such department or hospital. For  
35 purposes of this paragraph, "employee" means (i) an employee of the  
36 state department of [correctional services] CORRECTIONS AND COMMUNITY  
37 SUPERVISION who performs professional duties: (A) in a state correction-  
38 al facility consisting of providing custody, medical or mental health  
39 services, counseling services, educational programs, or vocational  
40 training for inmates; OR

41 [(ii) an employee of the division of parole who performs professional  
42 duties] (B) in a state correctional facility and who provides institu-  
43 tional parole services [pursuant to section two hundred fifty-nine-e of  
44 the executive law]; or

45 [(iii)] (II) an employee of the office of mental health who performs  
46 professional duties in a state correctional facility or hospital, as  
47 such term is defined in subdivision two of section four hundred of the  
48 correction law, consisting of providing custody, or medical or mental  
49 health services for such inmates; or

50 [(iv)] (III) a person, including a volunteer, providing direct  
51 services to inmates in the state correctional facility in which the  
52 victim is confined at the time of the offense pursuant to a contractual  
53 arrangement with the state department of correctional services or, in  
54 the case of a volunteer, a written agreement with such department,  
55 provided that the person received written notice concerning the  
56 provisions of this paragraph; or

1 (f) committed to the care and custody of a local correctional facili-  
2 ty, as such term is defined in subdivision two of section forty of the  
3 correction law, and the actor is an employee, not married to such  
4 person, who knows or reasonably should know that such person is commit-  
5 ted to the care and custody of such facility. For purposes of this para-  
6 graph, "employee" means an employee of the local correctional facility  
7 where the person is committed who performs professional duties consist-  
8 ing of providing custody, medical or mental health services, counseling  
9 services, educational services, or vocational training for inmates. For  
10 purposes of this paragraph, "employee" shall also mean a person, includ-  
11 ing a volunteer or a government employee of the state [division of  
12 parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION or a local  
13 health, education or probation agency, providing direct services to  
14 inmates in the local correctional facility in which the victim is  
15 confined at the time of the offense pursuant to a contractual arrange-  
16 ment with the local correctional department or, in the case of such a  
17 volunteer or government employee, a written agreement with such depart-  
18 ment, provided that such person received written notice concerning the  
19 provisions of this paragraph; or

20 S 127-r. Subdivision 1 of section 10 of the public buildings law, as  
21 added by chapter 83 of the laws of 1995, is amended to read as follows:

22 1. Except as provided in subdivision two of this section, whenever the  
23 head of any agency, board, division or commission, with the approval of  
24 the director of the budget, (a) shall certify to the commissioner of  
25 general services that any property on state land or on land under lease  
26 to the state and consisting of buildings with or without fixtures  
27 attached thereto, and any other improvements upon such lands, are unfit,  
28 not adapted or not needed for use by such agency, board, division or  
29 commission and (b) shall recommend for reasons to be stated, that the  
30 said property should be disposed of, the commissioner of general  
31 services shall, after causing an investigation to be made, dispose of  
32 said property by sale or demolition as will best promote the public  
33 interest. Public notice of a proposed sale where the value of the prop-  
34 erty to be sold exceeds five thousand dollars shall be given by adver-  
35 tising at least once in a newspaper published and having a general  
36 circulation in the county in which such lands are located and in such  
37 other newspaper or newspapers as the commissioner of general services  
38 may deem to be necessary. Such advertisement shall give a general  
39 description and location of the property and the terms of the sale and  
40 the date on which proposals for the same will be received by the commis-  
41 sioner of general services. Should any or all of the offers so received  
42 be deemed by the commissioner of general services to be too low, he or  
43 she may dispose of such property so advertised at private sale within  
44 ninety days of the opening of the bids, provided that no such private  
45 sale shall be consummated at a price lower than that submitted as a  
46 result of public advertising. The commissioner of general services shall  
47 also have the power to demolish such property either by contract or, if  
48 such property is located on lands which are under the jurisdiction of  
49 the department of [correctional services] CORRECTIONS AND COMMUNITY  
50 SUPERVISION, the work of such demolition may be done by the inmates of  
51 the institution where such property is located, provided however that  
52 the commissioner of [correctional services] CORRECTIONS AND COMMUNITY  
53 SUPERVISION shall consent to the employment of the inmates for the work  
54 of demolition. The provisions of this subdivision shall be effective  
55 notwithstanding the provisions of any other general or special law  
56 relating to the disposal of buildings with the fixtures attached thereto

1 or of any improvements upon lands belonging to or under lease to the  
2 state, and any such statute or parts thereof relating to such disposal  
3 of buildings, fixtures and improvements insofar as they are inconsistent  
4 with the provisions of this section are hereby superseded. A record of  
5 any such sale shall be filed with the state agency head above referred  
6 to and the proceeds of such sale or disposal shall be paid into the  
7 treasury of the state to the credit of the capital projects fund.

8 S 127-s. Subdivision 26 of section 206 of the public health law, as  
9 added by section 1 of chapter 419 of the laws of 2009, is amended to  
10 read as follows:

11 26. The commissioner is hereby authorized and directed to review any  
12 policy or practice instituted in facilities operated by the department  
13 of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION regard-  
14 ing human immunodeficiency virus (HIV), acquired immunodeficiency  
15 syndrome (AIDS), and hepatitis C (HCV) including the prevention of the  
16 transmission of HIV and HCV and the treatment of AIDS, HIV and HCV among  
17 inmates. Such review shall be performed annually and shall focus on  
18 whether such HIV, AIDS or HCV policy or practice is consistent with  
19 current, generally accepted medical standards and procedures used to  
20 prevent the transmission of HIV and HCV and to treat AIDS, HIV and HCV  
21 among the general public. In performing such reviews, in order to deter-  
22 mine the quality and adequacy of care and treatment provided, department  
23 personnel are authorized to enter correctional facilities and inspect  
24 policy and procedure manuals and medical protocols, interview health  
25 services providers and inmate-patients, review medical grievances, and  
26 inspect a representative sample of medical records of inmates known to  
27 be infected with HIV or HCV or have AIDS. Prior to initiating a review  
28 of a correctional system, the commissioner shall inform the public,  
29 including patients, their families and patient advocates, of the sched-  
30 uled review and invite them to provide the commissioner with relevant  
31 information. Upon the completion of such review, the department shall,  
32 in writing, approve such policy or practice as instituted in facilities  
33 operated by the department of [correctional services] CORRECTIONS AND  
34 COMMUNITY SUPERVISION or, based on specific, written recommendations,  
35 direct the department of [correctional services] CORRECTIONS AND COMMU-  
36 NITY SUPERVISION to prepare and implement a corrective plan to address  
37 deficiencies in areas where such policy or practice fails to conform to  
38 current, generally accepted medical standards and procedures. The  
39 commissioner shall monitor the implementation of such corrective plans  
40 and shall conduct such further reviews as the commissioner deems neces-  
41 sary to ensure that identified deficiencies in HIV, AIDS and HCV poli-  
42 cies and practices are corrected. All written reports pertaining to  
43 reviews provided for in this subdivision shall be maintained, under such  
44 conditions as the commissioner shall prescribe, as public information  
45 available for public inspection.

46 S 127-t. Subdivision 26 of section 206 of the public health law, as  
47 amended by section 2 of chapter 419 of the laws of 2009, is amended to  
48 read as follows:

49 26. The commissioner is hereby authorized and directed to review any  
50 policy or practice instituted in facilities operated by the department  
51 of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, and in  
52 all local correctional facilities, as defined in subdivision sixteen of  
53 section two of the correction law, regarding human immunodeficiency  
54 virus (HIV), acquired immunodeficiency syndrome (AIDS), and hepatitis C  
55 (HCV) including the prevention of the transmission of HIV and HCV and  
56 the treatment of AIDS, HIV and HCV among inmates. Such review shall be

1 performed annually and shall focus on whether such HIV, AIDS or HCV  
2 policy or practice is consistent with current, generally accepted  
3 medical standards and procedures used to prevent the transmission of HIV  
4 and HCV and to treat AIDS, HIV and HCV among the general public. In  
5 performing such reviews, in order to determine the quality and adequacy  
6 of care and treatment provided, department personnel are authorized to  
7 enter correctional facilities and inspect policy and procedure manuals  
8 and medical protocols, interview health services providers and inmate-  
9 patients, review medical grievances, and inspect a representative sample  
10 of medical records of inmates known to be infected with HIV or HCV or  
11 have AIDS. Prior to initiating a review of a correctional system, the  
12 commissioner shall inform the public, including patients, their families  
13 and patient advocates, of the scheduled review and invite them to  
14 provide the commissioner with relevant information. Upon the completion  
15 of such review, the department shall, in writing, approve such policy or  
16 practice as instituted in facilities operated by the department of  
17 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, and in  
18 any local correctional facility, or, based on specific, written recom-  
19 mendations, direct the department of [correctional services] CORRECTIONS  
20 AND COMMUNITY SUPERVISION, or the authority responsible for the  
21 provision of medical care to inmates in local correctional facilities to  
22 prepare and implement a corrective plan to address deficiencies in areas  
23 where such policy or practice fails to conform to current, generally  
24 accepted medical standards and procedures. The commissioner shall moni-  
25 tor the implementation of such corrective plans and shall conduct such  
26 further reviews as the commissioner deems necessary to ensure that iden-  
27 tified deficiencies in HIV, AIDS and HCV policies and practices are  
28 corrected. All written reports pertaining to reviews provided for in  
29 this subdivision shall be maintained, under such conditions as the  
30 commissioner shall prescribe, as public information available for public  
31 inspection.

32 S 128. Subdivision 2 of section 579 of the public health law, as added  
33 by chapter 436 of the laws of 1993, is amended to read as follows:

34 2. This title shall not be applicable to and the department shall not  
35 have the power to regulate pursuant to this title: (a) any examination  
36 performed by a state or local government of materials derived from the  
37 human body for use in criminal identification or as evidence in a crimi-  
38 nal proceeding or for investigative purposes; (b) any test conducted  
39 pursuant to paragraph (c) of subdivision four of section eleven hundred  
40 ninety-four of the vehicle and traffic law and paragraph [(b)] (C) of  
41 subdivision [four] EIGHT of section 25.24 of the parks, recreation and  
42 historic preservation law; (c) any examination performed by a state or  
43 local agency of materials derived from the body of an inmate, pretrial  
44 releasee, parolee, conditional releasee or probationer to (i) determine,  
45 measure or otherwise describe the presence or absence of any substance  
46 whose possession, ingestion or use is prohibited by law, the rules of  
47 the department of [correctional services] CORRECTIONS AND COMMUNITY  
48 SUPERVISION, the conditions of release established by the board of  
49 parole, the conditions of release established by a court or a local  
50 conditional release commission or the conditions of any program to which  
51 such individuals are referred and (ii) to determine whether there has  
52 been a violation thereof; or (d) any examination performed by a coroner  
53 or medical examiner for the medical-legal investigation of a death.  
54 Nothing herein shall prevent the department from consulting with the  
55 division of criminal justice services, the department of [correctional  
56 services] CORRECTIONS AND COMMUNITY SUPERVISION, the state police, or



1 any other state agency or commission, at the request of the division of  
2 criminal justice services, the department of [correctional services]  
3 CORRECTIONS AND COMMUNITY SUPERVISION, the state police, or such other  
4 agency or commission, concerning examination of materials for purposes  
5 other than public health.

6 S 129. Subdivision 8 of section 2780 of the public health law, as  
7 amended by chapter 786 of the laws of 1992, is amended to read as  
8 follows:

9 8. "Health or social service" means any public or private care, treat-  
10 ment, clinical laboratory test, counseling or educational service for  
11 adults or children, and acute, chronic, custodial, residential, outpa-  
12 tient, home or other health care provided pursuant to this chapter or  
13 the social services law; public assistance or care as defined in article  
14 one of the social services law; employment-related services, housing  
15 services, foster care, shelter, protective services, day care, or  
16 preventive services provided pursuant to the social services law;  
17 services for the mentally disabled as defined in article one of the  
18 mental hygiene law; probation services, provided pursuant to articles  
19 twelve and twelve-A of the executive law; parole services, provided  
20 pursuant to article [twelve-B of the executive law] EIGHT OF THE  
21 CORRECTION LAW; [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
22 VISION, provided pursuant to the correction law; detention and rehabili-  
23 tative services provided pursuant to article nineteen-G of the executive  
24 law; and the activities of the health care worker HIV/HBV advisory panel  
25 pursuant to article twenty-seven-DD of this chapter.

26 S 130. Subdivision 2 of section 2785-a of the public health law, as  
27 added by chapter 76 of the laws of 1995, is amended to read as follows:

28 2. At the time of communicating the test results to the subject or the  
29 victim, such public health officer shall directly provide the victim and  
30 person tested with (a) counseling or referrals for counseling for the  
31 purposes specified in subdivision five of section two thousand seven  
32 hundred eighty-one of this article; (b) counseling with regard to HIV  
33 disease and HIV testing in accordance with law and consistent with  
34 subdivision five of section two thousand seven hundred eighty-one of  
35 this article; and (c) appropriate health care and support services, or  
36 referrals to such available services. If at the time of communicating  
37 the test results, the person tested is in the custody of the department  
38 of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, [divi-  
39 sion for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, office of mental  
40 health or a local correctional institution, the counseling and services  
41 required by this subdivision may be provided by a public health officer  
42 associated with the county or facility within which the person tested is  
43 confined.

44 S 131. Subdivision 4 of section 2994-cc of the public health law, as  
45 added by chapter 8 of the laws of 2010, is amended to read as follows:

46 4. (a) When the concurrence of a second physician is sought to fulfill  
47 the requirements for the issuance of a nonhospital order not to resusci-  
48 tate for patients in a correctional facility, such second physician  
49 shall be selected by the chief medical officer of the department of  
50 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or his or  
51 her designee.

52 (b) When the concurrence of a second physician is sought to fulfill  
53 the requirements for the issuance of a nonhospital order not to resusci-  
54 tate for hospice and home care patients, such second physician shall be  
55 selected by the hospice medical director or hospice nurse coordinator

designated by the medical director or by the home care services agency director of patient care services, as appropriate to the patient.

S 132. Subdivision 4 of section 4174 of the public health law, as amended by section 6 of part 00 of chapter 56 of the laws of 2010, is amended to read as follows:

4. No fee shall be charged for a search, certification, certificate, certified copy or certified transcript of a record to be used for school entrance, employment certificate or for purposes of public relief or when required by the veterans administration to be used in determining the eligibility of any person to participate in the benefits made available by the veterans administration or when required by a board of elections for the purposes of determining voter eligibility or when requested by the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or a local correctional facility as defined in subdivision sixteen of section two of the correction law for the purpose of providing a certified copy or certified transcript of birth to an inmate in anticipation of such inmate's release from custody or when requested by the office of children and family services or an authorized agency for the purpose of providing a certified copy or certified transcript of birth to a youth placed in the custody of the local commissioner of social services or the custody of the office of children and family services pursuant to article three of the family court act in anticipation of such youth's discharge from placement.

S 133. Section 4179 of the public health law, as amended by section 7 part 00 of chapter 56 of the laws of 2010, is amended to read as follows:

S 4179. Vital records; fees; city of New York. Notwithstanding the provisions of paragraph one of subdivision a of section 207.13 of the health code of the city of New York, the department of health shall charge, and the applicant shall pay, for a search of two consecutive calendar years under one name and the issuance of a certificate of birth, death or termination of pregnancy, or a certification of birth or death, or a certification that the record cannot be found, a fee of fifteen dollars for each copy. Provided, however, that no such fee shall be charged when the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or a local correctional facility as defined in subdivision sixteen of section two of the correction law requests a certificate of birth or certification of birth for the purpose of providing such certificate of birth or certification of birth to an inmate in anticipation of such inmate's release from custody or when the office of children and family services or an authorized agency requests a certified copy or certified transcript of birth for a youth placed in the custody of the local commissioner of social services or the custody of the office of children and family services pursuant to article three of the family court act for the purpose of providing such certified copy or certified transcript of birth to such youth in anticipation of discharge from placement.

S 134. Paragraph (1) of subdivision 1 of section 2782 of the public health law, as added by chapter 584 of the laws of 1988, is amended to read as follows:

(1) an employee or agent of the [division of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, in accordance with paragraph (a) of subdivision two of section twenty-seven hundred eighty-six of this article, to the extent the employee or agent is authorized to access records containing such information in order to carry out the [division's] DEPARTMENT'S functions, powers and duties with respect to the

protected individual, pursuant to section two hundred fifty-nine-a of the executive law;

S 135. Subdivision 8 of section 92 of the public officers law, as separately amended by section 40 of part A and section 2 of part A1 of chapter 56 and by chapter 491 of the laws of 2010, is amended to read as follows:

(8) Public safety agency record. The term "public safety agency record" means a record of the state commission of correction, the temporary state commission of investigation, the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, the office of children and family services, [the division of parole,] the office of victim services, the office of probation and correctional alternatives or the division of state police or of any agency or component thereof whose primary function is the enforcement of civil or criminal statutes if such record pertains to investigation, law enforcement, confinement of persons in correctional facilities or supervision of persons pursuant to criminal conviction or court order, and any records maintained by the division of criminal justice services pursuant to sections eight hundred thirty-seven, eight hundred thirty-seven-a, eight hundred thirty-seven-b, eight hundred thirty-seven-c, eight hundred thirty-eight, eight hundred thirty-nine, and eight hundred forty-five of the executive law and by the department of state pursuant to section ninety-nine of the executive law.

S 136. Section 18 of the railroad law, as amended by chapter 840 of the laws of 1984, is amended to read as follows:

S 18. Railroads through public lands. The commissioner of general services may grant to any domestic or foreign railroad corporation land belonging to the people of the state, except the reservation at Niagara and the Concourse lands on Coney Island, which may be required for the purposes of its road on such terms as may be agreed upon by them; or a domestic railroad corporation may acquire title thereto by condemnation; and the county or town officers having charge of any land belonging to any county or town, required for a domestic railroad corporation for the purposes of its road, may grant such land to the corporation for such compensation as may be agreed upon. In case the land or any right, interest or easement therein, required by a domestic or foreign railroad corporation is used for prison purposes the commissioner of general services may grant such land, or any right, interest or easement therein, provided the plans of such railroad corporation for the use of such prison lands, or such right, interest or easement therein, have the approval of the commissioner of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION.

S 137. Subdivision 3 and 4 of section 88 of the railroad law, as amended by chapter 247 of the laws of 1964, are amended to read as follows:

3. The corporation, express company or steamboat company making any such application shall cause the fingerprints of each proposed appointee to be taken [by a police agency] IN THE FORM AND MANNER PRESCRIBED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES and [shall cause] one set of such fingerprints [to] SHALL be forwarded to the division of [identification, New York state department of correction, at Albany, New York] CRIMINAL JUSTICE SERVICES, and one set [of such fingerprints to be forwarded to the identification division,] TO THE federal bureau of investigation[, United States department of justice, at Washington, D. C., with the request that such]. SUCH fingerprints shall be searched by each agency against the fingerprint records in its files and be

1 retained in the files of such agencies [and the further request that  
2 reports of the results of such searches shall be transmitted to the  
3 superintendent of state police].

4 4. Reports of the results of such searches [of the fingerprint records  
5 of the department of correction and of the department of justice] shall  
6 be reviewed by the superintendent of state police prior to granting an  
7 appointment[,] to determine whether a proposed appointee is thereby  
8 shown to have been convicted of a crime in the state of New York or of  
9 any offense in any other place which if committed in the state of New  
10 York would have been a crime and no person who is determined by such  
11 review to have been so convicted shall receive an appointment under this  
12 section.

13 S 138. Subdivision a of section 63-a of the retirement and social  
14 security law, as added by chapter 722 of the laws of 1996, is amended to  
15 read as follows:

16 a. Any member in the uniformed personnel in institutions under the  
17 jurisdiction of the department of [correctional services] CORRECTIONS  
18 AND COMMUNITY SUPERVISION or a security hospital treatment assistant, as  
19 those terms are defined in subdivision i of section eighty-nine of this  
20 article, who becomes physically or mentally incapacitated for the  
21 performance of duties as the natural and proximate result of an injury,  
22 sustained in the performance or discharge of his or her duties by, or as  
23 the natural and proximate result of an act of any inmate or any person  
24 confined in an institution under the jurisdiction of the department of  
25 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or office  
26 of mental health, or by any person who has been committed to such insti-  
27 tution by any court shall be paid a performance of duty disability  
28 retirement allowance equal to that which is provided in section sixty-  
29 three of this title, subject to the provisions of section sixty-four of  
30 this title.

31 S 139. Section 89 of the retirement and social security law, as  
32 amended by chapter 578 of the laws of 1989, subdivision i as amended by  
33 chapter 499 of the laws of 2006, is amended to read as follows:

34 S 89. Retirement of members in the uniformed personnel in institutions  
35 under the jurisdiction of the department of [correctional services]  
36 CORRECTIONS AND COMMUNITY SUPERVISION or who are security hospital  
37 treatment assistants; new plan. a. Any member in the uniformed personnel  
38 in institutions under the jurisdiction of the department of [correction-  
39 al services] CORRECTIONS AND COMMUNITY SUPERVISION, as hereinafter  
40 defined, who enters or re-enters service on or after the effective date  
41 of this section, or who is a security hospital treatment assistant who  
42 enters or reenters service on or after the effective date of the amend-  
43 ment permitting security hospital treatment assistants to be covered by  
44 this section, shall contribute on the basis provided for by this  
45 section.

46 b. Any member in the uniformed personnel in institutions under the  
47 jurisdiction of the department of [correctional services] CORRECTIONS  
48 AND COMMUNITY SUPERVISION, as hereinafter defined, who entered such  
49 service prior to the effective date of this section may, on or before  
50 September first, nineteen hundred sixty-six, elect to come under the  
51 provisions of this section. Such election shall be in writing and shall  
52 be duly executed and filed with the comptroller.

53 c. Any member in the uniformed personnel in institutions under the  
54 jurisdiction of the department of [correctional services] CORRECTIONS  
55 AND COMMUNITY SUPERVISION, as hereinafter defined, who entered such  
56 service prior to the effective date of this section, may, on or before

December thirty-first, nineteen hundred sixty-six, elect to come under the provisions of this section. Such election shall be in writing and shall be duly executed and filed with the comptroller. Any such member who has made an election as set forth herein on or before December thirty-first, nineteen hundred sixty-five, shall be permitted to withdraw the same and in like manner make a new election on or before December thirty-first, nineteen hundred sixty-six.

d. A member who elects or is required to contribute in accordance with this section shall contribute, in lieu of the proportion of compensation as provided in section twenty-one of this article, a proportion of his OR HER compensation similarly determined. Such latter proportion shall be computed to provide at the time when he OR SHE shall first become eligible for retirement under this section, an annuity equal to one-one hundredth of his OR HER final average salary for each year of service as a member rendered after May first, nineteen hundred sixty-five, and prior to the attainment of the age when he OR SHE shall first become eligible for retirement. Such member's rate of contribution pursuant to this section shall be appropriately reduced pursuant to section seventy-a of this article for such period of time as his OR HER employer contributes pursuant to such section toward pensions-providing-for-increased-take-home pay. No such member shall be required to continue contributions after completing twenty-five years of such service.

e. A member contributing on the basis of this section at the time of retirement, shall be entitled to retire after the completion of twenty-five years of total creditable service as defined in subdivision i of this section, or upon the attainment of age sixty, by filing an application therefor in a manner similar to that provided in section seventy of this article. He OR SHE thereupon shall receive, on retirement a retirement allowance consisting of:

1. An annuity, which shall be the actuarial equivalent of his OR HER accumulated contributions at the time of his OR HER retirement, plus,

2. A pension which, together with such annuity and a pension which is the actuarial equivalent of the reserves for-increased-take-home pay to which he OR SHE may then be entitled, if any, shall equal one-fiftieth of his OR HER final average salary for each year of creditable service in the uniformed personnel in institutions under the jurisdiction of the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or for each year of creditable service as a security hospital treatment assistant under the jurisdiction of the office of mental health, as hereinafter defined. This pension shall not exceed the amount needed to make the total amount of the benefits provided under paragraphs one and two of this subdivision e equal to one-half of his OR HER final average salary.

3. An additional pension equal to the pension for any creditable service rendered while not in the uniformed personnel in institutions under the jurisdiction of the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION and rendered while not serving as a security hospital treatment assistant under the jurisdiction of the office of mental health, as hereinafter defined, as provided under paragraphs two and three of subdivision a of section seventy-five of this article. This pension shall:

(a) Be payable only if such member has attained age sixty at the time of retirement and has not completed twenty-five years of service for which he receives credits under this article, and

(b) Not increase the total allowance to more than one-half of his OR HER final average salary.

1 For the purpose only of determining the amount of the pension provided  
2 herein, the annuity shall be computed as it would be:

3 (aa) if not reduced by the actuarial equivalent of any outstanding  
4 loan, and

5 (bb) if not increased by the actuarial equivalent of any additional  
6 contributions, and

7 (cc) if not reduced by reason of the member's election to decrease his  
8 OR HER annuity contributions to the retirement system in order to apply  
9 the amount of such reduction in payment of his contributions for old-age  
10 and survivors insurance coverage.

11 f. The increased pensions to members of the uniformed personnel in  
12 institutions under the jurisdiction of the department of [correctional  
13 services] CORRECTIONS AND COMMUNITY SUPERVISION or to members who are  
14 security hospital treatment assistants under the jurisdiction of the  
15 office of mental health, as provided by this section, shall be paid from  
16 additional contributions made by the state on account of such member.  
17 The actuary of the retirement system shall compute the additional  
18 contribution of each member who elects to receive the special benefits  
19 provided under this section. Such additional contributions shall be  
20 computed on the basis of contributions during the prospective service of  
21 such member which will cover the liability of the retirement system for  
22 such extra pensions.

23 g. In computing the twenty-five years of completed service of a member  
24 in the uniformed personnel in institutions under the jurisdiction of the  
25 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
26 VISION or of a member who is a security hospital treatment assistant  
27 under the jurisdiction of the office of mental health, as hereinafter  
28 defined, full credit shall be given and full allowance shall be made for  
29 service of such member in war after world war 1 as defined in section  
30 two of this chapter, provided such member at the time of his OR HER  
31 entrance into the armed forces was in state service.

32 h. The provisions of this section shall be controlling notwithstanding  
33 any provision in this article to the contrary.

34 i. As used in this section, "uniformed persons" or "uniformed person-  
35 nel" in institutions under the jurisdiction of the department of  
36 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or "secu-  
37 rity hospital treatment assistants" under the jurisdiction of the office  
38 of mental health mean officers or employees holding the titles herein-  
39 after set forth in institutions under the jurisdiction of the department  
40 of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or  
41 under the jurisdiction of the office of mental health, namely:  
42 correction officers, prison guards, correction sergeants, correction  
43 lieutenants, correction captains, deputy assistant superintendent or  
44 warden, deputy warden or deputy superintendent, superintendents and  
45 wardens, assistant director and director of correction reception center,  
46 director of correctional program, assistant director of correctional  
47 program, director of community correctional center, community correc-  
48 tional center assistant, correction hospital officers, male or female,  
49 correction hospital senior officers, correction hospital charge officer,  
50 correction hospital supervising officer, correction hospital security  
51 supervisor, correction hospital chief officer, correction youth camp  
52 officer, correction youth camp supervisor, assistant supervisor, correc-  
53 tional camp superintendent, assistant correctional camp superintendent,  
54 director of crisis intervention unit, assistant director of crisis  
55 intervention unit, security hospital treatment assistants, security  
56 hospital treatment assistants (Spanish speaking), security hospital

1 senior treatment assistants, security hospital supervising treatment  
2 assistants and security hospital treatment chiefs. Previous service  
3 rendered under the titles by which such positions were formerly desig-  
4 nated and previous service rendered as a narcotic addiction control  
5 commission officer shall constitute creditable service. Notwithstanding  
6 any provision of law to the contrary, any employee of the department of  
7 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION who became  
8 enrolled under this section by reason of employment as a uniformed  
9 person in an institution under the jurisdiction of the department of  
10 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION shall be  
11 entitled to full retirement credit for, and full allowance shall be made  
12 under this section for the service of such employee, not to exceed  
13 twelve years, while assigned to the training academy or central office,  
14 in the following titles, namely: correction officer, correction  
15 sergeant, correction lieutenant, correction captain, correctional  
16 services investigator, senior correctional services employee investi-  
17 gator, correctional services fire and safety coordinator, director of  
18 special housing and inmate disciplinary program, assistant director of  
19 special housing and inmate disciplinary program, assistant chief of  
20 investigations, director of CERT operations, correctional facility oper-  
21 ations specialist, director of security staffing project, correctional  
22 security technical services specialist, assistant commissioner and depu-  
23 ty commissioner.

24 j. Notwithstanding any provisions of subdivision a, b or i of this  
25 section to the contrary, a member who is in the collective negotiating  
26 unit designated as the security services unit and established pursuant  
27 to article fourteen of the civil service law and who has elected or is  
28 required to contribute in accordance with this section may, on or before  
29 March thirty-first, nineteen hundred seventy-three, elect to come under  
30 the provisions of section seventy-five-h of this article. Such election  
31 shall be duly executed and filed with the comptroller.

32 k. Any member who, on or before the effective date of this provision,  
33 is a security hospital treatment assistant under the jurisdiction of the  
34 office of mental health may, by filing an election within one year after  
35 the effective date of this provision, elect to be subject to the  
36 provisions of this section. Such election shall be in writing, shall be  
37 duly executed and filed with the comptroller and shall be irrevocable.

38 S 140. Section 89-n of the retirement and social security law, as  
39 added by chapter 573 of the laws of 1991, is amended to read as follows:

40 S 89-n. Computation of twenty-five years of service; correction offi-  
41 cers. a. Notwithstanding any inconsistent provision of law, in computing  
42 twenty-five years of completed service by correction officers in all  
43 counties, full credit shall be given and full allowance shall be made  
44 for service of such member as a correction officer employed by the city  
45 of New York, as a uniformed employee in an institution under the juris-  
46 diction of the department of [correctional services] CORRECTIONS AND  
47 COMMUNITY SUPERVISION, as a security hospital assistant under the juris-  
48 diction of the office of mental health, or as a correction officer in  
49 any county in which he or she was eligible to retire after twenty-five  
50 years of total creditable service.

51 b. Notwithstanding any inconsistent provision of law, in computing  
52 twenty-five years of completed service by state correction officers,  
53 full credit shall be given and full allowance shall be made for service  
54 of such members as a correction officer employed by the city of New York  
55 as a uniformed employee in an institution under the jurisdiction of the  
56 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-

VISION, as a security hospital assistant under the jurisdiction of the office of mental health, or as a correction officer in any county in which he or she was eligible to retire after twenty-five years of total creditable service.

S 141. Subdivision a of section 444 of the retirement and social security law, as amended by chapter 625 of the laws of 2007, is amended to read as follows:

a. Except as provided in subdivision c of section four hundred forty-five-a of this article, subdivision c of section four hundred forty-five-b of this article, subdivision c of section four hundred forty-five-c of this article, subdivision c of section four hundred forty-five-d of this article as added by chapter four hundred seventy-two of the laws of nineteen hundred ninety-five, subdivision c of section four hundred forty-five-e of this article, subdivision c of section four hundred forty-five-f of this article and subdivision c of section four hundred forty-five-h of this article, the maximum retirement benefit computed without optional modification provided to a member of a retirement system who is subject to the provisions of this article, other than a police officer, a firefighter, an investigator member of the New York city employees' retirement system, a member of the uniformed personnel in institutions under the jurisdiction of the New York city department of correction who receives a performance of duty disability retirement allowance, a member of the uniformed personnel in institutions under the jurisdiction of the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or a security hospital treatment assistant, as those terms are defined in subdivision i of section eighty-nine of this chapter, who receives a performance of duty disability retirement allowance, a member of a teachers' retirement system, New York city employees' retirement system, New York city board of education retirement system or a member of the New York state and local employees' retirement system or a member of the New York city employees' retirement system or New York city board of education retirement system employed as a special officer, parking control specialist, school safety agent, campus peace officer, taxi and limousine inspector or a police communications member and who receives a performance of duty disability pension, from funds other than those based on a member's own or increased-take-home-pay contributions, shall, before any reduction for early retirement, be sixty per centum of the first fifteen thousand three hundred dollars of final average salary, and fifty per centum of final average salary in excess of fifteen thousand three hundred dollars, and forty per centum of final average salary in excess of twenty-seven thousand three hundred dollars, provided, however, that the benefits provided by subdivision c of section four hundred forty-five-d of this article as added by chapter four hundred seventy-two of the laws of nineteen hundred ninety-five based upon the additional member contributions required by subdivision d of such section four hundred forty-five-d shall be subject to the maximum retirement benefit computations set forth in this section. The maximum retirement benefit computed without optional modification payable to a police officer, an investigator member of the New York city employees' retirement system or a firefighter shall equal that payable upon completion of thirty years of service, except that the maximum service retirement benefit computed without optional modification shall equal that payable upon completion of thirty-two years of service.



1 S 142. Section 450 of the retirement and social security law, as  
2 amended by chapter 489 of the laws of 1998, is amended to read as  
3 follows:

4 S 450. Definitions. For the purposes of this article: (1) the term  
5 "correction officer" shall mean members of the New York state and local  
6 employees' retirement system who are in a plan limited to uniformed  
7 personnel in institutions under the jurisdiction of the department of  
8 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or members  
9 of such system who are also in titles defined in subdivision i of  
10 section eighty-nine of this chapter and correction members of the New  
11 York city employees' retirement system; (2) the term "police officer or  
12 firefighter" shall mean members of the New York state and local police  
13 and fire retirement system, the New York city police pension fund, New  
14 York city fire department pension fund, and housing police members and  
15 transit police members of the New York city employees' retirement  
16 system; (3) the term "sanitation man" shall mean sanitation members of  
17 the New York city employees' retirement system; and (4) the term "inves-  
18 tigator member" shall mean members who are police officers as defined in  
19 paragraph (g) of subdivision thirty-four of section 1.20 of the criminal  
20 procedure law.

21 S 143. Subdivision c of section 503 of the retirement and social secu-  
22 rity law, as amended by chapter 622 of the laws of 2004, is amended to  
23 read as follows:

24 c. A general member shall be eligible for early service retirement at  
25 age fifty-five with five years of credited service. A general member in  
26 the uniformed correction force of the New York city department of  
27 correction, who is not eligible for early service retirement pursuant to  
28 subdivision c of section five hundred four-a of this article or subdivi-  
29 sion c of section five hundred four-b of this article or subdivision c  
30 of section five hundred four-d of this article, or a general member in  
31 the uniformed personnel in institutions under the jurisdiction of the  
32 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
33 VISION, as defined in subdivision i of section eighty-nine of this chap-  
34 ter or serving in institutions who is also in a title defined in such  
35 subdivision and who has made an election pursuant to the provisions of  
36 article seventeen of this chapter, shall also be eligible for early  
37 service retirement after twenty-five years of credited service.

38 S 144. Subdivisions d and e of section 504 of the retirement and  
39 social security law, subdivision d as amended by chapter 622 of the laws  
40 of 2004, and subdivision e as amended by chapter 578 of the laws of  
41 1989, is amended to read as follows:

42 d. The early service retirement benefit for general members in the  
43 uniformed correction force of the New York city department of  
44 correction, who are not entitled to an early service retirement benefit  
45 pursuant to subdivision c of section five hundred four-a of this article  
46 or subdivision c of section five hundred four-b of this article or  
47 subdivision c of section five hundred four-d of this article, or for  
48 general members in the uniformed personnel in institutions under the  
49 jurisdiction of the department of [correctional services] CORRECTIONS  
50 AND COMMUNITY SUPERVISION, as defined in subdivision i of section eight-  
51 y-nine of this chapter, shall be a pension equal to one-fiftieth of  
52 final average salary times years of credited service at the completion  
53 of twenty-five years of service, but not in excess of fifty percent of  
54 final average salary.

55 e. The early service retirement benefit for uniformed personnel in  
56 institutions under the jurisdiction of the department of [correctional

services] CORRECTIONS AND COMMUNITY SUPERVISION, as defined in subdivision i of section eighty-nine of this chapter, or who are in titles defined in subdivision i of section eighty-nine of this chapter and who have made an election pursuant to the provisions of article seventeen of this chapter, shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of twenty-five years of service, but not in excess of fifty percent of final average salary.

S 145. The opening paragraph of subdivision a of section 507-a of the retirement and social security law, as amended by chapter 578 of the laws of 1989, is amended to read as follows:

Application for a disability retirement allowance for a member in the uniformed personnel in institutions under the jurisdiction of the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION of New York state as defined in subdivision i of section eighty-nine of this chapter or for a member serving in institutions who is also in a title defined in such subdivision and who has made an election pursuant to the provisions of article seventeen of this chapter or the New York city department of correction may be made by:

S 146. Subdivision a of section 507-b of the retirement and social security law, as added by chapter 722 of the laws of 1996, is amended to read as follows:

a. Any member in the uniformed personnel in institutions under the jurisdiction of the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or a security hospital treatment assistant, as those terms are defined in subdivision i of section eighty-nine of this chapter, who becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result of an injury, sustained in the performance or discharge of his or her duties by, or as a natural and proximate result of, an act of any inmate or any person confined in an institution under the jurisdiction of the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION or office of mental health, or by any person who has been committed to such institution by any court shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this chapter, subject to the provisions of section sixty-four of this chapter.

S 147. Subdivision f of section 511 of the retirement and social security law, as amended by chapter 667 of the laws of 1996, is amended to read as follows:

f. This section shall not apply to general members in the uniformed correction force of the New York city department of correction or to uniformed personnel in institutions under the jurisdiction of the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION and security hospital treatment assistants, as those terms are defined in subdivision i of section eighty-nine of this chapter.

S 148. Subdivisions b and d of section 516 of the retirement and social security law, subdivision b as amended by chapter 174 of the laws of 1989 and subdivision d as amended by chapter 622 of the laws of 2004, is amended to read as follows:

b. The deferred vested benefit of general members, except for general members in the uniformed correction force of the New York city department of correction or uniformed personnel in institutions under the jurisdiction of the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION as defined in subdivision i of section eighty-nine of this chapter, with twenty or more years of credited service

1 shall be a pension commencing at normal retirement age equal to one-fif-  
2 tieth of final average salary times years of credited service, not in  
3 excess of thirty years, less fifty percent of the primary social securi-  
4 ty retirement benefit, as provided in section five hundred eleven of  
5 this article. The deferred vested benefit of general members, except for  
6 general members in the uniformed correction force of the New York city  
7 department of correction or uniformed personnel in institutions under  
8 the jurisdiction of the department of [correctional services]  
9 CORRECTIONS AND COMMUNITY SUPERVISION as defined in subdivision i of  
10 section eighty-nine of this chapter, with less than twenty years of  
11 credited service shall be a pension commencing at normal retirement age  
12 equal to one-sixtieth of final average salary times years of credited  
13 service, less fifty percent of the primary social security retirement  
14 benefit, as provided in section five hundred eleven of this article.  
15 Such deferred vested benefit may be paid in the form of an early service  
16 retirement benefit, or may be postponed until after normal retirement  
17 age, in which event the benefit will be subject to reduction or esca-  
18 lation as provided in subdivision c of section five hundred four of this  
19 article.

20 d. The deferred vested benefit of general members in the uniformed  
21 correction force of the New York city department of correction, who are  
22 not entitled to a deferred vested benefit under subdivision d of section  
23 five hundred four-a of this article or under subdivision d of section  
24 five hundred four-b of this article or under subdivision d of section  
25 five hundred four-d of this article, or of general members in the  
26 uniformed personnel in institutions under the jurisdiction of the  
27 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
28 VISION, as defined in subdivision i of section eighty-nine of this chap-  
29 ter, with twenty or more years of credited service shall be a pension  
30 commencing at normal retirement age equal to one-fiftieth of final aver-  
31 age salary times years of credited service, not in excess of thirty  
32 years. The deferred vested benefit of general members in the uniformed  
33 correction force of the New York city department of correction, who are  
34 not entitled to a deferred vested benefit under subdivision d of section  
35 five hundred four-a of this article or under subdivision d of section  
36 five hundred four-b of this article or under subdivision d of section  
37 five hundred four-d of this article, or of general members in the  
38 uniformed personnel in institutions under jurisdiction of the department  
39 of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION, as  
40 defined in subdivision i of section eighty-nine of this chapter, with  
41 less than twenty years of credited service shall be a pension commencing  
42 at normal retirement age equal to one-sixtieth of final average salary  
43 times years of credited service. Such deferred vested benefit may be  
44 paid in the form of an early service retirement benefit, or may be post-  
45 poned until after normal retirement age, in which event the benefit will  
46 be subject to reduction or escalation as provided in subdivision c of  
47 section five hundred four of this article.

48 S 149. Paragraph 2 of subdivision a of section 600 of the retirement  
49 and social security law, as amended by chapter 421 of the laws of 2006,  
50 is amended to read as follows:

51 2. (a) Members in the uniformed personnel in institutions under the  
52 jurisdiction of the department of [correctional services] CORRECTIONS  
53 AND COMMUNITY SUPERVISION of New York state, other than certain persons  
54 as defined in this section or the New York city department of  
55 correction.

56 (b) For purposes of this paragraph, certain persons means either:

(i) a person who is appointed to the title of superintendent, who has had at least seven years of service credited toward the retirement plan established pursuant to this article while employed by the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION and who elects the retirement plan established pursuant to this article within ninety days of his or her appointment. Such election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable as long as such person is in the title of superintendent; or

(ii) a person who serves in the title of superintendent as of April first, two thousand six, who has had at least seven years of service credited toward the retirement plan established pursuant to this article while employed by the department of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION and who elects the retirement plan established pursuant to this article on or before September thirtieth, two thousand six. Such election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable as long as such person is in the title of superintendent.

(c) Any person in the title of superintendent who is eligible to make an election as described in this section but who does not make such election, shall remain a member of the retirement plan that persons appointed to the title of superintendent join who do not meet the above criteria.

S 150. Subdivision 8 of section 20 of the social services law, as added by chapter 568 of the laws of 2008, is amended to read as follows:

8. (a) The office of temporary and disability assistance shall promulgate rules and regulations for the administration of this subdivision. The rules and regulations shall provide for the conditions under which local social services officials determine the placement of applicants for and recipients of public assistance for whom a notice pursuant to [subdivision sixteen of] section two hundred [fifty-nine-c] THREE of the [executive] CORRECTION law, has been received and who are:

(i) determined to be in immediate need of shelter; and

(ii) designated a level two or level three sex offender pursuant to article six-C of the correction law.

(b) When making determinations in regard to the placement of such individuals in shelter, local social services officials shall consider the following factors:

(i) the location of other sex offenders required to register pursuant to the sex offender registration act, specifically whether there is a concentration of registered sex offenders in a certain residential area or municipality;

(ii) the number of registered sex offenders residing at a particular property;

(iii) proximity of the entities with vulnerable populations;

(iv) accessibility to family members, friends or other supportive services, including but not limited to locally available sex offender treatment programs with preference for placement of such individuals into programs that have demonstrated effectiveness in reducing sex offender recidivism and increasing public safety; and

(v) investigation and approval of such placement by the [state division of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION.

S 151. Paragraph (g) of subdivision 5 of section 62 of the social services law, as added by chapter 55 of the laws of 1992, is amended to read as follows:

(g) (1) When a person applies for medical parole, and is in need of public assistance, including medical assistance, the department of

1 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION shall  
2 cause an application for such assistance to be forwarded to the depart-  
3 ment of social services.

4 (2) Upon receipt of an application for public assistance, including  
5 medical assistance, forwarded by the [state] department of [correctional  
6 services] CORRECTIONS AND COMMUNITY SUPERVISION for persons meeting the  
7 conditions of medical parole, financial eligibility for such assistance  
8 and care shall be determined by the New York state department of social  
9 services prior to the person's parole.

10 (3) Determination of continuing eligibility for public assistance,  
11 including medical assistance, and care will be the responsibility of the  
12 social services district into which such person is released.

13 (4) Any inconsistent provision of this chapter or other law notwith-  
14 standing, when a person is released on medical parole pursuant to  
15 section two hundred [fifty-nine-r] FIFTY-NINE-E OR TWO HUNDRED  
16 FIFTY-NINE-F of the executive law and is in need of public assistance,  
17 including medical assistance, the social services district in which such  
18 person was convicted and from which he or she was committed to the  
19 custody of the [state] department of [correctional services] CORRECTIONS  
20 AND COMMUNITY SUPERVISION shall be responsible for the administrative  
21 costs of the initial and any subsequent eligibility determination and  
22 the costs of any public assistance, including medical assistance,  
23 following such persons release on medical parole for so long as such  
24 person is eligible therefor.

25 S 152. Subdivision 14 of section 131 of the social services law, as  
26 added by section 11 of part B of chapter 436 of the laws of 1997, is  
27 amended to read as follows:

28 14. (a) Notwithstanding any provision of this chapter or other law to  
29 the contrary, no public assistance shall be given to any individual who  
30 is (i) fleeing to avoid prosecution or custody or conviction under the  
31 laws of the place from which the individual flees for a crime, or an  
32 attempt to commit a crime, which is a felony under the laws of the place  
33 from which the individual flees or which, in the case of the state of  
34 New Jersey, is a high misdemeanor under the laws of such state or (ii)  
35 violating a condition of probation or parole imposed under federal or  
36 state law.

37 (b) For purposes of this section, if and to the extent permitted by  
38 federal law, a person shall be considered to be violating a condition of  
39 probation or parole only if:

40 (i) he or she is currently an absconder from probation or parole  
41 supervision and a warrant alleging such a violation is outstanding; or

42 (ii) he or she has been found by judicial determination to have  
43 violated probation or by administrative adjudication by the [division of  
44 parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION to have  
45 violated parole.

46 Such person shall be considered to be violating a condition of  
47 probation or parole only until he or she is restored to probation or  
48 parole supervision or released from custody, or until the expiration of  
49 the person's maximum period of imprisonment or supervision, whichever  
50 occurs first.

51 (c) A person considered to be violating a condition of probation or  
52 parole under this section shall include a person who is violating a  
53 condition of probation or parole imposed under federal law.

54 (d) For purposes of this section, probation or parole shall include  
55 conditional release, wherever applicable.

1 S 153. Subparagraph (k) of paragraph (A) of subdivision 4 of section  
2 422 of the social services law, as amended by chapter 12 of the laws of  
3 1996, is amended to read as follows:

4 (k) a probation service conducting an investigation pursuant to arti-  
5 cle three or seven or section six hundred fifty-three of the family  
6 court act where there is reason to suspect the child or the child's  
7 sibling may have been abused or maltreated and such child or sibling,  
8 parent, guardian or other person legally responsible for the child is a  
9 person named in an indicated report of child abuse or maltreatment and  
10 that such information is necessary for the making of a determination or  
11 recommendation to the court; or a probation service regarding a person  
12 about whom it is conducting an investigation pursuant to article three  
13 hundred ninety of the criminal procedure law, or a probation service or  
14 the [state division of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY  
15 SUPERVISION regarding a person to whom the service or [division] DEPART-  
16 MENT is providing supervision pursuant to article sixty of the penal law  
17 or [section two hundred fifty-nine-a of the executive law] ARTICLE EIGHT  
18 OF THE CORRECTION LAW, where the subject of investigation or supervision  
19 has been convicted of a felony under article one hundred twenty, one  
20 hundred twenty-five or one hundred thirty-five of the penal law or any  
21 felony or misdemeanor under article one hundred thirty, two hundred  
22 thirty-five, two hundred forty-five, two hundred sixty or two hundred  
23 sixty-three of the penal law, or has been indicted for any such felony  
24 and, as a result, has been convicted of a crime under the penal law,  
25 where the service or [division] DEPARTMENT requests the information upon  
26 a certification that such information is necessary to conduct its inves-  
27 tigation, that there is reasonable cause to believe that the subject of  
28 an investigation is the subject of an indicated report and that there is  
29 reasonable cause to believe that such records are necessary to the  
30 investigation by the probation service or the [state division of parole]  
31 DEPARTMENT, provided, however, that only indicated reports shall be  
32 furnished pursuant to this subdivision;

33 S 154. Subdivision 11 of section 460-d of the social services law, as  
34 amended by section 42 of part B of chapter 58 of the laws of 2004, is  
35 amended to read as follows:

36 11. On or before issuance by the department to an adult care facility  
37 operator of official written notice of: the proposed revocation, suspen-  
38 sion or denial of the operator's operating certificate; the limitation  
39 of the operating certificate with respect to new admissions; the issu-  
40 ance of a department order or commissioner's order; the seeking of equi-  
41 table relief pursuant to this section; the proposed assessment of civil  
42 penalties for violations of the provisions of subparagraph two of para-  
43 graph (b) of subdivision seven of this section or placement on the "do  
44 not refer list" pursuant to subdivision fifteen of this section, written  
45 notice also shall be given to the appropriate office of the department  
46 of mental hygiene, department of [correctional services, state division  
47 of parole] CORRECTIONS AND COMMUNITY SUPERVISION and local social  
48 services districts, and provided further that the department of health  
49 shall notify hospitals in the locality in which such facility is located  
50 that such notice has been issued. Upon resolution of such enforcement  
51 action the department shall notify the appropriate office of the depart-  
52 ment of mental hygiene, department of [correctional services, state  
53 division of parole] CORRECTIONS AND COMMUNITY SUPERVISION, local social  
54 services districts and hospitals.

1 S 155. Subdivision 1 of section 102 of the state administrative proce-  
2 dure act, as amended by chapter 635 of the laws of 1995, is amended to  
3 read as follows:

4 1. "Agency" means any department, board, bureau, commission, division,  
5 office, council, committee or officer of the state, or a public benefit  
6 corporation or public authority at least one of whose members is  
7 appointed by the governor, authorized by law to make rules or to make  
8 final decisions in adjudicatory proceedings but shall not include the  
9 governor, agencies in the legislative and judicial branches, agencies  
10 created by interstate compact or international agreement, the division  
11 of military and naval affairs to the extent it exercises its responsi-  
12 bility for military and naval affairs, the division of state police, the  
13 identification and intelligence unit of the division of criminal justice  
14 services, the state insurance fund, the unemployment insurance appeal  
15 board, and except for purposes of subdivision one of section two hundred  
16 two-d of this chapter, the workers' compensation board and except for  
17 purposes of article two of this chapter, the [state division of parole  
18 and the] department of [correctional services] CORRECTIONS AND COMMUNITY  
19 SUPERVISION.

20 S 156. Subdivision 12 of section 8 of the state finance law, as sepa-  
21 rately amended by chapters 305 and 477 of the laws of 1985, is amended  
22 to read as follows:

23 12. Notwithstanding any inconsistent provision of the court of claims  
24 act, examine, audit and certify for payment any claim submitted and  
25 approved by the head of any institution in the department of mental  
26 hygiene, the department of [correctional services] CORRECTIONS AND  
27 COMMUNITY SUPERVISION, the department of health or the [division for  
28 youth] OFFICE OF CHILDREN AND FAMILY SERVICES for personal property  
29 damaged or destroyed by any inmate thereof, or for personal property of  
30 an employee damaged or destroyed without fault on his part, by a fire in  
31 said institution; or any claim submitted and approved by the head of any  
32 institution in the department of mental hygiene or the [division for  
33 youth] OFFICE OF CHILDREN AND FAMILY SERVICES for real or personal prop-  
34 erty damaged or destroyed or for personal injuries caused by any patient  
35 during thirty days from the date of his escape from such institution; or  
36 any claim submitted and approved by the [chairman of the board of  
37 parole] COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY  
38 SUPERVISION for personal property of an employee damaged or destroyed  
39 without fault on his part as a result of actions unique to the perform-  
40 ance of his official duties in accordance with rules and regulations  
41 promulgated by the [chairman] COMMISSIONER OF THE DEPARTMENT OF  
42 CORRECTIONS AND COMMUNITY SUPERVISION with the approval of the comp-  
43 troller; or any claim submitted and approved by the chief administrator  
44 of the courts for personal property of any judge or justice of the  
45 unified court system or of any nonjudicial officer or employee thereof  
46 damaged or destroyed, without fault on his part, by any party, witness,  
47 juror or bystander to court proceedings, provided no such claim may be  
48 certified for payment to a nonjudicial officer or employee who is in a  
49 collective negotiating unit until the chief administrator shall deliver  
50 to the comptroller a certificate that there is in effect with respect to  
51 such negotiating unit a written collective bargaining agreement with the  
52 state pursuant to article fourteen of the civil service law which  
53 provides therefor; or any claim submitted and approved by the super-  
54 intendent of state police for personal property of a member of the state  
55 police damaged or destroyed without fault on his part as a result of  
56 actions unique to the performance of police duties in accordance with

1 rules and regulations promulgated by the superintendent with the  
2 approval of the comptroller; or any claim submitted and approved by the  
3 head of a state department or agency having employees in the security  
4 services unit or the security supervisors unit for personal property of  
5 a member of such units damaged or destroyed without fault on his part as  
6 a result of actions unique to the performance of law enforcement duties  
7 in accordance with rules and regulations promulgated by the department  
8 or agency head, after consultation with the employee organization  
9 representing such units and with the approval of the comptroller and  
10 payment of any such claim shall not exceed the sum of three hundred  
11 fifty dollars. Where an agreement between the state and an employee  
12 organization reached pursuant to the provisions of article fourteen of  
13 the civil service law provides for payments to be made to employees by  
14 an institution, such payments for claims not in excess of seventy-five  
15 dollars, or one hundred fifty dollars if otherwise provided in accord-  
16 ance with the terms of such agreement, may be made from a petty cash  
17 account established pursuant to section one hundred fifteen of this  
18 chapter, and in the manner prescribed therein.

19 S 157. Subdivision 12-g of section 8 of the state finance law, as  
20 amended by section 37 of part A-1 of chapter 56 of the laws of 2010, is  
21 amended to read as follows:

22 12-g. Notwithstanding any other provision of the court of claims act  
23 or any other law to the contrary, thirty days before the comptroller  
24 issues a check for payment to an inmate serving a sentence of imprison-  
25 ment with the [state] department of [correctional services] CORRECTIONS  
26 AND COMMUNITY SUPERVISION or to a prisoner confined at a local correc-  
27 tional facility for any reason, including a payment made in satisfaction  
28 of any damage award in connection with any lawsuit brought by or on  
29 behalf of such inmate or prisoner against the state or any of its  
30 employees in federal court or any other court, the comptroller shall  
31 give written notice, if required pursuant to subdivision two of section  
32 six hundred thirty-two-a of the executive law, to the office of victim  
33 services that such payment shall be made thirty days after the date of  
34 such notice.

35 S 158. Subparagraph 4 of paragraph a of subdivision 1 of section 54 of  
36 the state finance law, as added by chapter 430 of the laws of 1997, is  
37 amended to read as follows:

38 (4) Population excludes the reservation and school Indian population  
39 and inmates of [state] institutions under the direction, supervision or  
40 control of the state department of [correctional services] CORRECTIONS  
41 AND COMMUNITY SUPERVISION and the state department of mental hygiene and  
42 the inmates of state institutions operated and maintained by the [state  
43 division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES.

44 S 159. Subdivisions 3 and 4 of section 97-cc of the state finance law,  
45 as added by chapter 338 of the laws of 1989, are amended to read as  
46 follows:

47 3. Moneys within the rehabilitative alcohol and substance abuse treat-  
48 ment fund, upon appropriation by the legislature, shall be available [to  
49 the division of parole and] to the department of [correctional services]  
50 CORRECTIONS AND COMMUNITY SUPERVISION for the operation of alcohol and  
51 substance abuse treatment facilities, alcohol and substance abuse  
52 correctional annexes and residential treatment facilities, including,  
53 but not limited to, the payment of private sector treatment providers  
54 and for providing alcohol and substance abuse treatment services to  
55 persons under the supervision of the [division] DEPARTMENT OF  
56 CORRECTIONS AND COMMUNITY SUPERVISION.



1 4. Moneys, shall be payable from the fund on the audit and warrant of  
2 the comptroller on vouchers approved and certified by the commissioner  
3 of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION.

4 S 160. Section 97-ooo of the state finance law, as added by section 10  
5 of part B of chapter 57 of the laws of 1998, is amended to read as  
6 follows:

7 S 97-ooo. [Division of parole] DEPARTMENT OF CORRECTIONS AND COMMUNI-  
8 TY SUPERVISION asset forfeiture account. 1. There is hereby established  
9 in the joint custody of the state comptroller and the [division of  
10 parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION a special  
11 account within the miscellaneous special revenue fund to be known as the  
12 [division of parole] DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
13 asset forfeiture account. Such account shall consist, subject to neces-  
14 sary federal approval, of moneys received by the [division of parole]  
15 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION through the equita-  
16 ble sharing that is authorized in federal forfeiture actions.

17 2. The moneys of the account shall be available for purposes of devel-  
18 oping additional resources such as, but not limited to, obtaining equip-  
19 ment, establishing training programs, or accessing existing technology  
20 or databases.

21 3. The [chairman of the board] COMMISSIONER of [parole] THE DEPARTMENT  
22 OF CORRECTIONS AND COMMUNITY SUPERVISION shall report to the commission-  
23 er of the division of criminal justice services, the director of the  
24 budget, the chairman of the senate finance committee and the chairman of  
25 the assembly ways and means committee by October first, nineteen hundred  
26 ninety-eight and every six months thereafter, on the source and amounts  
27 of moneys in the account. Such report shall describe the amount of  
28 moneys received by the federal government and the [division of parole]  
29 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION from the joint  
30 activities of the [division] DEPARTMENT and federal law enforcement  
31 agencies, the law enforcement activities which led to such forfeiture  
32 and the value of the assets so seized.

33 4. The moneys of such account shall be made available on the audit and  
34 warrant of the comptroller on vouchers certified or approved by the  
35 [chairman] COMMISSIONER of the [board of parole] DEPARTMENT OF  
36 CORRECTIONS AND COMMUNITY SUPERVISION.

37 S 161. Paragraphs (a) and (b) of subdivision 3 of section 99-m of the  
38 state finance law, as added by section 2 of part E of chapter 56 of the  
39 laws of 2005, are amended to read as follows:

40 (a) An individual or entity ("administrator"), appointed by the gover-  
41 nor in consultation with the temporary president of the senate, the  
42 speaker of the assembly, and representatives of eligible claimants,  
43 shall develop the compensation payment plan. Such administrator shall  
44 not be entitled to salary or remuneration for his/her services; however,  
45 reasonable expenses directly connected to the conduct of the administra-  
46 tor's duties shall be paid through the department of [correctional  
47 services] CORRECTIONS AND COMMUNITY SUPERVISION.

48 (b) The administrator shall receive from each claimant an accounting  
49 of the injuries suffered by the state employee victim during the course  
50 of the Attica riots. The administrator shall determine and promulgate to  
51 potential claimants through the department of [correctional services]  
52 CORRECTIONS AND COMMUNITY SUPERVISION the means and dates by which said  
53 accountings of injuries shall be submitted and determined. To the extent  
54 any inconsistency or discrepancy in accounts of injuries suffered is  
55 identified, the administrator may rely upon the assistance of the

1 report, research, and documentation regarding the Attica riots compiled  
2 by the Attica task force created in March of two thousand one.

3 S 162. Section 125 of the state finance law, as amended by chapter 37  
4 of the laws of 1962, is amended to read as follows:

5 S 125. Fiscal supervision of certain institutions. Notwithstanding  
6 any other provision of law relative to the supervision and control by  
7 departments of any of the institutions under the jurisdiction and  
8 control of the [department of social welfare] OFFICE OF TEMPORARY AND  
9 DISABILITY ASSISTANCE, the department of health, the department of  
10 mental hygiene and the department of [correction] CORRECTIONS AND COMMU-  
11 NITY SUPERVISION on the first day of January, nineteen hundred thirty-  
12 nine and of any institution which shall hereafter be under the jurisdic-  
13 tion of such departments, such department shall have the powers and  
14 duties prescribed by this article with respect to such institution. This  
15 section shall not impair or affect the powers of the commissioner of  
16 general services under the provisions of article eleven of this chapter  
17 with respect to estimates made pursuant to this section so far as they  
18 constitute a requisition for material, equipment or supplies.

19 S 163. Subdivision 1 of section 128 of the state finance law, as  
20 amended by chapter 471 of the laws of 1980, is amended to read as  
21 follows:

22 1. Any personal property, and any interest or increments accruing  
23 thereon, belonging or credited to a person in any institution under the  
24 jurisdiction of the [department of social services] OFFICE OF TEMPORARY  
25 AND DISABILITY ASSISTANCE, the department of health, the department of  
26 mental hygiene, the executive department, or the department of [correc-  
27 tional services] CORRECTIONS AND COMMUNITY SUPERVISION who shall have  
28 been discharged from such institution or who shall have died or escaped  
29 before discharge or before termination of sentence, which is in the  
30 custody of the proper officer of such institution, shall, if unclaimed  
31 by such discharged or escaped person or by the legal representative of  
32 such deceased person for a period of six months after the discharge,  
33 decease or escape of such person, be fully inventoried and a copy of  
34 such inventory shall be filed with the commissioner of such department  
35 having jurisdiction over such institution and with the state comp-  
36 troller.

37 S 164. Paragraph a of subdivision 2, paragraphs a and b of subdivision  
38 3, subparagraph (i) of paragraph a of subdivision 4, subdivision 5 and  
39 paragraphs a and d of subdivision 6 of section 162 of the state finance  
40 law, as added by chapter 83 of the laws of 1995 and paragraph a of  
41 subdivision 2 as amended by chapter 501 of the laws of 2002, are amended  
42 to read as follows:

43 a. Commodities produced by the [department of correctional services']  
44 correctional industries program OF THE DEPARTMENT OF CORRECTIONS AND  
45 COMMUNITY SUPERVISION and provided to the state pursuant to subdivision  
46 two of section one hundred eighty-four of the correction law;

47 [fa] A. By December thirty-first, nineteen hundred ninety-five, the  
48 commissioner, in consultation with the commissioners of [correctional  
49 services] CORRECTIONS AND COMMUNITY SUPERVISION, [social services] THE  
50 OFFICE OF CHILDREN AND FAMILY SERVICES, THE OFFICE OF TEMPORARY AND  
51 DISABILITY ASSISTANCE, mental health and education, shall prepare a list  
52 of all commodities and services that are available and are being  
53 provided as of said date, for purchase by state agencies, public benefit  
54 corporations or political subdivisions from those entities accorded  
55 preference or priority status under this section. Such list may include  
56 references to catalogs and other descriptive literature which are avail-

1 able directly from any provider accorded preferred status under this  
2 section. The commissioner shall make this list available to prospective  
3 vendors, state agencies, public benefit corporations, political subdivi-  
4 sions and other interested parties. Thereafter, new or substantially  
5 different commodities or services may only be made available by  
6 preferred sources for purchase by more than one state agency, public  
7 benefit corporation or political subdivision after addition to said  
8 list.

9 b. After January first, nineteen hundred ninety-six, upon the applica-  
10 tion of the commissioner of [correctional services] CORRECTIONS AND  
11 COMMUNITY SUPERVISION, the commissioner of [social services] THE OFFICE  
12 OF CHILDREN AND FAMILY SERVICES, THE OFFICE OF TEMPORARY AND DISABILITY  
13 ASSISTANCE, the commissioner of mental health or the commissioner of  
14 education, or a non-profit-making facilitating agency designated by one  
15 of the said commissioners pursuant to paragraph e of subdivision six of  
16 this section, the state procurement council may recommend that the  
17 commissioner: (i) add commodities or services to, or (ii) in order to  
18 insure that such list reflects current production and/or availability of  
19 commodities and services, delete at the request of a preferred source,  
20 commodities or services from, the list established by paragraph a of  
21 this subdivision. The council may make a non-binding recommendation to  
22 the relevant preferred source to delete a commodity or service from such  
23 list. Additions may be made only for new services or commodities, or for  
24 services or commodities that are substantially different from those  
25 reflected on said list for that provider. The decision to recommend the  
26 addition of services or commodities shall be based upon a review of  
27 relevant factors as determined by the council including costs and bene-  
28 fits to be derived from such addition and shall include an analysis by  
29 the office of general services conducted pursuant to subdivision six of  
30 this section. Unless the state procurement council shall make a recom-  
31 mendation to the commissioner on any such application within one hundred  
32 twenty days of receipt thereof, such application shall be deemed recom-  
33 mended. In the event that the state procurement council shall deny any  
34 such application, the commissioner or non-profit-making agency which  
35 submitted such application may, within thirty days of such denial,  
36 appeal such denial to the commissioner of general services who shall  
37 review all materials submitted to the state procurement council with  
38 respect to such application and who may request such further information  
39 or material as is deemed necessary. Within sixty days of receipt of all  
40 information or materials deemed necessary, the commissioner shall render  
41 a written final decision on the application which shall be binding upon  
42 the applicant and upon the state procurement council.

43 (i) When commodities are available, in the form, function and utility  
44 required by a state agency, public authority, commission, public benefit  
45 corporation or political subdivision, said commodities must be purchased  
46 first from the [department of correctional services'] correctional  
47 industries program OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPER-  
48 VISION;

49 5. Prices charged by the department of [correctional services]  
50 CORRECTIONS AND COMMUNITY SUPERVISION. The prices to be charged for  
51 commodities produced by the [department of correctional services']  
52 correctional industries program OF THE DEPARTMENT OF CORRECTIONS AND  
53 COMMUNITY SUPERVISION shall be established by the commissioner of  
54 [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION in accord-  
55 ance with section one hundred eighty-six of the correction law.

1 a. The prices established by the commissioner of [correctional  
2 services] CORRECTIONS AND COMMUNITY SUPERVISION shall be based upon  
3 costs as determined pursuant to this subdivision, but shall not exceed a  
4 reasonable fair market price determined at or within ninety days before  
5 the time of sale. Fair market price as used herein means the price at  
6 which a vendor of the same or similar product or service who is regular-  
7 ly engaged in the business of selling such product or service offers to  
8 sell such product or service under similar terms in the same market.  
9 Costs shall be determined in accordance with an agreement between the  
10 commissioner of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
11 VISION and the director of the budget.

12 b. A purchaser of any such product or service may, at any time prior  
13 to or within thirty days of the time of sale, appeal the purchase price  
14 in accordance with section one hundred eighty-six of the correction law,  
15 on the basis that it unreasonably exceeds fair market price. Such an  
16 appeal shall be decided by a majority vote of a three-member price  
17 review board consisting of the director of the budget, the commissioner  
18 of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION and the  
19 commissioner or their representatives. The decision of the review board  
20 shall be final.

21 a. Except with respect to the [department of correctional services']  
22 correctional industries program OF THE DEPARTMENT OF CORRECTIONS AND  
23 COMMUNITY SUPERVISION, it shall be the duty of the commissioner to  
24 determine, and from time to time review, the prices of all commodities  
25 and to approve the price of all services provided by preferred sources  
26 as specified in this section offered to state agencies, political subdivi-  
27 sions or public benefit corporations having their own purchasing  
28 office.

29 d. Such qualified charitable non-profit-making agencies for the blind  
30 and other severely disabled may make purchases of materials, equipment  
31 and supplies [from the department of correctional services' correctional  
32 industries program,] directly from the correctional industries program  
33 administered by the commissioner of [correctional services] CORRECTIONS  
34 AND COMMUNITY SUPERVISION, subject to such rules as may be established  
35 from time to time pursuant to the correction law; provided that the  
36 qualified charitable non-profit-making agency for the blind or other  
37 severely disabled shall accept sole responsibility for any payment due  
38 the department of [correctional services] CORRECTIONS AND COMMUNITY  
39 SUPERVISION.

40 S 165. Subparagraph (viii) of paragraph a of subdivision 3 of section  
41 163 of the state finance law, as added by chapter 83 of the laws of  
42 1995, is amended to read as follows:

43 (viii) The commissioner may permit and prescribe the conditions for,  
44 (A) any association, consortium or group of privately owned or municipi-  
45 pal, federal or state owned or operated hospitals, medical schools,  
46 other health related facilities or voluntary ambulance services, which  
47 have entered into a contract and made mutual arrangements for the joint  
48 purchase of commodities pursuant to section twenty-eight hundred three-a  
49 of the public health law; (B) any institution for the instruction of the  
50 deaf or of the blind listed in section forty-two hundred one of the  
51 education law; (C) any qualified non-profit-making agency for the blind  
52 approved by the commissioner of [social services] THE OFFICE OF CHILDREN  
53 AND FAMILY SERVICES OR THE OFFICE OF TEMPORARY AND DISABILITY  
54 ASSISTANCE; (D) any qualified charitable non-profit-making agency for  
55 the severely disabled approved by the commissioner of education; (E) any  
56 hospital or residential health care facility as defined in section twen-

1 ty-eight hundred one of the public health law; (F) any private not-for-  
2 profit mental hygiene facility as defined in section 1.03 of the mental  
3 hygiene law; and (G) any public authority or public benefit corporation  
4 of the state, including the port authority of New York and New Jersey  
5 and the interstate environmental commission, to make purchases using  
6 centralized contracts for commodities. Such qualified non-profit-making  
7 agencies for the blind and severely disabled may make purchases from the  
8 [department of correctional services'] correctional industries program  
9 OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION subject to  
10 rules pursuant to the correction law.

11 S 166. Section 401 of the state technology law, as added by section 1  
12 of part E of chapter 1 of the laws of 2004, and as renumbered by chapter  
13 741 of the laws of 2005, is amended to read as follows:

14 S 401. Statewide wireless network advisory council. There is hereby  
15 established within the office for technology a statewide wireless  
16 network advisory council. The advisory council shall consist of twenty-  
17 seven members. The governor shall appoint two members and the temporary  
18 president of the senate and the speaker of the assembly shall each  
19 appoint four members. One of the governor's appointments and three of  
20 the appointments of the temporary president of the senate and of the  
21 speaker of the assembly shall be a member, officer, or employee of a  
22 first responder organization that serves a municipal corporation. One  
23 each of the appointments of the temporary president of the senate and of  
24 the speaker of the assembly shall possess expertise in the field of  
25 communications technology but no appointee shall be the owner, princi-  
26 pal, or employee of an entity that has a contract with the state of New  
27 York or that vends communications products to any state or local govern-  
28 ment. An organization shall be considered a first responder organization  
29 if it provides policing, firefighting, or emergency medical services, as  
30 defined in subdivision eleven of section three hundred two of the  
31 retirement and social security law, subdivision two of section one  
32 hundred of the general municipal law, subdivisions one, two, three,  
33 four, five, six, and seven of section three thousand one of the public  
34 health law, and section six hundred fifty of the county law. In addi-  
35 tion, the temporary president of the senate and the speaker of the  
36 assembly shall each designate one member of their respective houses to  
37 serve on the advisory council. Ex officio members of the council shall  
38 be the director of the office of homeland security, the superintendent  
39 of the state police, the director of the office for technology, the  
40 commissioner of the department of health, the commissioner of the  
41 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
42 VISION, the commissioner of the department of transportation, the chair-  
43 person of the thruway authority, the state fire administrator of the  
44 office of fire prevention and control, the chief judge of the state, the  
45 commissioner of the division of criminal justice services, the chair-  
46 person of the metropolitan transportation authority, a designee of the  
47 law enforcement council and the designee of the mayor of the city of New  
48 York, or their designees. The chief information officer of New York  
49 state shall be the chair of the advisory council.

51 S 167. Section 2222-a of the surrogate's court procedure act, as  
52 amended by section 45 of part A-1 of chapter 56 of the laws of 2010, is  
53 amended to read as follows:

54 S 2222-a. Notice of legacy or distributive share payable to inmate or  
55 prisoner

1 Where the legatee, distributee or beneficiary is an inmate serving a  
2 sentence of imprisonment with the state department of [correctional  
3 services] CORRECTIONS AND COMMUNITY SUPERVISION or a prisoner confined  
4 at a local correctional facility, the court shall give prompt written  
5 notice to the office of victim services, and at the same time direct  
6 that no payment be made to such inmate or prisoner for a period of thir-  
7 ty days following the date of entry of the order containing such direc-  
8 tion.

9 S 168. Subdivision (d) of section 484 of the tax law, as added by  
10 chapter 860 of the laws of 1987, is amended to read as follows:

11 (d) The provisions of this article shall not be applicable to any sale  
12 as to which the tax imposed by section four hundred seventy-one of this  
13 chapter is not applicable or to a sale to the department of [correction-  
14 al services] CORRECTIONS AND COMMUNITY SUPERVISION of this state for  
15 sale to or use by inmates in institutions under the jurisdiction of such  
16 department.

17 S 169. Subdivision (c) of section 1846 of the tax law, as added by  
18 chapter 65 of the laws of 1985, is amended to read as follows:

19 (c) In the alternative, if the tax commission concludes that any ciga-  
20 rettes seized pursuant to this section, when offered at public sale,  
21 will bring a price less than the reasonably estimated price which the  
22 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
23 VISION would have to pay for the purchase of such cigarettes for sale to  
24 or use by inmates in institutions under the jurisdiction of such depart-  
25 ment, the tax commission may dispose of such cigarettes by transferring  
26 them to the department of [correctional services] CORRECTIONS AND COMMU-  
27 NITY SUPERVISION for sale to or use by inmates in such institutions.

28 S 170. Subdivision (c) of section 1846-a of the tax law, as added by  
29 chapter 61 of the laws of 1989, is amended to read as follows:

30 (c) In the alternative, if the commissioner concludes that any tobacco  
31 products seized pursuant to this section, when offered at public sale,  
32 will bring a price less than the reasonably estimated price which the  
33 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
34 VISION would have to pay for the purchase of such tobacco products for  
35 sale to or use by inmates in institutions under the jurisdiction of such  
36 department, the commissioner may dispose of such tobacco products by  
37 transferring them to the department of [correctional services]  
38 CORRECTIONS AND COMMUNITY SUPERVISION for sale to or use by inmates in  
39 such institutions.

40 S 171. Section 25-a of the town law, as added by chapter 295 of the  
41 laws of 1949, is amended to read as follows:

42 S 25-a. Fingerprints of persons before appointment as town policemen,  
43 or as constables possessing powers in criminal matters. No person shall  
44 be appointed or reappointed a member of the police department, or a  
45 special policeman, or a constable not limited to powers and duties in  
46 civil actions and proceedings only, in any town, who shall not previous-  
47 ly, for the purposes of this section, have submitted fingerprints [of  
48 his two hands] IN THE FORM AND MANNER PRESCRIBED BY THE DIVISION OF  
49 CRIMINAL JUSTICE SERVICES to the town board or other board or officer of  
50 the town empowered by law to make such appointment or reappointment, and  
51 it shall be the duty of such board or officer, before making such  
52 appointment or reappointment, to compare or cause to be compared such  
53 fingerprints with fingerprints filed with the division of criminal  
54 [identification of the state department of correction] JUSTICE SERVICES;  
55 provided, however, that in any case where the fingerprints of any such  
56 person shall once have been submitted pursuant to this section and are

1 on file with the board empowered to make the appointment or reappoint-  
2 ment, no new submission thereof shall be required, nor shall such board  
3 be required to make or cause to be made such comparison if such compar-  
4 ison shall have been made previously pursuant to this section and  
5 certification thereof by such department is on file with such board.

6 S 172. Section 109-a of the vehicle and traffic law, as amended by  
7 chapter 370 of the laws of 2000, is amended to read as follows:

8 S 109-a. Correction vehicle. Every vehicle operated in the city of New  
9 York by the New York city department of correction or the New York state  
10 department of [correctional services] CORRECTIONS AND COMMUNITY SUPER-  
11 VISION while engaged in an emergency operation.

12 S 173. Subdivision 3 of section 10 of the workers' compensation law,  
13 as amended by chapter 244 of the laws of 2002, is amended to read as  
14 follows:

15 3. Notwithstanding any other provisions of this chapter, where a  
16 public safety worker, including but not limited to a firefighter, emer-  
17 gency medical technician, police officer, correction officer, civilian  
18 employee of the department of corrections AND COMMUNITY SUPERVISION or  
19 other person employed by the state to work within a correctional facili-  
20 ty maintained by the department of [correctional services] CORRECTIONS  
21 AND COMMUNITY SUPERVISION, driver and medical observer, in the course of  
22 performing his or her duties, is exposed to the blood or other bodily  
23 fluids of another individual or individuals, the executive officer of  
24 the appropriate ambulance, fire or police district may authorize such  
25 public safety worker to obtain the care and treatment, including diagno-  
26 sis, recommended medicine and other medical care needed to ascertain  
27 whether such individual was exposed to or contracted any communicable  
28 disease and such care and treatment shall be the responsibility of the  
29 insurance carrier of the appropriate ambulance, fire or police district  
30 or, if a public safety worker was not so exposed in the course of  
31 performing his or her duties for such a district, then such person shall  
32 be covered for the treatment provided for in this subdivision by the  
33 carrier of his or her employer when such person is acting in the scope  
34 of his or her employment. For the purpose of this subdivision, the term  
35 "public safety worker" shall include persons who act for payment or who  
36 act as volunteers in an organized group such as a rescue squad, police  
37 department, correctional facility, ambulance corps, fire department, or  
38 fire company.

39 S 174. This act shall take effect immediately, provided that:

40 1. the amendments to section 72-a of the correction law made by  
41 section seven of this act shall not affect the expiration of such  
42 section and shall expire and be deemed repealed therewith;

43 2. the amendments to section 91 of the correction law made by section  
44 ten of this act shall take effect on the same date as the reversion of  
45 such section as provided in section 8 of part H of chapter 56 of the  
46 laws of 2009, as amended;

47 3. the amendments to section 92 of the correction law made by section  
48 eleven of this act shall take effect on the same date as the reversion  
49 of such section as provided in section 8 of part H of chapter 56 of the  
50 laws of 2009, as amended;

51 4. the amendments to section 140-a of the correction law made by  
52 section sixteen of this act shall not affect the repeal of such section  
53 and shall be deemed repealed therewith;

54 5. the amendments to section 803 of the correction law made by section  
55 thirty-seven of this act shall be subject to the expiration of such  
56 section and shall expire and be deemed repealed therewith;

1 6. the amendments to section 803 of the correction law made by section  
2 thirty-eight of this act shall take effect on the same date as the  
3 reversion of such section as provided in section 74 of chapter 3 of the  
4 laws of 1995, as amended;

5 7. the amendments to section 806 of the correction law made by section  
6 forty of this act shall not affect the repeal of such section and shall  
7 expire and be deemed repealed therewith;

8 8. the amendments to subdivision 1 of section 851 of the correction  
9 law made by section forty-one of this act shall be subject to the expi-  
10 ration and reversion of such subdivision pursuant to section 5 of chap-  
11 ter 554 of the laws of 1986, as amended, when upon such date the  
12 provisions of section forty-one-a of this act shall take effect;

13 9. the amendments to subdivision 1 of section 851 of the correction  
14 law made by section forty-one-a of this act shall be subject to the  
15 expiration and reversion of such subdivision pursuant to section 10 of  
16 chapter 339 of the laws of 1972, as amended, when upon such date the  
17 provisions of section forty-one-b of this act shall take effect;

18 10. the amendments to the closing paragraph of subdivision 2 of  
19 section 851 of the correction law made by section forty-two of this act  
20 shall be subject to the expiration and reversion of such subdivision  
21 pursuant to section 46 of chapter 60 of the laws of 1994, as amended,  
22 when upon such date the provisions of section forty-three of this act  
23 shall take effect;

24 10-a. the amendments to subdivision 5 of section 851 of the correction  
25 law made by section forty-three-a of this act shall take effect upon the  
26 expirations of section 42 of chapter 60 of the laws of 1994, section 10  
27 of chapter 339 of the laws of 1972 and section 3 of chapter 554 of laws  
28 of 1986;

29 11. the amendments to subdivision 5 of section 852 of the correction  
30 law made by section forty-four of this act shall not affect the expira-  
31 tion and reversion of such section and shall expire and be deemed  
32 repealed therewith;

33 12. the amendments to subdivision 2 of section 852 of the correction  
34 law made by section forty-five of this act shall take effect on the same  
35 date as the reversion of such section as provided in section 10 of chap-  
36 ter 339 of the laws of 1972, as amended;

37 13. the amendments to subdivision 2 of section 854 of the correction  
38 law made by section forty-six of this act shall take effect on the same  
39 date as the reversion of section 856 as provided in section 10 of chap-  
40 ter 339 of the laws of 1972, as amended;

41 14. the amendments to subdivision 6 of section 855 of the correction  
42 law made by section forty-seven of this act shall be subject to the  
43 expiration and reversion of such section pursuant to section 10 of chap-  
44 ter 339 of the laws of 1972, as amended, when upon such date the  
45 provisions of section forty-eight of this act shall take effect;

46 15. the amendments to subdivision (f) of section 1101 of the civil  
47 practice law and rules made by section fifty-one of this act shall not  
48 affect the expiration and reversion of such subdivision and shall expire  
49 and be deemed repealed therewith;

50 16. the amendments to subdivisions 2 and 4 of section 209 of the civil  
51 service law made by section sixty-four of this act shall not affect the  
52 expiration of such subdivisions and shall expire and be deemed repealed  
53 therewith;

54 17. the amendments to subdivision 9 of section 10 of the court of  
55 claims act made by section sixty-seven of this act shall not affect the



1 expiration of such subdivision and shall expire and be deemed repealed  
2 therewith;

3 18. the amendments to section 410.91 of the criminal procedure law  
4 made by section seventy-six of this act shall not affect the repeal of  
5 such section and shall expire and be deemed repealed therewith;

6 19. the amendments to subdivisions 2 and 4 of section 430.20 of the  
7 criminal procedure law made by section seventy-seven of this act shall  
8 be subject to the expiration and reversion of such subdivisions pursuant  
9 to section 74 of chapter 3 of the laws of 1995, as amended, when upon  
10 such date the provisions of section seventy-eight of this act shall take  
11 effect;

12 20. the amendments to section 83-m of the legislative law made by  
13 section one hundred eighteen of this act shall not affect the repeal of  
14 such section and shall expire and be deemed repealed therewith;

15 21. the amendments to subdivision 7 of section 70.06 of the penal law  
16 made by section one hundred twenty-three of this act shall not affect  
17 the repeal of such subdivision and shall expire and be deemed repealed  
18 therewith;

19 22. the amendments to subdivisions 1 and 3 of section 70.20 of the  
20 penal law made by section one hundred twenty-four of this act shall be  
21 subject to the expiration and reversion of such subdivisions pursuant to  
22 section 74 of chapter 3 of the laws of 1995, as amended, when upon such  
23 date the provisions of section one hundred twenty-five of this act shall  
24 take effect;

25 23. the amendments to the opening paragraph of subdivision 1 of  
26 section 70.30 of the penal law made by section one hundred twenty-six of  
27 this act shall be subject to the expiration and reversion of such para-  
28 graph pursuant to section 74 of chapter 3 of the laws of 1995, as  
29 amended, when upon such date the provisions of section one hundred twen-  
30 ty-seven of this act shall take effect;

31 24. the amendments to subdivision 7 of section 70.30 of the penal law  
32 made by section one hundred twenty-six of this act shall not affect the  
33 expiration of such subdivision and shall expire and be deemed repealed  
34 therewith;

35 25. the amendments to section 70.35 of the penal law made by section  
36 one hundred twenty-seven-a of this act shall be subject to the expira-  
37 tion and reversion of such section pursuant to section 74 of chapter 3  
38 of the laws of 1995, as amended, when upon such date the provisions of  
39 section one hundred twenty-seven-b of this act shall take effect;

40 26. the amendments to paragraph (a) of subdivision 1 of section 70.40  
41 of the penal law made by section one hundred twenty-seven-c of this act  
42 shall be subject to the expiration and reversion of such paragraph, when  
43 upon such date the provisions of section one hundred twenty-seven-d of  
44 this act shall take effect;

45 27. the amendments to paragraph (b) of subdivision 1 of section 70.40  
46 of the penal law made by section one hundred twenty-seven-d-1 of this  
47 act shall be subject to the expiration and reversion of such paragraph  
48 pursuant to section 74 of chapter 3 of the laws of 1995, as amended,  
49 when upon such date the provisions of section one hundred twenty-seven-e  
50 of this act shall take effect;

51 29. the amendments to paragraph (c) of subdivision 1 of section 70.40  
52 of the penal law made by section one hundred twenty-seven-f of this act  
53 shall not affect the repeal of such paragraph and shall expire and be  
54 deemed repealed therewith;

55 30. the amendments to subdivision 1 of section 85.15 of the penal law  
56 made by section one hundred twenty-seven-1 of this act shall be subject

1 to the expiration and reversion of such subdivision pursuant to section  
2 74 of chapter 3 of the laws of 1995, as amended, when upon such date the  
3 provisions of section one hundred twenty-seven-m of this act shall take  
4 effect;

5 31. the amendments to section 205.17 of the penal law made by section  
6 one hundred twenty-seven-n of this act shall not affect the expiration  
7 of such section and shall expire therewith;

8 32. the amendments to section 205.19 of the penal law made by section  
9 one hundred twenty-seven-o of this act shall not affect the expiration  
10 of such section and shall expire therewith;

11 33. the amendments to subdivision 26 of section 206 of the public  
12 health law made by section one hundred twenty-seven-t of this act shall  
13 take effect on the same date and in the same manner as section 2 of  
14 chapter 419 of the laws of 2009 takes effect;

15 34. the amendments to section 99-m of the state finance law made by  
16 section one hundred sixty-one of this act shall not affect the repeal of  
17 such section and shall expire and be deemed repealed therewith; and

18 35. the amendments to section 163 of the state finance law made by  
19 section one hundred sixty-five of this act shall not affect the repeal  
20 of such section and shall expire and be deemed repealed therewith.

21 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
22 sion, section or part of this act shall be adjudged by any court of  
23 competent jurisdiction to be invalid, such judgment shall not affect,  
24 impair, or invalidate the remainder thereof, but shall be confined in  
25 its operation to the clause, sentence, paragraph, subdivision, section  
26 or part thereof directly involved in the controversy in which such judg-  
27 ment shall have been rendered. It is hereby declared to be the intent of  
28 the legislature that this act would have been enacted even if such  
29 invalid provisions had not been included herein.

30 S 3. This act shall take effect immediately provided, however, that  
31 the applicable effective date of Subparts A and B of this act shall be  
32 as specifically set forth in the last section of such Subparts.

#### 33 PART D

34 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting  
35 the New York state urban development corporation act, is amended by  
36 adding a new section 44 to read as follows:

37 S 44. TRANSFER OF POWERS, FUNCTIONS AND AFFAIRS OF THE NEW YORK STATE  
38 FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. 1. ECONOMIC DEVELOP-  
39 MENT EFFICIENCY. IN ORDER TO PROMOTE ECONOMIC DEVELOPMENT EFFICIENCY IN  
40 THE STATE OF NEW YORK, THE TRANSFER OF POWERS, FUNCTIONS AND AFFAIRS OF  
41 THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION TO  
42 THE CORPORATION IS HEREBY AUTHORIZED.

43 2. TRANSFER OF POWERS OF THE NEW YORK STATE FOUNDATION FOR SCIENCE,  
44 TECHNOLOGY AND INNOVATION. THE FUNCTIONS AND POWERS POSSESSED BY AND ALL  
45 OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR  
46 SCIENCE, TECHNOLOGY AND INNOVATION, AS ESTABLISHED PURSUANT TO ARTICLE  
47 10-A OF THE PUBLIC AUTHORITIES LAW AND ARTICLE 10-B OF THE EXECUTIVE LAW  
48 SHALL BE TRANSFERRED AND ASSIGNED TO, AND ASSUMED BY AND DEVOLVED UPON,  
49 THE CORPORATION. NOTWITHSTANDING THE FOREGOING, ANY PROGRAMS SPECIFIED  
50 IN LAW TO BE ADMINISTERED BY THE NEW YORK STATE FOUNDATION FOR SCIENCE,  
51 TECHNOLOGY AND INNOVATION SHALL BE ADMINISTERED BY THE CORPORATION ONLY  
52 TO THE EXTENT OF AVAILABLE APPROPRIATIONS.

53 3. ABOLITION OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY  
54 AND INNOVATION. UPON THE TRANSFER PURSUANT TO SUBDIVISION TWO OF THIS

1 SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLI-  
2 GATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECH-  
3 NOLOGY AND INNOVATION, AS ESTABLISHED PURSUANT TO ARTICLE 10-A OF THE  
4 PUBLIC AUTHORITIES LAW AND ARTICLE 10-B OF THE EXECUTIVE LAW, THE NEW  
5 YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION SHALL BE  
6 ABOLISHED.

7 4. CONTINUITY OF AUTHORITY OF THE NEW YORK STATE FOUNDATION FOR  
8 SCIENCE, TECHNOLOGY AND INNOVATION. EXCEPT AS HEREIN OTHERWISE PROVIDED,  
9 UPON THE TRANSFER PURSUANT TO SUBDIVISION TWO OF THIS SECTION OF THE  
10 FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES  
11 OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION  
12 AS ESTABLISHED PURSUANT TO SUCH PROVISIONS OF THE EXECUTIVE LAW AND THE  
13 PUBLIC AUTHORITIES LAW TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION  
14 TWO OF THIS SECTION FOR THE PURPOSE OF SUCCESSION OF ALL FUNCTIONS,  
15 POWERS, DUTIES AND OBLIGATIONS OF THE NEW YORK STATE FOUNDATION FOR  
16 SCIENCE, TECHNOLOGY AND INNOVATION, THE CORPORATION SHALL BE DEEMED TO  
17 AND BE HELD TO CONSTITUTE THE CONTINUATION OF SUCH FUNCTIONS, POWERS,  
18 DUTIES AND OBLIGATIONS AND NOT A DIFFERENT AGENCY OR AUTHORITY.

19 5. TRANSFER OF RECORDS OF THE NEW YORK STATE FOUNDATION FOR SCIENCE,  
20 TECHNOLOGY AND INNOVATION. UPON THE TRANSFER PURSUANT TO SECTION TWO OF  
21 THIS ACT OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLI-  
22 GATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECH-  
23 NOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO SUCH PROVISIONS OF THE  
24 EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TO THE CORPORATION AS  
25 PRESCRIBED BY SUBDIVISION TWO OF THIS SECTION, ALL BOOKS, PAPERS,  
26 RECORDS AND PROPERTY PERTAINING TO THE NEW YORK STATE FOUNDATION FOR  
27 SCIENCE, TECHNOLOGY AND INNOVATION SHALL BE TRANSFERRED TO AND MAIN-  
28 TAINED BY THE CORPORATION.

29 6. COMPLETION OF UNFINISHED BUSINESS OF THE NEW YORK STATE FOUNDATION  
30 FOR SCIENCE, TECHNOLOGY AND INNOVATION. UPON THE TRANSFER PURSUANT TO  
31 SUBDIVISION TWO OF THIS SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY  
32 AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION  
33 FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO SUCH  
34 PROVISIONS OF THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TO THE  
35 CORPORATION AS PRESCRIBED BY SUBDIVISION TWO OF THIS SECTION, ANY BUSI-  
36 NESS OR OTHER MATTER UNDERTAKEN OR COMMENCED BY THE NEW YORK STATE FOUN-  
37 DATION FOR SCIENCE, TECHNOLOGY AND INNOVATION PERTAINING TO OR CONNECTED  
38 WITH THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES SO TRANSFERRED AND  
39 ASSIGNED TO THE CORPORATION MAY BE CONDUCTED OR COMPLETED BY THE CORPO-  
40 RATION.

41 7. TERMS OCCURRING IN LAWS, CONTRACTS OR OTHER DOCUMENTS OF OR  
42 PERTAINING TO THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND  
43 INNOVATION. UPON THE TRANSFER PURSUANT TO SUBDIVISION TWO OF THIS  
44 SECTION OF THE FUNCTIONS AND POWERS POSSESSED BY AND ALL OF THE OBLI-  
45 GATIONS AND DUTIES OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECH-  
46 NOLOGY AND INNOVATION AS ESTABLISHED PURSUANT TO SUCH PROVISIONS OF THE  
47 EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW AS PRESCRIBED BY SUBDIVI-  
48 SION TWO OF THIS SECTION, WHENEVER THE NEW YORK STATE FOUNDATION FOR  
49 SCIENCE, TECHNOLOGY AND INNOVATION AND THE EXECUTIVE DIRECTOR THEREOF,  
50 THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES OF WHICH ARE TRANSFERRED  
51 TO THE CORPORATION ARE REFERRED TO OR DESIGNATED IN ANY LAW, CONTRACT OR  
52 DOCUMENT PERTAINING TO THE FUNCTIONS, POWERS, OBLIGATIONS AND DUTIES  
53 TRANSFERRED AND ASSIGNED PURSUANT TO THIS SECTION, SUCH REFERENCE OR  
54 DESIGNATION SHALL BE DEEMED TO REFER TO THE CORPORATION AND ITS CHIEF  
55 EXECUTIVE OFFICER OR HIS OR HER DESIGNEE.

1 8. EXISTING RIGHTS AND REMEDIES OF OR PERTAINING TO THE NEW YORK STATE  
2 FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION PRESERVED. UPON THE  
3 TRANSFER PURSUANT TO SUBDIVISION TWO OF THIS SECTION OF THE FUNCTIONS  
4 AND POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW  
5 YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTAB-  
6 LISHED PURSUANT TO THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES LAW TO  
7 THE CORPORATION AS PRESCRIBED BY SUBDIVISION TWO OF THIS SECTION, NO  
8 EXISTING RIGHT OR REMEDY OF THE STATE, INCLUDING THE NEW YORK STATE  
9 FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION, SHALL BE LOST,  
10 IMPAIRED OR AFFECTED BY REASON OF THIS SECTION.

11 9. PENDING ACTIONS AND PROCEEDINGS OF OR PERTAINING TO THE NEW YORK  
12 STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. UPON THE TRANS-  
13 FER PURSUANT TO SUBDIVISION TWO OF THIS SECTION OF THE FUNCTIONS AND  
14 POWERS POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW  
15 YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTAB-  
16 LISHED PURSUANT TO SUCH PROVISIONS OF THE EXECUTIVE LAW AND PUBLIC  
17 AUTHORITIES LAW TRANSFER TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION  
18 TWO OF THIS SECTION, NO ACTION OR PROCEEDING PENDING ON THE EFFECTIVE  
19 DATE OF THIS SECTION, BROUGHT BY OR AGAINST THE NEW YORK STATE FOUNDA-  
20 TION FOR SCIENCE, TECHNOLOGY AND INNOVATION OR EXECUTIVE DIRECTOR THERE-  
21 OF SHALL BE AFFECTED BY ANY PROVISION OF THIS SECTION, BUT THE SAME MAY  
22 BE PROSECUTED OR DEFENDED IN THE NAME OF THE CORPORATION. IN ALL SUCH  
23 ACTIONS AND PROCEEDINGS, THE CORPORATION, UPON APPLICATION TO THE COURT,  
24 SHALL BE SUBSTITUTED AS A PARTY.

25 10. CONTINUATION OF RULES AND REGULATIONS OF OR PERTAINING TO THE NEW  
26 YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. UPON THE  
27 TRANSFER PURSUANT TO SUBDIVISION TWO OF THIS SECTION OF THE FUNCTIONS  
28 AND POWERS POSSESSED BY AND ALL THE OBLIGATIONS AND DUTIES OF THE NEW  
29 YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTAB-  
30 LISHED PURSUANT TO SUCH PROVISIONS OF THE EXECUTIVE LAW AND THE PUBLIC  
31 AUTHORITIES LAW TRANSFER TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION  
32 TWO OF THIS SECTION, ALL RULES, REGULATIONS, ACTS, DETERMINATIONS AND  
33 DECISIONS OF THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND  
34 INNOVATION, PERTAINING TO THE FUNCTIONS TRANSFERRED AND ASSIGNED BY THIS  
35 SECTION TO THE CORPORATION IN FORCE AT THE TIME OF SUCH TRANSFER,  
36 ASSIGNMENT, ASSUMPTION AND DEVOLUTION SHALL CONTINUE IN FORCE AND EFFECT  
37 AS RULES, REGULATIONS, ACTS, DETERMINATIONS AND DECISIONS OF THE CORPO-  
38 RATION UNTIL DULY MODIFIED OR REPEALED.

39 11. TRANSFER OF APPROPRIATIONS HERETOFORE MADE TO THE NEW YORK STATE  
40 FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION. UPON THE TRANSFER  
41 PURSUANT TO SUBDIVISION TWO OF THIS SECTION OF THE FUNCTIONS AND POWERS  
42 POSSESSED BY AND ALL OF THE OBLIGATIONS AND DUTIES OF THE NEW YORK STATE  
43 FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION AS ESTABLISHED PURSU-  
44 ANT TO SUCH PROVISIONS OF THE EXECUTIVE LAW AND THE PUBLIC AUTHORITIES  
45 LAW TO THE CORPORATION AS PRESCRIBED BY SUBDIVISION TWO OF THIS SECTION,  
46 ALL APPROPRIATIONS AND REAPPROPRIATIONS WHICH SHALL HAVE BEEN MADE  
47 AVAILABLE AS OF THE DATE OF SUCH TRANSFER TO THE NEW YORK STATE FOUNDA-  
48 TION FOR SCIENCE, TECHNOLOGY AND INNOVATION OR SEGREGATED PURSUANT TO  
49 LAW, TO THE EXTENT OF REMAINING UNEXPENDED OR UNENCUMBERED BALANCES  
50 THEREOF, WHETHER ALLOCATED OR UNALLOCATED AND WHETHER OBLIGATED OR UNOB-  
51 LIGATED, SHALL BE TRANSFERRED TO AND MADE AVAILABLE FOR USE AND EXPENDI-  
52 TURE BY THE CORPORATION AND SHALL BE PAYABLE ON VOUCHERS CERTIFIED OR  
53 APPROVED BY THE COMMISSIONER OF TAXATION AND FINANCE, ON AUDIT AND  
54 WARRANT OF THE COMPTROLLER. PAYMENTS OF LIABILITIES FOR EXPENSES OF  
55 PERSONAL SERVICES, MAINTENANCE AND OPERATION WHICH SHALL HAVE BEEN  
56 INCURRED AS OF THE DATE OF SUCH TRANSFER BY THE NEW YORK STATE FOUNDA-

1 TION FOR SCIENCE, TECHNOLOGY AND INNOVATION, AND FOR LIABILITIES  
2 INCURRED AND TO BE INCURRED IN COMPLETING ITS AFFAIRS SHALL ALSO BE MADE  
3 ON VOUCHERS CERTIFIED OR APPROVED BY THE PRESIDENT OF THE CORPORATION,  
4 ON AUDIT AND WARRANT OF THE COMPTROLLER.

5 12. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH OR PART OF THIS  
6 SECTION SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE  
7 INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE  
8 REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE,  
9 SENTENCE, PARAGRAPH OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY  
10 IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

11 S 2. Sections 3151 and 3152 of the public authorities law are  
12 REPEALED.

13 S 3. This act shall take effect immediately and shall be deemed to  
14 have been in full force and effect on and after April 1, 2011.

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

24 S 3. This act shall take effect immediately provided, however, that  
25 the applicable effective date of Parts A through D of this act shall be  
26 as specifically set forth in the last section of such Parts.