S T A T E O F N E W Y O R K

6405--B

I N S E N A T E

January 14, 2016

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part C); to amend the executive law, in relation to establishing the bureau of criminal investigation (BCI), the bureau of counterterrorism and intelligence (BCTI), and the bureau of cyber security (BCS) under the division of state police, in relation to salary schedules of individuals in the new bureaus, in relation to appointment of individuals to bureaus (Subpart A); to amend the executive law, in relation to the office of counterterrorism, intelligence and cyber security (Subpart B); to amend the executive law, the correction law, the penal law, and the state finance law, in relation to the establishment of the New York state terrorist registry (Subpart C); to amend the executive law, in relation to a cyber security report (Subpart D); to amend the executive law, in relation to a cyber security initiative (Subpart E); to amend the penal law and the state technology law, in relation to the personal information protection act (Subpart F); to amend the Iran divestment act of 2012, the state finance law, and chapter 481 of the laws of 2013 amending the insurance law relating to investments in foreign states sponsoring terrorism, in relation to the divestment of Iran; and to repeal certain provisions of the insurance law relating thereto (Subpart G); Intentionally omitted (Subpart H); and to amend the executive law and the general municipal law, in relation to creating the NY Cares Act (Subpart I); and relating to the transfer of state police civilian personnel (Subpart J)(Part D); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to the effectiveness of such chapter (Part E); to amend chapter 83 of the

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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laws of 1995 amending the state finance law and other laws relating to bonds, notes, and revenues, in relation to extending certain provisions thereof; and to amend chapter 1 of the laws of 2005 amending the state finance law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, in relation to extending certain provisions thereof (Part F); intentionally omitted (Part G); to amend the workers' compensation law and the insurance law, in relation to provide paid family leave benefits; and to repeal sections 223 and 224 of the workers' compensation law, relating to disability benefits (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the civil service law, in relation to the expiration of public arbitration panels (Part L); to amend the state finance law, in relation to the dedicated infrastructure investment fund (Part M); intentionally omitted (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the retirement and social security law, in relation to providing credit to members of public retirement systems of the state for military service; and making an appropriation therefor (Part Q); to amend the correction law, in relation to parole violators (Part R); to amend the correction law, in relation to duties of certain parole officers (Part S); to amend the penal law, in relation to authorizing the sale and possession of sparkling devices outside of cities with a population of one million or more (Part T); to amend the penal law, in relation to assault on a member of the military or reserves and to murder in the first degree (Part U); to amend the penal law and the correction law, in relation to establishing "Brittany's law" (Part V); to amend the penal law, in relation to establishing the crimes of failure to register or verify as a domestic abuse offender in the first and second degrees; to amend the correction law, in relation to enacting "Danielle DiMedici, Jessica Tush and Brittany Passalacqua's Law"; and to amend the criminal procedure law, in relation to domestic abuse offenders (Part W); to direct the commissioner of general services and the commissioner of the office for people with developmental disabilities to study and report on the most appropriate uses of the J.N. Adam developmental center (Part X); authorizing the commissioner of general services to convey real property at the St. Lawrence psychiatric center to the city of Ogdensburg (Part Y); to amend the volunteer firefighters' benefit law, in relation to the expansion of coverage to include cancer of the digestive, hematological, lymphatic, urinary, prostate, neurological, breast and reproductive systems; and providing for the repeal of such provisions upon expiration thereof (Part Z); to amend the volunteer firefighters' benefit law, in relation to the payment of benefits (Part AA); to amend the local finance law, in relation to refunding bonds issued by a municipality authorized to create a community preservation fund (Part BB); to amend the state finance law, in relation to the sharing of revenue from gaming devices located within the county of Niagara; and to amend chapter 747 of the laws of 2006 amending the state finance law, relating to the tribal-state compact revenue account, in relation to extending the effectiveness thereof (Part CC); to amend the workers' compensation law, in relation to benefits payable from the uninsured employers' fund to volunteers who participated in the World Trade Center rescue (Part DD); to amend the banking law, in relation to community reinvestment evaluations (Part EE); to amend the banking law, in relation to examinations (Part FF); to amend the banking law, in relation to deposits under the community bank deposit

program (Part GG); to amend the banking law, in relation to community bank service corporations (Part HH); to amend the general municipal law, in relation to creating a state-wide, uniform, minimum accidental disability benefit of three-quarters of final average salary for all police officers (Part II); and to amend the administrative code of the city of New York and the retirement and social security law, in relation to the disability benefits of members of the New York city fire pension funds and the disability benefits of sanitation and correction members and uniformed court officers of the New York city employees' retirement system (Part JJ)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

PART A

Intentionally Omitted

PART B

Intentionally Omitted

PART C

Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax law, as amended by section 1 of part D of chapter 55 of the laws of 2014, is amended to read as follows:

(b) The sum of one million five hundred thousand dollars must be deposited into the New York state emergency services revolving loan fund annually; provided, however, that such sums shall not be deposited for state fiscal years two thousand eleven--two thousand twelve, two thousand twelve--two thousand thirteen, two thousand fourteen--two thousand fifteen [and], two thousand fifteen--two thousand sixteen, TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN AND TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN;

S 2. This act shall take effect immediately.

PART D

Section 1. This act enacts into law major components of legislation in relation to homeland security. Each component is wholly contained within a Subpart identified as Subparts A through J. The effective date for each particular provision contained within such Subpart is set forth in

the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Section 210 of the executive law is amended by adding a new closing paragraph to read as follows:

IN ADDITION TO ALL OTHER OPERATIONS AND FUNCTIONS OF THE DIVISION OF STATE POLICE, IT SHALL ALSO CONTAIN THREE BUREAUS TO ADDRESS SPECIFIC OPERATIONS AND FUNCTIONS WITHIN THE STATE OF NEW YORK. SUCH BUREAUS SHALL INCLUDE, THE BUREAU OF CRIMINAL INVESTIGATION (BCI), THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE (BCTI), AND THE BUREAU OF CYBER SECURITY (BCS).

S 2. Subparagraphs 6, 7 and 9 of paragraph a of subdivision 1 of section 215 of the executive law, as amended by chapter 21 of the laws of 1996, are amended to read as follows:

(6) [one counsel] THREE DEPUTY SUPERINTENDENT BUREAU COMMANDERS, ONE OF WHOM SHALL BE ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION, ONE OF WHOM SHALL BE ASSIGNED TO THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE, AND ONE OF WHOM SHALL BE ASSIGNED TO THE BUREAU OF CYBER SECURITY;

(7) [seven] SIX assistant deputy superintendents, one of whom shall be assigned to the uniform force, [one to the bureau of criminal investigation,] two for administrative services, one for employee relations, training and human resources, and two who shall serve as deputy chief inspectors;

(9) ONE COUNSEL, AND one first assistant counsel and such assistant counsels and staff attorneys as the [superintendant] SUPERINTENDENT may appoint;

S 3. Subparagraph 1 of paragraph b of subdivision 1 of section 215 of the executive law, as amended by chapter 21 of the laws of 1996, is amended to read as follows:

(1) [one major] FOUR MAJORS, NOT LESS THAN ONE OF EACH SHALL BE ASSIGNED TO EACH OF THE BUREAUS OF THE STATE POLICE;

S 4. The opening paragraph of paragraph a of subdivision 2 of section 215 of the executive law, as added by chapter 69 of the laws of 2009, is amended to read as follows:

Salary schedules for the titles of trooper, sergeant, technical sergeant, station commander, zone sergeant, first sergeant, staff sergeant, chief technical sergeant, lieutenant, technical lieutenant, lieutenant BCI, LIEUTENANT BCTI, LIEUTENANT BCS, captain, captain BCI, CAPTAIN BCTI, CAPTAIN BCS, and major, MAJOR BCI, MAJOR BCTI, AND MAJOR BCS:

S 5. Subparagraphs 7 and 8 of paragraph a of subdivision 2 of section 215 of the executive law, as added by chapter 235 of the laws of 2015, are amended to read as follows:

(7) Effective April first, two thousand sixteen, members of the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police shall receive a basic annual salary pursuant to the following schedule:

Orange, Putnam and	City of New York, Rockland	Nassau and Suffolk	All Other Locations

	Orange, Putnam and Dutchess Counties	City of New York, Rockland and Westchester Counties	Nassau and Suffolk Counties	All Other Locations
Sergeant and Technical Sergeant	$105,650	$106,776	$107,071	$105,441
Station Commander	$109,064	$110,190	$110,485	$108,857
Zone Sergeant	$110,806	$111,927	$112,222	$110,596
First, Staff and Chief T/ Sgt	$116,506	$117,629	$117,924	$116,296
Lieutenant and Technical Lieutenant	$126,258	$127,381	$127,676	$126,050
Lieutenant BCI LIEUTENANT BCTI AND LIEUTENANT BCS	$128,731	$129,855	$130,150	$128,520
Captain	$134,650	$135,774	$136,072	$134,441
Captain BCI CAPTAIN BCTI AND CAPTAIN BCS	$137,161	$138,282	$138,578	$136,949
Major	$143,475	$144,599	$144,894	$143,264
MAJOR BCI MAJOR BCTI AND MAJOR BCS	$146,475	$147,599	$147,894	$146,264

(8) Effective April first, two thousand seventeen, members of the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police shall receive a basic annual salary pursuant to the following schedule:

	Orange, Putnam and Dutchess Counties	City of New York, Rockland and Westchester Counties	Nassau and Suffolk Counties	All Other Locations
Sergeant and Technical Sergeant	$107,235	$108,378	$108,677	$107,023
Station Commander	$110,700	$111,843	$112,142	$110,490
Zone Sergeant	$112,468	$113,606	$113,905	$112,255
First, Staff and Chief T/ Sgt	$118,254	$119,393	$119,693	$118,040
Lieutenant and				

Technical Lieutenant	$128,152	$129,292	$129,591	$127,941
Lieutenant BCI LIEUTENANT BCTI AND LIEUTENANT BCS	$130,662	$131,803	$132,102	$130,448
Captain	$136,670	$137,811	$138,113	$136,458
Captain BCI CAPTAIN BCTI AND CAPTAIN BCS	$139,218	$140,356	$140,657	$139,003
Major	$145,627	$146,768	$147,067	$145,413
MAJOR BCI MAJOR BCTI AND MAJOR BCS	$148,627	$149,768	$150,067	$148,413

S 6. Subdivision 3 of section 215 of the executive law, as amended by chapter 478 of the laws of 2004, is amended to read as follows:

3. The sworn members of the New York state police shall be appointed by the superintendent and permanent appointees may be removed by the superintendent only after a hearing. No person shall be appointed to the New York state police force as a sworn member unless he or she shall be a citizen of the United States, between the ages of twenty-one and twenty-nine years except that in the superintendent's discretion, the maximum age may be extended to thirty-five years. Notwithstanding any other provision of law or any general or special law to the contrary the time spent on military duty, not exceeding a total of six years, shall be subtracted from the age of any applicant who has passed his or her twenty-ninth birthday, solely for the purpose of permitting qualification as to age and for no other purpose. Such limitations as to age however shall not apply to persons appointed to the positions of counsel, first assistant counsel, assistant counsel, and assistant deputy superintendent for employee relations nor to any person appointed to the bureau of criminal investigation, THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE, OR THE BUREAU OF CYBER SECURITY, pursuant to section two hundred sixteen of this article nor shall any person be appointed unless he or she has fitness and good moral character and shall have passed a physical and mental examination based upon standards provided by the rules and regulations of the superintendent. Appointments shall be made for a probationary period which, in the case of appointees required to attend and complete a basic training program at the state police academy, shall include such time spent attending the basic school and terminate one year after successful completion thereof. All other sworn members shall be subject to a probationary period of one year from the date of appointment. Following satisfactory completion of the probationary period the member shall be a permanent appointee. Voluntary resignation or withdrawal from the New York state police during such appointment shall be submitted to the superintendent for approval. Reasonable time shall be required to account for all equipment issued or for debts or obligations to the state to be satisfied. Resignation or withdrawal from the division during a time of emergency, so declared by the governor, shall not be approved if contrary to the best interest of the state and shall be a misdemeanor. No sworn member removed from the New York state police shall be eligible for reappointment. The superintendent shall make rules

and regulations subject to approval by the governor for the discipline and control of the New York state police and for the examination and qualifications of applicants for appointment as members thereto and such examinations shall be held and conducted by the superintendent subject to such rules and regulations. The superintendent is authorized to charge a fee of twenty dollars as an application fee for any person applying to take a competitive examination for the position of trooper, and a fee of five dollars for any competitive examination for a civilian position. The superintendent shall promulgate regulations subject to the approval of the director of the budget, to provide for a waiver of the application fee when the fee would cause an unreasonable hardship on the applicant and to establish a fee schedule and charge fees for the use of state police facilities.

S 7. Section 216 of the executive law, as amended by chapter 128 of the laws of 1968, subdivision 2 as added by chapter 335 of the laws of 1969 and paragraph (a) of subdivision 2 as added by chapter 70 of the laws of 2009, is amended to read as follows:

S 216. [Bureau of criminal investigation] BUREAUS OF THE STATE POLICE. 1. THE DIVISION OF STATE POLICE SHALL CONTAIN THREE BUREAUS TO ADDRESS SPECIFIC OPERATIONS AND FUNCTIONS WITHIN THE STATE OF NEW YORK. SUCH BUREAUS SHALL INCLUDE, THE BUREAU OF CRIMINAL INVESTIGATION (BCI), THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE (BCTI), AND THE BUREAU OF CYBER SECURITY (BCS).

2. BUREAU OF CRIMINAL INVESTIGATION. A. ESTABLISHMENT. The superintendent [may] SHALL ESTABLISH AND continue, within the New York state police, a bureau of criminal investigation and assign to it members of the New York state police in such numbers and appoint to it such investigative specialists, AND SUCH OTHER EMPLOYEES in such numbers as may be required for the purpose of [preventing, investigating and detecting] SUCH BUREAU.

B. PURPOSE. IT SHALL BE THE PURPOSE OF THE BUREAU OF CRIMINAL INVESTIGATION TO PREVENT, INVESTIGATE AND DETECT violations of the criminal laws of the state, and [conducting] TO CONDUCT such other investigations as may be DIRECTED BY THE SUPERINTENDENT, OR AS MAY BE provided for by law.

C. CLASSIFICATION AND APPOINTMENT. Members of the New York state police assigned to the bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent shall be classified as [(a)] (I) investigators; [(b)] (II) senior investigators; [(c)] (III) lieutenants; [(d)] (IV) captains; (V) MAJORS; provided, however, that investigative specialists appointed to the bureau of criminal investigation may be appointed as investigators or senior investigators at salaries to be determined by the superintendent with the approval of the director of the budget within the range from minimum to maximum provided for in this section for the positions to which appointments are made. Investigative specialists appointed to the bureau of criminal investigation shall be deemed to be members of the New York state police upon the filing by them of the constitutional oath of office, but shall not be eligible for transfer to the uniform force unless otherwise qualified under section two hundred fifteen of this article.

D. CIVILIAN APPOINTMENTS. The superintendent may employ, from time to time, within the appropriation, such skilled experts, scientists, technicians or other specially qualified persons as he deems necessary to aid the bureau OF CRIMINAL INVESTIGATION and the New York state police TO FULFILL THE PURPOSE OF THIS SUBDIVISION, AND/OR in preventing or

detecting crime, apprehending criminals, or preparing and presenting evidence of violations of the criminal laws of the state.

E. ASSIGNMENT OF BUREAU PERSONNEL. Upon request of the head of any state department, or of any police agency or of any district attorney within the state, the superintendent may assign to such requesting authority members of the state police, OR CIVILIAN APPOINTMENTS, attached to the bureau of criminal investigation in such numbers and for such periods of time as he may deem necessary for the purpose of investigating and detecting felonies committed within the state. Members of the state police, OR CIVILIAN APPOINTMENTS, assigned or appointed to the bureau of criminal investigation are empowered to cooperate with departments of the United States government in the investigation of violations of the federal laws of the grade of felony within this state.

F. OFFICES OF THE BUREAU OF CRIMINAL INVESTIGATION. The superintendent may, from time to time, establish headquarters or stations in such localities of the state as he shall deem most suitable for the efficient operation of the bureau of criminal investigation.

[2. a.] G. Salary schedules for investigators, senior investigators, and investigative specialists in the division of state police.

(1) Effective April first, two thousand seven, members assigned to the bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

	Senior Investigator	Investigator
Nassau and Suffolk	$82,698	$86,898
New York City, Rockland, Westchester	$82,444	$86,646
Orange, Putnam, Dutchess	$81,479	$85,680
All other locations	$81,300	$85,500

(2) Effective April first, two thousand eight, members assigned to the bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

	Senior Investigator	Investigator
Nassau and Suffolk	$85,179	$89,505
New York City, Rockland, Westchester	$84,917	$89,245
Orange, Putnam, Dutchess	$83,923	$88,250
All other locations	$83,739	$88,065

(3) Effective April first, two thousand nine, members assigned to the bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

	Senior Investigator	Investigator
Nassau and Suffolk	$87,734	$92,190
New York City, Rockland, Westchester	$87,465	$91,922
Orange, Putnam, Dutchess	$86,441	$90,898
All other locations	$86,251	$90,707

(4) Effective April first, two thousand ten, members assigned to the bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

	Senior Investigator	Investigator
Nassau and Suffolk	$91,243	$95,878

New York City, Rockland, Westchester	$90,964	$95,599
Orange, Putnam, Dutchess	$89,899	$94,534
All other locations	$89,701	$94,335

(5) Effective March thirty-first, two thousand eleven, members assigned to the bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

	Senior Investigator	Investigator
Nassau and Suffolk	$106,157	$95,878
New York City, Rockland, Westchester	$105,878	$95,599
Orange, Putnam, Dutchess	$104,813	$94,534
All other locations	$104,615	$94,335

3. BUREAU OF COUNTERTERRORISM AND INTELLIGENCE. A. ESTABLISHMENT. THE SUPERINTENDENT SHALL ESTABLISH AND CONTINUE, WITHIN THE NEW YORK STATE POLICE, A BUREAU OF COUNTERTERRORISM AND INTELLIGENCE AND ASSIGN TO IT MEMBERS OF THE NEW YORK STATE POLICE IN SUCH NUMBERS AND APPOINT TO IT SUCH COUNTERTERRORISM AND INTELLIGENCE SPECIALISTS, AND OTHER EMPLOYEES IN SUCH NUMBERS AS MAY BE REQUIRED FOR THE PURPOSE OF SUCH BUREAU.

B. PURPOSE. IT SHALL BE THE PURPOSE OF THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE TO COLLECT, ANALYZE AND SHARE INFORMATION RELATING TO TERRORIST THREATS, TERRORIST ACTIVITIES, AND TERRORIST ATTACKS THROUGHOUT THE STATE, AND TO CONDUCT INVESTIGATIONS NECESSARY TO PREVENT, INVESTIGATE, DETECT AND RESPOND TO TERRORIST THREATS, TERRORIST ACTIVITIES, AND TERRORIST ATTACKS THROUGHOUT THE STATE, TOGETHER WITH THE CONDUCT OF SUCH OTHER INVESTIGATIONS AS MAY BE DIRECTED BY THE SUPERINTENDENT, OR AS MAY BE PROVIDED FOR BY LAW.

C. CLASSIFICATION AND APPOINTMENT. MEMBERS OF THE NEW YORK STATE POLICE ASSIGNED TO THE BUREAU OF CRIMINAL COUNTERTERRORISM AND INTELLIGENCE, AND INTELLIGENCE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL BE CLASSIFIED AS (I) INTELLIGENCE SPECIALISTS; (II) SENIOR INTELLIGENCE SPECIALISTS; (III) LIEUTENANTS; (IV) CAPTAINS; (V) MAJORS; PROVIDED, HOWEVER, THAT INTELLIGENCE SPECIALISTS APPOINTED TO THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE MAY BE APPOINTED AS INTELLIGENCE SPECIALISTS OR SENIOR INTELLIGENCE SPECIALISTS AT SALARIES TO BE DETERMINED BY THE SUPERINTENDENT WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET WITHIN THE RANGE FROM MINIMUM TO MAXIMUM PROVIDED FOR IN THIS SECTION FOR THE POSITIONS TO WHICH APPOINTMENTS ARE MADE. INTELLIGENCE SPECIALISTS APPOINTED TO THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE SHALL BE DEEMED TO BE MEMBERS OF THE NEW YORK STATE POLICE UPON THE FILING BY THEM OF THE CONSTITUTIONAL OATH OF OFFICE, BUT SHALL NOT BE ELIGIBLE FOR TRANSFER TO THE UNIFORM FORCE UNLESS OTHERWISE QUALIFIED UNDER SECTION TWO HUNDRED FIFTEEN OF THIS ARTICLE.

D. CIVILIAN APPOINTMENTS. THE SUPERINTENDENT MAY EMPLOY, FROM TIME TO TIME, WITHIN THE APPROPRIATION, SUCH SKILLED EXPERTS, SCIENTISTS, ANALYSTS, TECHNICIANS OR OTHER SPECIALLY QUALIFIED PERSONS AS HE DEEMS NECESSARY TO AID THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE AND THE NEW YORK STATE POLICE TO FULFILL THE PURPOSE OF THIS SUBDIVISION, AND/OR TO COLLECT, ANALYZE AND SHARE INFORMATION RELATING TO TERRORIST THREATS, TERRORIST ACTIVITIES, AND TERRORIST ATTACKS THROUGHOUT THE STATE, AND TO CONDUCT INVESTIGATIONS NECESSARY TO PREVENT, INVESTIGATE, DETECT AND RESPOND TO TERRORIST THREATS, TERRORIST ACTIVITIES, AND TERRORIST ATTACKS THROUGHOUT THE STATE, AND/OR TO CONDUCT SUCH OTHER INVESTIGATIONS AS MAY BE DIRECTED BY THE SUPERINTENDENT, OR AS MAY BE PROVIDED FOR BY LAW.

E. ASSIGNMENT OF BUREAU PERSONNEL. UPON REQUEST OF THE HEAD OF ANY STATE DEPARTMENT, OR OF ANY POLICE AGENCY, OR OF ANY DISTRICT ATTORNEY WITHIN THE STATE, OR UPON REQUEST OF THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE ATTORNEY GENERAL OF THE UNITED STATES, THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY, OR THE SECRETARY OF THE DEPARTMENT OF DEFENSE, THE SUPERINTENDENT MAY ASSIGN TO SUCH REQUESTING AUTHORITY MEMBERS OF THE STATE POLICE, OR CIVILIAN APPOINTMENTS, ATTACHED TO THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE IN SUCH NUMBERS AND FOR SUCH PERIODS OF TIME AS HE MAY DEEM NECESSARY TO FACILITATE THE PURPOSE OF THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE. MEMBERS OF THE STATE POLICE, OR CIVILIAN APPOINTMENTS, ASSIGNED OR APPOINTED TO THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE ARE EMPOWERED TO COOPERATE WITH DEPARTMENTS, DIVISIONS, AGENCIES AND OFFICES OF THE GOVERNMENT OF THE STATE OF NEW YORK, AND/OR ITS LOCAL SUBDIVISIONS THEREOF, AND/OR THE GOVERNMENT OF THE UNITED STATES TO FACILITATE THE PURPOSE OF THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE.

F. SHARING OF INTELLIGENCE INFORMATION. THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE SHALL SHARE COUNTERTERRORISM, INTELLIGENCE AND INVESTIGATION INFORMATION WITH, AND MAY RECEIVE COUNTERTERRORISM, INTELLIGENCE, AND INVESTIGATION INFORMATION FROM, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, LOCAL LAW ENFORCEMENT ENTITIES, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF JUSTICE, THE FEDERAL BUREAU OF INVESTIGATION, THE CENTRAL INTELLIGENCE AGENCY, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE UNITED STATES DEPARTMENT OF DEFENSE, AND ANY OTHER FEDERAL, STATE OR LOCAL ENTITY THAT THE SUPERINTENDENT DEEMS PRUDENT FOR THE PURPOSE OF FULFILLING THE PURPOSE OF THE BUREAU. SUCH INTELLIGENCE AND COUNTERTERRORISM INFORMATION AND INVESTIGATIONS SHALL BE SHARED, AND MAY BE RECEIVED, PURSUANT TO SECURITY PROTOCOLS DEVELOPED BETWEEN THE BUREAU AND THE ENTITY WITH WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE SHARED OR FROM WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE RECEIVED.

G. OPERATION OF THE NEW YORK STATE INTELLIGENCE CENTER. THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE SHALL BE RESPONSIBLE FOR THE MANAGEMENT AND OPERATION OF THE NEW YORK STATE INTELLIGENCE CENTER (NYSIC). SUCH NEW YORK STATE INTELLIGENCE CENTER SHALL SERVE AS THE NEW YORK STATE FUSION CENTER, AND SHALL BRING TOGETHER FEDERAL, STATE AND LOCAL AGENCIES TO ANALYZE AND SHARE INFORMATION RELATED TO TERRORISM AND OTHER CRIMES.

H. OFFICES OF THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE. THE SUPERINTENDENT MAY, FROM TIME TO TIME, ESTABLISH HEADQUARTERS OR STATIONS IN SUCH LOCALITIES OF THE STATE AS HE SHALL DEEM MOST SUITABLE FOR THE EFFICIENT OPERATION OF THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE.

I. SALARY SCHEDULES FOR INTELLIGENCE SPECIALISTS AND SENIOR INTELLIGENCE SPECIALISTS IN THE DIVISION OF STATE POLICE. EFFECTIVE APRIL FIRST, TWO THOUSAND SIXTEEN, MEMBERS ASSIGNED TO THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE, AND INTELLIGENCE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INTELLIGENCE SPECIALIST	INTELLIGENCE SPECIALIST
NASSAU AND SUFFOLK	$106,157	$95,878
NEW YORK CITY, ROCKLAND, WESTCHESTER	$105,878	$95,599

ORANGE, PUTNAM, DUTCHESS	$104,813	$94,534
ALL OTHER LOCATIONS	$104,615	$94,335

4. BUREAU OF CYBER SECURITY. A. ESTABLISHMENT. THE SUPERINTENDENT SHALL ESTABLISH AND CONTINUE, WITHIN THE NEW YORK STATE POLICE, A BUREAU OF CYBER SECURITY AND ASSIGN TO IT MEMBERS OF THE NEW YORK STATE POLICE IN SUCH NUMBERS AND APPOINT TO IT SUCH CYBER SECURITY SPECIALISTS, AND OTHER EMPLOYEES IN SUCH NUMBERS AS MAY BE REQUIRED FOR THE PURPOSE OF SUCH BUREAU.

B. PURPOSE. IT SHALL BE THE PURPOSE OF THE BUREAU OF CYBER SECURITY TO:

(I) PROTECT THE STATE'S CYBER SECURITY INFRASTRUCTURE, INCLUDING, BUT NOT LIMITED TO:

(1) IDENTIFYING AND MITIGATING COMPUTER, NETWORK AND SYSTEM VULNERABILITIES;

(2) DETERRING AND RESPONDING TO CYBER EVENTS AGAINST THE STATE OF NEW YORK AND ITS CITIZENS AND BUSINESSES; AND

(3) PROMOTING CYBER SECURITY AWARENESS WITHIN THE STATE;

(II) CONDUCT INVESTIGATIONS NECESSARY TO PREVENT, INVESTIGATE, DETECT AND RESPOND TO CYBER THREATS, CYBER ACTIVITIES, AND CYBER ATTACKS THROUGHOUT THE STATE, AND

(III) CONDUCT OF SUCH OTHER INVESTIGATIONS AS MAY BE DIRECTED BY THE SUPERINTENDENT, OR AS MAY BE PROVIDED FOR BY LAW.

C. CLASSIFICATION AND APPOINTMENT. MEMBERS OF THE NEW YORK STATE POLICE ASSIGNED TO THE BUREAU OF CYBER SECURITY AND CYBER SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT SHALL BE CLASSIFIED AS (I) CYBER SECURITY SPECIALISTS; (II) SENIOR CYBER SECURITY SPECIALISTS; (III) LIEUTENANTS; (IV) CAPTAINS; (V) MAJORS; PROVIDED, HOWEVER, THAT CYBER SECURITY SPECIALISTS APPOINTED TO THE BUREAU OF CYBER SECURITY MAY BE APPOINTED AS CYBER SECURITY SPECIALISTS OR SENIOR CYBER SECURITY SPECIALISTS AT SALARIES TO BE DETERMINED BY THE SUPERINTENDENT WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET WITHIN THE RANGE FROM MINIMUM TO MAXIMUM PROVIDED FOR IN THIS SECTION FOR THE POSITIONS TO WHICH APPOINTMENTS ARE MADE. CYBER SECURITY SPECIALISTS APPOINTED TO THE BUREAU OF CYBER SECURITY SHALL BE DEEMED TO BE MEMBERS OF THE NEW YORK STATE POLICE UPON THE FILING BY THEM OF THE CONSTITUTIONAL OATH OF OFFICE, BUT SHALL NOT BE ELIGIBLE FOR TRANSFER TO THE UNIFORM FORCE UNLESS OTHERWISE QUALIFIED UNDER SECTION TWO HUNDRED FIFTEEN OF THIS ARTICLE.

D. CIVILIAN APPOINTMENTS. THE SUPERINTENDENT MAY EMPLOY, FROM TIME TO TIME, WITHIN THE APPROPRIATION, SUCH SKILLED EXPERTS, SCIENTISTS, ANALYSTS, TECHNICIANS OR OTHER SPECIALLY QUALIFIED PERSONS AS HE DEEMS NECESSARY TO AID THE BUREAU OF CYBER SECURITY AND THE NEW YORK STATE POLICE TO COLLECT, ANALYZE AND SHARE INFORMATION RELATING TO CYBER THREATS, CYBER ACTIVITIES, AND CYBER ATTACKS THROUGHOUT THE STATE, AND TO CONDUCT INVESTIGATIONS NECESSARY TO PREVENT, INVESTIGATE, DETECT AND RESPOND TO CYBER THREATS, CYBER ACTIVITIES, AND CYBER ATTACKS THROUGHOUT THE STATE, AND TO CONDUCT SUCH OTHER INVESTIGATIONS AS MAY BE DIRECTED BY THE SUPERINTENDENT, OR AS MAY BE PROVIDED FOR BY LAW.

E. ASSIGNMENT OF BUREAU PERSONNEL. UPON REQUEST OF THE HEAD OF ANY STATE DEPARTMENT, OR OF ANY POLICE AGENCY OR OF ANY DISTRICT ATTORNEY WITHIN THE STATE, THE SUPERINTENDENT MAY ASSIGN TO SUCH REQUESTING AUTHORITY MEMBERS OF THE STATE POLICE, OR CIVILIAN APPOINTMENTS, ATTACHED TO THE BUREAU OF CYBER SECURITY IN SUCH NUMBERS AND FOR SUCH PERIODS OF TIME AS HE MAY DEEM NECESSARY TO FACILITATE THE PURPOSE OF THE BUREAU OF CYBER SECURITY. MEMBERS OF THE STATE POLICE, OR CIVILIAN APPOINTMENTS, ASSIGNED OR APPOINTED TO THE BUREAU OF CYBER SECURITY ARE EMPOWERED TO COOPERATE WITH DEPARTMENTS, DIVISIONS, AGENCIES AND OFFICES

OF THE STATE OF NEW YORK, AND/OR OF ITS LOCAL SUBDIVISIONS THEREOF, AND/OR THE GOVERNMENT OF THE UNITED STATES TO FACILITATE THE PURPOSE OF THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE.

F. SHARING OF INTELLIGENCE INFORMATION. THE BUREAU OF CYBER SECURITY SHALL SHARE CYBER SECURITY, INTELLIGENCE, AND INVESTIGATION INFORMATION WITH, AND MAY RECEIVE CYBER SECURITY, INTELLIGENCE, AND INVESTIGATION INFORMATION FROM, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, LOCAL LAW ENFORCEMENT ENTITIES, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF JUSTICE, THE FEDERAL BUREAU OF INVESTIGATION, THE CENTRAL INTELLIGENCE AGENCY, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE UNITED STATES DEPARTMENT OF DEFENSE, AND ANY OTHER FEDERAL, STATE OR LOCAL ENTITY THAT THE SUPERINTENDENT DEEMS PRUDENT FOR THE PURPOSE OF FULFILLING THE PURPOSE OF THE BUREAU. SUCH CYBER SECURITY, INTELLIGENCE, AND INVESTIGATIONS INFORMATION SHALL BE SHARED, AND MAY BE RECEIVED, PURSUANT TO SECURITY PROTOCOLS DEVELOPED BETWEEN THE BUREAU AND THE ENTITY WITH WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE SHARED OR FROM WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE RECEIVED.

G. OFFICES OF THE BUREAU OF CYBER SECURITY. THE SUPERINTENDENT MAY, FROM TIME TO TIME, ESTABLISH HEADQUARTERS OR STATIONS IN SUCH LOCALITIES OF THE STATE AS HE SHALL DEEM MOST SUITABLE FOR THE EFFICIENT OPERATION OF THE BUREAU OF CYBER SECURITY.

H. SALARY SCHEDULES FOR CYBER SECURITY SPECIALISTS AND SENIOR CYBER SECURITY SPECIALISTS IN THE DIVISION OF STATE POLICE. EFFECTIVE APRIL FIRST, TWO THOUSAND SIXTEEN, MEMBERS ASSIGNED TO THE BUREAU OF CYBER SECURITY AND CYBER SECURITY SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR CYBER SECURITY SPECIALIST	CYBER SECURITY SPECIALIST
NASSAU AND SUFFOLK	$106,157	$95,878
NEW YORK CITY, ROCKLAND, WESTCHESTER	$105,878	$95,599
ORANGE, PUTNAM, DUTCHESS	$104,813	$94,534
ALL OTHER LOCATIONS	$104,615	$94,335

S 8. This act shall take effect immediately.

SUBPART B

Section 1. Section 709-a of the executive law, as added by section 15-a of part B of chapter 56 of the laws of 2010, is amended to read as follows:

S 709-a. Office of counterterrorism, INTELLIGENCE AND CYBER SECURITY. THERE SHALL BE ESTABLISHED AND MAINTAINED WITHIN THE DIVISION, AN OFFICE OF COUNTERTERRORISM, INTELLIGENCE AND CYBER SECURITY. THE OFFICE OF COUNTERTERRORISM, INTELLIGENCE AND CYBER SECURITY SHALL BE THE ENTITY OF STATE GOVERNMENT RESPONSIBLE FOR ESTABLISHING AND MAINTAINING THE STATE'S POLICIES, PROTOCOLS AND STRATEGIES, RELATING TO THE PREVENTION OF, RESPONSE TO, AND RECOVERY FROM, TERRORIST ATTACKS AND CYBER ATTACKS.

1. PURPOSE. The office of counterterrorism, INTELLIGENCE AND CYBER SECURITY shall develop, ESTABLISH, MAINTAIN and analyze the state's policies, protocols and strategies relating to the prevention and detection of terrorist acts [and], terrorist threats, CYBER ACTS AND CYBER THREATS.

2. COUNTERTERRORISM AND INTELLIGENCE. The office shall also [be responsible] MAINTAIN POLICY, PROTOCOL AND STRATEGIC OVERSIGHT RESPONSIBILITY OF, AND WORK COOPERATIVELY WITH, THE BUREAU OF COUNTERTERRORISM AND INTELLIGENCE OF THE STATE POLICE, for:

(A) THE ESTABLISHMENT AND MAINTENANCE OF THE STATE'S POLICIES, PROTOCOLS AND STRATEGIES RELATING TO THE PREVENTION AND DETECTION OF TERRORIST THREATS OR TERRORIST ATTACKS THAT WOULD ENDANGER THE PEOPLE, BUSINESSES OR PROPERTY OF THE STATE OF NEW YORK;

(B) the collection, analysis and sharing of information relating to terrorist threats [and], terrorist activities, AND TERRORIST ATTACKS throughout the state; [coordinating]

(C) THE COORDINATION, DEVELOPMENT AND MAINTENANCE OF strategies, protocols and first responder equipment needs NECESSARY to detect, PREVENT AND/OR RESPOND TO a biological, chemical [or], radiological, OR OTHER TYPE OF terrorist act or threat; [working]

(D) THE CONDUCT OF ASSESSMENTS, IN COOPERATION with private entities and local, state and federal agencies [to conduct assessments], of the vulnerability of critical infrastructure to terrorist attack; and [consulting]

(E) THE CONSULTATION with appropriate state and local governments and private entities, AND THE GOVERNMENT OF THE UNITED STATES to facilitate and foster cooperation to better prepare the state to prevent and detect threats and acts of terrorism.

3. CYBER SECURITY. THE OFFICE SHALL ALSO MAINTAIN POLICY, PROTOCOL AND STRATEGIC OVERSIGHT RESPONSIBILITY OF, AND WORK COOPERATIVELY WITH, THE BUREAU OF CYBER SECURITY OF THE STATE POLICE, AND THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, FOR:

(A) THE ESTABLISHMENT AND MAINTENANCE OF THE STATE'S POLICIES, PROTOCOLS AND STRATEGIES RELATING TO THE PREVENTION AND DETECTION OF CYBER THREATS OR CYBER ATTACKS THAT WOULD ENDANGER THE PEOPLE, BUSINESSES OR PROPERTY OF THE STATE OF NEW YORK;

(B) THE COLLECTION, ANALYSIS AND SHARING OF INFORMATION RELATING TO CYBER THREATS, CYBER ACTIVITIES AND CYBER ATTACKS THROUGHOUT THE STATE;

(C) THE DEVELOPMENT AND IMPLEMENTATION OF INFORMATION SHARING PROGRAMS AND CYBER DEFENSE MEASURES TO PROTECT COMPUTERS, SYSTEMS AND NETWORKS;

(D) THE COORDINATION, DEVELOPMENT AND MAINTENANCE OF STRATEGIES, PROTOCOLS AND RESPONSE NEEDS TO DETECT, PREVENT AND/OR RESPOND TO A CYBER ATTACK OR CYBER THREAT;

(E) THE CONDUCT OF ASSESSMENTS, IN COOPERATION WITH PRIVATE ENTITIES AND LOCAL, STATE AND FEDERAL AGENCIES, OF THE VULNERABILITY OF CRITICAL INFRASTRUCTURE TO CYBER ATTACK;

(F) THE CONDUCT OF ASSESSMENTS, IN COOPERATION WITH PRIVATE ENTITIES AND LOCAL, STATE AND FEDERAL AGENCIES TO PROVIDE STATE-WIDE COORDINATION OF GEOGRAPHICALLY REFERENCED CRITICAL INFRASTRUCTURE, AND THE PROMOTION AND DEVELOPMENT OF PROGRAMS TO PREVENT SUCH INFRASTRUCTURE FROM CYBER ATTACK; AND

(G) THE CONSULTATION WITH APPROPRIATE STATE AND LOCAL GOVERNMENTS AND PRIVATE ENTITIES, AND THE GOVERNMENT OF THE UNITED STATES, TO FACILITATE AND FOSTER COOPERATION TO BETTER PREPARE THE STATE TO PREVENT, DETECT AND RESPOND TO CYBER THREATS AND CYBER ATTACKS.

4. INFORMATION SHARING. THE OFFICE OF COUNTERTERRORISM, INTELLIGENCE AND CYBER SECURITY SHALL ENGAGE IN THE SHARING OF INFORMATION TO FACILITATE THE PURPOSES OF THIS SECTION.

(A) THE OFFICE SHALL SHARE COUNTERTERRORISM, INTELLIGENCE AND INVESTIGATION INFORMATION WITH, AND MAY RECEIVE COUNTERTERRORISM, INTELLIGENCE, AND INVESTIGATION INFORMATION FROM, THE BUREAU OF COUNTERTERRORISM AND

INTELLIGENCE OF THE STATE POLICE, LOCAL LAW ENFORCEMENT ENTITIES, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF JUSTICE, THE FEDERAL BUREAU OF INVESTIGATION, THE CENTRAL INTELLIGENCE AGENCY, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE UNITED STATES DEPARTMENT OF DEFENSE, AND ANY OTHER FEDERAL, STATE OR LOCAL ENTITY THAT THE COMMISSIONER DEEMS PRUDENT FOR THE PURPOSE OF FULFILLING THE PURPOSE OF THIS SECTION. SUCH COUNTERTERRORISM, INTELLIGENCE AND INVESTIGATION INFORMATION SHALL BE SHARED, AND MAY BE RECEIVED, PURSUANT TO SECURITY PROTOCOLS DEVELOPED BETWEEN THE DIVISION AND THE ENTITY WITH WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE SHARED OR FROM WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE RECEIVED.

(B) THE OFFICE SHALL SHARE CYBER SECURITY, INTELLIGENCE AND INVESTIGATION INFORMATION WITH, AND MAY RECEIVE CYBER SECURITY, INTELLIGENCE, AND INVESTIGATION INFORMATION FROM, THE BUREAU OF CYBER SECURITY OF THE STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, LOCAL LAW ENFORCEMENT ENTITIES, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF JUSTICE, THE FEDERAL BUREAU OF INVESTIGATION, THE CENTRAL INTELLIGENCE AGENCY, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE UNITED STATES DEPARTMENT OF DEFENSE, AND ANY OTHER FEDERAL, STATE OR LOCAL ENTITY THAT THE COMMISSIONER DEEMS PRUDENT FOR THE PURPOSE OF FULFILLING THE PURPOSE OF THIS SECTION. SUCH CYBER SECURITY, INTELLIGENCE AND INVESTIGATION INFORMATION SHALL BE SHARED, AND MAY BE RECEIVED, PURSUANT TO SECURITY PROTOCOLS DEVELOPED BETWEEN THE DIVISION AND THE ENTITY WITH WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE SHARED OR FROM WHICH SUCH INFORMATION AND/OR INVESTIGATIONS ARE RECEIVED.

S 2. This act shall take effect immediately.

SUBPART C

Section 1. This act shall be known and may be cited as the "New York state terrorist registry act".

S 2. The executive law is amended by adding a new section 719 to read as follows:

S 719. TERRORIST REGISTRY INFORMATION SHARING. 1. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROVIDE ANY AND ALL INFORMATION IT OBTAINS, ON ANY TERRORIST REQUIRED TO BE REGISTERED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES MAY SO REQUEST.

2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT OR ADDITIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

3. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL PROVIDE THE DIVISION OF CRIMINAL JUSTICE SERVICES WITH ANY AND ALL INFORMATION THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL REQUIRE, IN ORDER TO MAINTAIN AN ACCURATE AND COMPLETE REGISTRATION OF TERRORISTS PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SO REQUEST.

S 3. The executive law is amended by adding a new section 233 to read as follows:

S 233. TERRORIST REGISTRY INFORMATION SHARING. 1. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROVIDE ANY AND ALL INFORMATION IT OBTAINS, ON ANY TERRORIST REQUIRED TO BE REGISTERED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, TO THE DIVISION OF STATE POLICE, AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF STATE POLICE MAY SO REQUEST.

2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT, OR ADDITIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF STATE POLICE.

3. THE DIVISION OF STATE POLICE SHALL PROVIDE THE DIVISION OF CRIMINAL JUSTICE SERVICES WITH ANY AND ALL INFORMATION THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL REQUIRE, IN ORDER TO MAINTAIN AN ACCURATE AND COMPLETE REGISTRATION OF TERRORISTS PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SO REQUEST.

S 4. The correction law is amended by adding a new article 6-D to read as follows:

ARTICLE 6-D
TERRORIST REGISTRY

SECTION 169-A. LEGISLATIVE FINDINGS.
169-B. DEFINITIONS.
169-C. DUTIES OF THE DIVISION.
169-D. REGISTRATION INFORMATION.
169-E. REGISTRANT NOTIFICATION; STANDARDIZED REGISTRATION AND VERIFICATION FORMS.
169-F. EXAMINATION OF POTENTIAL REGISTRANTS.
169-G. INITIAL ASSEMBLY OF THE REGISTRY.
169-H. REGISTRATION AND VERIFICATION OF TERRORISTS.
169-I. DUTIES OF THE COURT.
169-J. RESPONSIBILITIES OF A CONFINEMENT ENTITY PRIOR TO DISCHARGE OF A TERRORIST.
169-K. RESPONSIBILITIES DURING COMMUNITY SUPERVISION OR PROBATION.
169-L. DURATION OF REGISTRATION AND VERIFICATION.
169-M. NOTIFICATION OF CHANGE OF ADDRESS.
169-N. REGISTRY INFORMATION SHARING.
169-O. DNA AND FINGERPRINT CUSTODY AND ANALYSIS.
169-P. REGISTRY AND VERIFICATION FEES.
169-Q. SPECIAL TELEPHONE NUMBER.
169-R. INTERNET DIRECTORY.
169-S. IMMUNITY FROM LIABILITY.
169-T. ANNUAL REPORT.
169-U. PENALTY.
169-V. UNAUTHORIZED RELEASE OF INFORMATION.
169-W. EXPENSES INCURRED BY GOVERNMENTAL ENTITIES.
169-X. SEPARABILITY.

S 169-A. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS AND DETERMINES THAT TERRORISM IS A SERIOUS THREAT TO THE PUBLIC SAFETY OF THE PEOPLE OF THE STATE OF NEW YORK.

THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES, THAT IT IS THE FIRST RESPONSIBILITY OF ANY GOVERNMENT TO PROVIDE FOR THE PUBLIC PROTECTION AND SAFETY OF ITS CITIZENS, AND THAT IN ORDER TO ASSURE SUCH PUBLIC PROTECTION AND SAFETY, NEW YORK MUST TAKE ACTIVE STEPS TO ADVANCE

A PROGRAM OF PREVENTION OF, RESPONSE TO, AND RECOVERY FROM, TERRORIST ATTACKS.

THE LEGISLATURE ALSO FINDS AND DETERMINES, THAT IN ORDER TO ADVANCE A PROGRAM TO PREVENT TERRORIST ATTACKS, WHILE STILL PRESERVING THE ESSENTIAL CIVIL LIBERTIES AND FREEDOMS THAT NEW YORK'S CITIZENS HOLD DEAR AS AN IRREPLACEABLE, FOUNDATIONAL ELEMENT OF SOCIETY, THE STATE MUST TAKE RESPONSIBLE ACTION TO REGISTER THOSE INDIVIDUALS, WHO HAVE DEMONSTRATED THROUGH THEIR PAST ACTIONS, THAT THEY WOULD COMMIT AN ACT OF TERRORISM.

THE LEGISLATURE FURTHER FINDS AND DETERMINES, THAT THE PURPOSE OF THE NEW YORK STATE TERRORIST REGISTRY ESTABLISHED BY THIS ARTICLE, IS TO MONITOR THOSE INDIVIDUALS, WHO HAVE DEMONSTRATED THROUGH THEIR PAST ACTIONS, THAT THEY WOULD COMMIT AN ACT OF TERRORISM, SO THAT THROUGH SUCH MONITORING, SUCH PERSONS WILL BE DISCOURAGED AND/OR PREVENTED FROM COMMITTING ANY NEW ACTS OF TERRORISM, AGAINST THE PEOPLE AND PROPERTY OF THE STATE OF NEW YORK.

S 169-B. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS SHALL APPLY:

1. "TERRORIST" MEANS ANY PERSON WHO IS CONVICTED OF ANY TERRORIST OFFENSE SET FORTH IN SUBDIVISION TWO OF THIS SECTION, AND/OR WHO HAS ENGAGED IN ANY VERIFIABLE ACT OF TERRORISM PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

2. "TERRORIST OFFENSE" MEANS ANY OFFENSE:

(A) SET FORTH IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW;

(B) IN ANY OTHER JURISDICTION, WHETHER WITHIN THE UNITED STATES OR A FOREIGN COUNTRY, WHICH INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY OFFENSE SET FORTH IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW;

(C) SET FORTH IN SECTIONS 32, 37, 81, 175, 175B, 229, 351, 831, 844 (F), 844 (I), 930 (C), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366, 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332A, 2332B, 2332C, 2332D, 2332E, 2332F, 2332G, 2332H, 2339, 2339A, 2339B, 2339C, AND/OR 2339D OF TITLE 18 OF THE UNITED STATES CODE;

(D) SET FORTH IN SECTION 2284 OF TITLE 42 OF THE UNITED STATES CODE;

(E) SET FORTH IN SECTION 46504, 46505 (B) (3), 46506, AND/OR 60123 (B) OF TITLE 49 OF THE UNITED STATES CODE; AND/OR

(F) IN ANY OTHER JURISDICTION, WHETHER WITHIN THE UNITED STATES OR A FOREIGN COUNTRY, OF ANY OFFENSE WHICH INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY OFFENSE SET FORTH WITHIN PARAGRAPHS (C), (D) OR (E) OF THIS SUBDIVISION.

3. "VERIFIABLE ACT OF TERRORISM" MEANS ANY ACT COMMITTED BY A PERSON OR PERSONS THAT HAS RESULTED IN SUCH PERSON OR PERSONS BEING:

(A) CONVICTED BY A COMBAT STATUS REVIEW TRIBUNAL OR MILITARY COMMISSION OF ANY ACT OF TERRORISM, TERRORIST ACTIVITIES, OR THE HARBORING, SUPPORT AND/OR PROMOTION OF TERRORISTS OF TERRORIST ACTIVITIES;

(B) CONVICTED BY A MILITARY OR CIVILIAN COURT OF COMPETENT JURISDICTION OF ANY ACT OF TERRORISM, TERRORIST ACTIVITIES, OR THE HARBORING, SUPPORT AND/OR PROMOTION OF TERRORISTS OR TERRORIST ACTIVITIES IN VIOLATION OF THE UNIFORM CODE OF MILITARY JUSTICE;

(C) SUBJECT TO AN ORDER OF DETENTION BY THE ARMED FORCES OF THE UNITED STATES, ANY OTHER GOVERNMENT AGENCY OF THE UNITED STATES, OR ANY CONTRACTOR OF THE GOVERNMENT OF THE UNITED STATES THAT IS AUTHORIZED BY THE GOVERNMENT OF THE UNITED STATES TO MAKE SUCH DETENTIONS, UPON A DETERMINATION THAT SUCH PERSON WAS AT ANY TIME, A FOREIGN ENEMY COMBATANT OR AN ILLEGAL ENEMY COMBATANT;

(D) DEPORTED OR TRANSPORTED, TO A COUNTRY, OTHER THAN THE UNITED STATES, BY THE GOVERNMENT OF THE UNITED STATES, OR ANY DEPARTMENT OR AGENCY THEREOF, UPON A DETERMINATION OF INVOLVEMENT IN TERRORIST ACTIV-

ITIES, OR THE HARBORING, SUPPORT AND/OR PROMOTION OF TERRORISTS OR TERRORIST ACTIVITIES; OR

(E) DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF STATE, THE UNITED STATES DEPARTMENT OF JUSTICE, THE UNITED STATES DEPARTMENT OF DEFENSE OR ANY OF ITS ARMED SERVICES, THE UNITED STATES CENTRAL INTELLIGENCE AGENCY, AND/OR THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, AS A PERSON WHO HAS COMMITTED A TERRORIST ACT AGAINST THE UNITED STATES OR ANY OF ITS CITIZENS, AND/OR WHO IS A MEMBER OF A DESIGNATED TERRORIST ORGANIZATION PURSUANT TO SECTION 1189 OF TITLE 8 OF THE UNITED STATES CODE.

4. "TERRORIST INCIDENT" MEANS ANY INCIDENT WHICH WAS THE BASIS OF A CONVICTION FOR ANY TERRORIST OFFENSE, AS DEFINED BY SUBDIVISION TWO OF THIS SECTION, OR ANY INCIDENT WHICH WAS THE BASIS FOR A VERIFIABLE ACT OF TERRORISM, AS DEFINED BY SUBDIVISION THREE OF THIS SECTION.

5. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

(A) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE TERRORIST EXPECTS TO RESIDE, OR ACTUALLY RESIDES, UPON HIS OR HER DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION, OR UPON ANY OTHER FORM OF FEDERAL, STATE OR LOCAL CONDITIONAL RELEASE; OR

(B) IF THE TERRORIST DOES NOT RECEIVE DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION, OR ANY OTHER FORM OF FEDERAL, STATE OR LOCAL CONDITIONAL RELEASE, THEN THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE TERRORIST ACTUALLY RESIDES; OR

(C) IF THERE IS NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY; OR

(D) IF THERE IS NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE.

6. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES AS DEFINED BY SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW.

7. "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, AS DEFINED IN SUBDIVISION ONE OF SECTION TWO, AND SECTION FIVE, OF THIS CHAPTER.

8. "OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES" MEANS THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES AS DESCRIBED IN SECTION TWO HUNDRED FORTY OF THE EXECUTIVE LAW.

9. "HOSPITAL" MEANS A HOSPITAL AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR HUNDRED OF THIS CHAPTER AND APPLIES TO PERSONS COMMITTED TO SUCH HOSPITAL BY ORDER OF COMMITMENT MADE PURSUANT TO ARTICLE SIXTEEN OF THIS CHAPTER.

10. "LOCAL CORRECTIONAL FACILITY" MEANS THE LOCAL CORRECTIONAL FACILITY AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS CHAPTER.

11. "PROBATION" MEANS A SENTENCE OF PROBATION IMPOSED PURSUANT TO ARTICLE SIXTY-FIVE OF THE PENAL LAW AND SHALL INCLUDE A SENTENCE OF IMPRISONMENT IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION.

12. "INTERNET ACCESS PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING A COMPUTER AND COMMUNICATIONS FACILITY THROUGH WHICH A CUSTOMER MAY OBTAIN ACCESS TO THE INTERNET.

13. "INTERNET SERVICE PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING TELECOMMUNICATION, CABLE AND/OR BROADBAND SERVICES TO CONNECT TO, AND COMMUNICATE ON, THE INTERNET, OR ANY OTHER BROAD MULTI-USER COMPUTER SYSTEM.

14. "INTERNET IDENTIFIERS" MEANS ANY ELECTRONIC MAIL ADDRESSES AND DESIGNATIONS USED FOR THE PURPOSES OF CHAT, INSTANT MESSAGING, SOCIAL NETWORKING OR OTHER SIMILAR INTERNET COMMUNICATION.

15. "CELLULAR SERVICE PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING CELLULAR TELEPHONE OR DEVICE SERVICE THROUGH WHICH A CUSTOMER MAY MAKE CELLULAR TELEPHONE CALLS OR OBTAIN ACCESS TO THE INTERNET, BUT DOES NOT INCLUDE A BUSINESS, ORGANIZATION OR OTHER ENTITY TO THE EXTENT THAT IT PROVIDES ONLY LAND LINE OR CABLE TELECOMMUNICATIONS SERVICES.

16. "REGISTRY" MEANS THE NEW YORK STATE TERRORIST REGISTRY ESTABLISHED AND MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO THIS ARTICLE.

17. "REGISTRANT" MEANS A TERRORIST, THAT UPON EXAMINATION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, THE DIVISION HAS DETERMINED SHALL BE REQUIRED TO REGISTER WITH, AND BE ADDED TO, THE NEW YORK STATE TERRORIST REGISTRY.

18. "CONFINEMENT ENTITY" MEANS THE DEPARTMENT, OR ANY OTHER OFFICE, AGENCY, GOVERNMENT, CORPORATION OR OTHER INSTITUTION WHICH MAINTAINS THE CORRECTIONAL FACILITY, HOSPITAL, LOCAL CORRECTIONAL FACILITY, OR ANY OTHER SIMILAR TYPE OF SECURE FACILITY, AT WHICH A TERRORIST, AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, IS CONFINED.

S 169-C. DUTIES OF THE DIVISION. 1. TERRORIST REGISTRY. THE DIVISION SHALL ESTABLISH AND MAINTAIN AN INFORMATION FILE ON ALL TERRORISTS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE, WHICH SHALL INCLUDE ALL THE INFORMATION SET FORTH IN SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, AND WHICH SHALL BE KNOWN AS THE NEW YORK STATE TERRORIST REGISTRY.

2. REGISTRANT NOTIFICATION. THE DIVISION SHALL NOTIFY EVERY TERRORIST REQUIRED TO BE REGISTERED UNDER THIS ARTICLE, PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, BUT IN NO EVENT SHALL THE FAILURE OF A TERRORIST TO RECEIVE SUCH NOTICE, OR THE DIVISION'S FAILURE TO PROVIDE SUCH NOTICE, RELIEVE SUCH TERRORIST FROM ANY OBLIGATION REQUIRED BY THIS ARTICLE.

3. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL CONDUCT EXAMINATIONS TO DETERMINE WHAT TERRORISTS SHALL BE INITIALLY ADDED TO THE REGISTRY, AND UPON SUCH EXAMINATIONS AND DETERMINATIONS, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-G OF THIS ARTICLE, SHALL ADD SUCH TERRORISTS TO THE NEW YORK STATE TERRORIST REGISTRY.

4. EXAMINATIONS OF POTENTIAL REGISTRANTS. THE DIVISION, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL MAKE REGULAR EXAMINATIONS TO DETERMINE WHAT TERRORISTS SHALL BE ADDED TO THE REGISTRY.

5. STANDARDIZED REGISTRATION INFORMATION FORM, PERSONALIZED REGISTRATION INFORMATION FORM AND STANDARDIZED REGISTRATION FORM. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION INFORMATION FORM, A PERSONALIZED REGISTRATION INFORMATION FORM AND A STANDARDIZED REGISTRATION FORM, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

6. STANDARDIZED VERIFICATION INFORMATION FORM, PERSONALIZED VERIFICATION FORM AND STANDARDIZED VERIFICATION FORM. THE DIVISION SHALL DEVELOP A STANDARDIZED VERIFICATION INFORMATION FORM, A PERSONALIZED VERIFICATION FORM AND A STANDARDIZED VERIFICATION FORM, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

7. REGISTRATION AND VERIFICATION OF TERRORISTS. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, SHALL PROVIDE FOR

THE REGISTRATION AND VERIFICATION OF TERRORISTS ADDED TO THE NEW YORK STATE TERRORIST REGISTRY.

8. NOTIFICATION OF CHANGE OF ADDRESS. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-M OF THIS ARTICLE, SHALL PROVIDE FOR THE NOTIFICATION OF LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, WHEN A REGISTRANT NOTIFIES THE DIVISION OF A CHANGE OF ADDRESS.

9. REGISTRY INFORMATION SHARING. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-N OF THIS ARTICLE, IS AUTHORIZED TO SHARE THE NEW YORK STATE TERRORIST REGISTRY, AND ALL THE INFORMATION CONTAINED THEREIN, TO ADVANCE THE PURPOSES OF THIS ARTICLE.

10. SECURE INFORMATION. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-N OF THIS ARTICLE, IN CONSULTATION WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND THE DIVISION OF STATE POLICE, SHALL REVIEW THE INFORMATION CONTAINED ON THE REGISTRY, AND SHALL DETERMINE WHETHER THE DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON THE REGISTRY MAY CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE STATE OF NEW YORK, AND UPON SUCH DETERMINATION THAT SUCH PARTICULAR INFORMATION NEEDS TO BE DEEMED SECURE, THE DIVISION SHALL REMOVE SUCH SECURE INFORMATION FROM PUBLIC ACCESSIBILITY.

11. DNA CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE SECURE, CUSTODIAL TRANSFER OF THE DNA SAMPLE COLLECTED FROM THE REGISTRANT, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH DNA SAMPLE, AND SHALL FURTHER PROVIDE FOR THE SUBSEQUENT SECURE CUSTODIAL TRANSFER OF THE DNA SAMPLE, AND/OR THE ANALYSIS PRODUCED THEREFROM, TO THE STATE DNA IDENTIFICATION INDEX, MAINTAINED PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE-C OF THE EXECUTIVE LAW.

12. FINGERPRINT CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE SECURE, CUSTODIAL TRANSFER OF THE FINGERPRINTS COLLECTED FROM THE REGISTRANT, TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, OR ANOTHER APPROVED FINGERPRINT ANALYSIS ENTITY AS CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH FINGERPRINTS.

13. REGISTRY AND VERIFICATION FEES. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, SHALL BE AUTHORIZED TO CHARGE REGISTRATION AND VERIFICATION FEES TO BE PAID TO THE DIVISION BY THE REGISTRANT, AT THE TIME AND MANNER PRESCRIBED BY THE DIVISION, WITH THE STATE COMPTROLLER BEING AUTHORIZED TO DEPOSIT SUCH FEES INTO THE GENERAL FUND.

14. SPECIAL TELEPHONE NUMBER. THE DIVISION SHALL ESTABLISH AND OPERATE A SPECIAL TELEPHONE NUMBER PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-Q OF THIS ARTICLE.

15. INTERNET DIRECTORY. THE DIVISION SHALL ESTABLISH AN INTERNET DIRECTORY PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE.

S 169-D. REGISTRATION INFORMATION. THE DIVISION, PURSUANT TO SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-C OF THIS ARTICLE, SHALL ESTABLISH AND MAINTAIN AN INFORMATION FILE ON ALL TERRORISTS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, WHICH SHALL BE KNOWN AS THE NEW YORK STATE TERRORIST REGISTRY, AND WHICH SHALL INCLUDE THE FOLLOWING INFORMATION ON EACH SUCH REGISTRANT:

1. PERSONAL INFORMATION, INCLUDING:

(A) THE TERRORIST'S NAME;

(B) ALL ALIASES CURRENTLY OR EVER USED BY THE TERRORIST;

(C) THE DATE OF BIRTH OF THE TERRORIST;

(D) THE SEX OF THE TERRORIST;
(E) THE RACE OF THE TERRORIST;
(F) THE HEIGHT, WEIGHT, EYE COLOR, DISTINCTIVE MARKINGS, AND BUILD OF THE TERRORIST;
(G) THE NATION OF ORIGIN AND COUNTRY OR COUNTRIES OF CITIZENSHIP OF THE TERRORIST;
(H) THE DRIVER'S LICENSE NUMBER OR NON-DRIVER'S IDENTIFICATION CARD NUMBER OF THE TERRORIST;
(I) THE PASSPORT NUMBER OF THE MOST RECENT PASSPORT OF THE TERRORIST;
(J) THE HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE AND/OR ACTUAL PLACE OF DOMICILE OF THE TERRORIST;
(K) THE SOCIAL SECURITY NUMBER, OR TAXPAYER IDENTIFICATION NUMBER, OF THE TERRORIST;
(L) ANY AND ALL INTERNET ACCOUNTS WITH INTERNET SERVICE/ACCESS PROVIDERS BELONGING TO SUCH TERRORIST;
(M) ANY AND ALL INTERNET IDENTIFIERS THAT SUCH TERRORIST USES, OR HAS USED; AND
(N) ANY AND ALL CELLULAR ACCOUNTS AND CELLULAR TELEPHONE NUMBERS WITH CELLULAR SERVICE PROVIDERS BELONGING TO THE TERRORIST, OR ANY AND ALL CELLULAR ACCOUNTS AND CELLULAR TELEPHONE NUMBERS WITH CELLULAR SERVICE OF WHICH THE TERRORIST HAS AUTHORIZED USE;
2. FORENSIC INFORMATION, INCLUDING:
(A) A PHOTOGRAPH OF THE TERRORIST, TAKEN IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, WHICH SHALL BE UPDATED ANNUALLY;
(B) A COMPLETE SET OF FINGERPRINTS OF THE TERRORIST, COLLECTED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE;
(C) A DNA SAMPLE, COLLECTED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, WITH SUCH SAMPLE BEING COMPLIANT WITH TESTING FOR THE COMBINED DNA INDEX SYSTEM (CODIS), AND WITH SUCH SAMPLE CAPABLE OF PROVIDING A REPORT AND ANALYSIS OF AUTOSOMAL DNA (ATDNA), MITOCHONDRIAL DNA (MTDNA) AND Y-CHROMOSOME DNA (Y-DNA), TOGETHER WITH ANY OTHER SCREENING OR DNA TESTING AS MAY BE REQUIRED BY THE DIVISION; AND
(D) A DNA ANALYSIS OF THE DNA SAMPLE COLLECTED FROM THE TERRORIST, PERFORMED BY A LABORATORY APPROVED BY THE DIVISION, WITH SUCH ANALYSIS BEING COMPLIANT WITH THE COMBINED DNA INDEX SYSTEM (CODIS), AND WITH SUCH ANALYSIS CAPABLE OF PROVIDING A REPORT AND ANALYSIS OF AUTOSOMAL DNA (ATDNA), MITOCHONDRIAL DNA (MTDNA) AND Y-CHROMOSOME DNA (Y-DNA), TOGETHER WITH ANY OTHER SCREENING OR DNA TESTING AS MAY BE REQUIRED BY THE DIVISION;
3. TERRORIST INCIDENT INFORMATION, INCLUDING, FOR EACH AND EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST:
(A) A COMPLETE DESCRIPTION OF THE INCIDENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED, OR DESIGNATED;
(B) THE DATE OF THE INCIDENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED, OR DESIGNATED;
(C) A COMPLETE DESCRIPTION OF EACH AND EVERY CONSEQUENCE OF THE INCIDENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED, OR DESIGNATED, INCLUDING EACH AND EVERY SENTENCE, FINE, PUNISHMENT AND/OR SANCTION IMPOSED AS A RESULT OF THE INCIDENT; AND
(D) THE DATE OF EACH AND EVERY CONVICTION, DETAINMENT, DEPORTATION, TRANSPORTATION, AND/OR DESIGNATION THAT OCCURRED AS A RESULT OF THE INCIDENT, AND EACH AND EVERY SENTENCE, FINE, PUNISHMENT AND/OR SANCTION IMPOSED AS A RESULT OF THE INCIDENT;
4. EMPLOYMENT INFORMATION OF THE TERRORIST, INCLUDING:

(A) IN THE CASE OF A TERRORIST WHO IS EMPLOYED, OR WHO EXPECTS TO BE EMPLOYED:
(I) THE NAME AND ADDRESS OF THE TERRORIST'S CURRENT OR EXPECTED EMPLOYER;
(II) A COMPLETE DESCRIPTION OF THE TERRORIST'S EMPLOYMENT DUTIES, WORK LOCATIONS, JOB TITLES AND TOOLS AND MATERIALS UTILIZED DURING THE COURSE OF EMPLOYMENT; AND
(III) A COMPLETE LIST OF THE TERRORIST'S SUPERVISORS; AND
(B) IN THE CASE OF A TERRORIST WHO IS A STUDENT, OR WHO EXPECTS TO BE A STUDENT:
(I) THE NAME AND ADDRESS OF THE TERRORIST'S EDUCATIONAL INSTITUTION OR EXPECTED EDUCATIONAL INSTITUTION;
(II) A COMPLETE DESCRIPTION OF THE TERRORIST'S CLASSES TAKEN, OR EXPECTED TO BE TAKEN, CLASSROOM LOCATIONS, AND EDUCATIONAL CREDITS; AND
(III) A COMPLETE LIST OF THE TERRORIST'S PROFESSORS.
5. SUPPLEMENTAL AND VERIFICATION INFORMATION OF THE TERRORIST, INCLUDING:
(A) AN ANNUAL UPDATE OF THE TERRORIST'S PHOTOGRAPH; AND
(B) ANY OTHER ADDITIONAL AND FURTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.
S 169-E. REGISTRANT NOTIFICATION; STANDARDIZED REGISTRATION AND VERIFICATION FORMS. 1. REGISTRATION PACKET. THE DIVISION SHALL CREATE A NON-FORWARDABLE REGISTRATION PACKET, WHICH SHALL CONSIST OF A STANDARDIZED REGISTRATION INFORMATION FORM, A PERSONALIZED REGISTRATION INFORMATION FORM, AND A STANDARDIZED REGISTRATION FORM.
2. STANDARDIZED REGISTRATION INFORMATION FORM. THE DIVISION SHALL CREATE A STANDARDIZED REGISTRATION INFORMATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY TERRORIST, REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGISTRY, ON THE FOLLOWING:
(A) DUTY AND OBLIGATION TO REGISTER. THE STANDARDIZED REGISTRATION INFORMATION FORM SHALL PROVIDE INFORMATION CONCERNING THE REGISTRANT'S DUTY AND OBLIGATION TO REGISTER WITH THE DIVISION;
(B) FURTHER DUTIES AND OBLIGATIONS OF REGISTRANTS. THE STANDARDIZED REGISTRATION INFORMATION FORM SHALL ALSO PROVIDE INFORMATION ADVISING THE REGISTRANT OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE; AND
(C) MANNER OF REGISTRATION. THE STANDARDIZED REGISTRATION INFORMATION FORM SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE MANNER AND PROCEDURES THAT A REGISTRANT SHALL BE REQUIRED TO FOLLOW, IN ORDER TO PROPERLY REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, INCLUDING:
(I) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO COMPLETE THE STANDARDIZED REGISTRATION FORM;
(II) DETAILED DIRECTIONS AND INFORMATION AS TO HOW THE REGISTRANT MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, AS WELL AS INFORMATION CONCERNING THE REGISTRANT'S REQUIREMENT TO PROVIDE HIS OR HER PHOTOGRAPH, FINGERPRINTS AND A DNA SAMPLE TO SUCH LAW ENFORCEMENT AGENCY; AND
(III) DETAILED DIRECTIONS AND INFORMATION CONCERNING THE REGISTRANT'S RESPONSIBILITY TO PAY A ONE HUNDRED DOLLAR REGISTRATION FEE TO THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, AND THE AVAILABLE MEANS AND MANNER IN WHICH SUCH FEE SHALL BE PAID.
3. PERSONALIZED REGISTRATION INFORMATION FORM. THE DIVISION SHALL CREATE A PERSONALIZED REGISTRATION INFORMATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY

TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGISTRY WITH DETAILED DIRECTIONS AND INFORMATION AS TO WHERE THE REGISTRANT MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHICH SHALL SPECIFY THE ADDRESS, TELEPHONE NUMBER AND DESIGNATED CONTACT PERSON OF SUCH LAW ENFORCEMENT AGENCY.

4. STANDARDIZED REGISTRATION FORM. THE DIVISION SHALL CREATE A STANDARDIZED REGISTRATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE PURPOSE OF COLLECTING THE REGISTRATION INFORMATION IDENTIFIED IN SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, FROM EVERY TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGISTRY.

5. VERIFICATION PACKET. THE DIVISION SHALL CREATE A NON-FORWARDABLE VERIFICATION PACKET, WHICH SHALL CONSIST OF A STANDARDIZED VERIFICATION INFORMATION FORM, A PERSONALIZED VERIFICATION INFORMATION FORM, AND A STANDARDIZED VERIFICATION FORM.

6. STANDARDIZED VERIFICATION INFORMATION FORM. THE DIVISION SHALL CREATE A STANDARDIZED VERIFICATION INFORMATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY TERRORIST, REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGISTRY, ON THE FOLLOWING:

(A) DUTY AND OBLIGATION TO PROVIDE VERIFICATION. THE STANDARDIZED VERIFICATION INFORMATION FORM SHALL PROVIDE INFORMATION CONCERNING THE REGISTRANT'S DUTY AND OBLIGATION TO PROVIDE QUARTERLY VERIFICATION WITH THE DIVISION;

(B) FURTHER DUTIES AND OBLIGATIONS OF REGISTRANTS. THE STANDARDIZED VERIFICATION INFORMATION FORM SHALL ALSO PROVIDE INFORMATION ADVISING THE REGISTRANT OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE; AND

(C) MANNER OF REGISTRATION. THE STANDARDIZED VERIFICATION INFORMATION FORM SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE MANNER AND PROCEDURES THAT A REGISTRANT SHALL BE REQUIRED TO FOLLOW, IN ORDER TO PROPERLY PROVIDE VERIFICATION IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, INCLUDING:

(I) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO COMPLETE THE STANDARDIZED VERIFICATION FORM;

(II) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, CONCERNING THE REGISTRANT'S REQUIREMENT TO ANNUALLY UPDATE HIS OR HER PHOTOGRAPH WITH SUCH LAW ENFORCEMENT AGENCY; AND

(III) DETAILED DIRECTIONS AND INFORMATION CONCERNING THE TERRORIST'S RESPONSIBILITY TO PAY A TEN DOLLAR CHANGE OF ADDRESS FEE TO THE DIVISION, AS WELL AS A TEN DOLLAR ANNUAL UPDATED PHOTOGRAPH FEE, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, AND THE AVAILABLE MEANS AND MANNER IN WHICH SUCH FEE OR FEES SHALL BE PAID.

7. PERSONALIZED VERIFICATION INFORMATION FORM. THE DIVISION SHALL CREATE A PERSONALIZED VERIFICATION INFORMATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGISTRY WITH DETAILED DIRECTIONS AND INFORMATION AS TO WHERE THE REGISTRANT MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHICH SHALL SPECIFY THE ADDRESS, TELEPHONE NUMBER AND DESIGNATED CONTACT PERSON OF SUCH LAW ENFORCEMENT AGENCY. SUCH PERSONAL VERIFICATION INFORMATION INFORMATION FORM SHALL FURTHER INDICATE THE DATE BY WHICH THE REGISTRANT MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION TO PROVIDE SUCH UPDATED PHOTOGRAPH.

8. STANDARDIZED VERIFICATION FORM. THE DIVISION SHALL CREATE A STANDARDIZED VERIFICATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE

PURPOSE OF COLLECTING THE QUARTERLY SUPPLEMENTAL AND VERIFICATION INFORMATION IDENTIFIED IN SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, FROM EVERY TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGISTRY.

9. AVAILABILITY OF INFORMATION AND FORMS. IN ADDITION TO THE OTHER PROVISIONS OF THIS SECTION, THE DIVISION SHALL FURTHER MAKE INFORMATION AND FORMS AVAILABLE AS FOLLOWS:

(A) THE DIVISION SHALL MAKE PAPER COPIES OF THE STANDARDIZED REGISTRATION INFORMATION FORM, THE STANDARDIZED REGISTRATION FORM, THE STANDARDIZED VERIFICATION INFORMATION FORM AND THE STANDARDIZED VERIFICATION FORM AVAILABLE TO REGISTRANTS, ATTORNEYS REPRESENTING REGISTRANTS, THE UNIFIED COURT SYSTEM, THE DEPARTMENT, FEDERAL, STATE AND LOCAL LAW ENFORCEMENT, AND SUCH OTHER AND FURTHER INDIVIDUALS AND ENTITIES AS THE DIVISION DEEMS APPROPRIATE;

(B) THE DIVISION SHALL FURTHER POST ELECTRONIC COPIES OF THE STANDARDIZED REGISTRATION INFORMATION FORM, THE STANDARDIZED REGISTRATION FORM, THE STANDARDIZED VERIFICATION INFORMATION FORM AND THE STANDARDIZED VERIFICATION FORM, PRODUCED IN ACCORDANCE WITH THIS SECTION, ON THE OFFICIAL WEBSITE OF THE DIVISION, AND SUCH ELECTRONIC FORMS SHALL ALL BE IN A DOWNLOADABLE FORMAT, TO ALLOW FOR THE SUBMISSION OF A COMPLETED COPY OF SUCH FORM OR FORMS TO THE DIVISION, REGARDLESS OF WHETHER ANY SUCH FORM OR FORMS HAVE BEEN PROVIDED TO, OR RECEIVED BY, THE REGISTRANT, OR REGARDLESS OF WHETHER SUCH REGISTRANT HAS IN FACT RECEIVED NOTICE OF HIS OR HER DUTY AND OBLIGATION TO REGISTER AS REQUIRED BY THIS ARTICLE; AND

(C) THE DIVISION SHALL ALSO MAINTAIN A TOLL FREE TELEPHONE NUMBER, WHICH SHALL BE DISPLAYED ON THE OFFICIAL WEBSITE OF THE DIVISION, TO PROVIDE, UPON REQUEST OF ANY PERSON REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGISTRY, OR THEIR REPRESENTATIVE, ALL INFORMATION THAT IS NECESSARY FOR A REGISTRANT TO COMPLETE THEIR REGISTRATION WITH THE NEW YORK STATE TERRORIST REGISTRY, OR FOR A REGISTRANT TO COMPLETE THEIR VERIFICATION, INCLUDING INFORMATION THAT WOULD BE PROVIDED IN A PERSONALIZED REGISTRATION INFORMATION FORM OR A PERSONALIZED VERIFICATION INFORMATION FORM.

10. ADVERTISEMENT. THE DIVISION SHALL ADVERTISE ON ITS OFFICIAL WEBSITE THAT ALL TERRORISTS ADDED TO THE NEW YORK STATE TERRORIST REGISTRY SHALL BE REQUIRED TO REGISTER AND PROVIDE VERIFICATION UNDER PENALTY OF LAW, AND THAT THE INFORMATION AND FORMS NECESSARY TO COMPLETE SUCH REGISTRATION AND PROVIDE SUCH VERIFICATION ARE AVAILABLE FOR DOWNLOAD ON THE DIVISION'S WEBSITE AND THAT FURTHER INFORMATION CAN BE OBTAINED FROM THE TOLL FREE TELEPHONE NUMBER ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (C) OF SUBDIVISION NINE OF THIS SECTION.

11. PURPOSE OF THE REGISTRATION PACKET. THE PURPOSE OF THE NON-FORWARDABLE REGISTRATION PACKET CREATED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, SHALL BE TO INFORM EVERY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY OF SUCH TERRORIST'S DUTY AND OBLIGATION TO REGISTER AS REQUIRED BY THIS ARTICLE, AND TO COLLECT THE NECESSARY INFORMATION FROM SUCH TERRORIST AS REQUIRED BY THIS ARTICLE.

12. MAILING OF REGISTRATION PACKET. THE NON-FORWARDABLE REGISTRATION PACKET, AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, SHALL BE MAILED BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS OF SUCH TERRORIST, IN ACCORDANCE WITH THE TIMELINES ESTABLISHED BY SUBDIVISION FIFTEEN OF THIS SECTION.

13. PURPOSE OF THE VERIFICATION PACKET. THE PURPOSE OF THE NON-FORWARDABLE VERIFICATION PACKET, CREATED IN ACCORDANCE WITH SUBDIVISION FIVE OF THIS SECTION, SHALL BE TO INFORM EVERY REGISTRANT ADDED TO THE

NEW YORK STATE TERRORIST REGISTRY OF SUCH REGISTRANT'S DUTY AND OBLIGATION TO PROVIDE VERIFICATION AS REQUIRED BY THIS ARTICLE, AND TO COLLECT THE NECESSARY VERIFICATION INFORMATION FROM SUCH REGISTRANT AS REQUIRED BY THIS ARTICLE.

14. MAILING OF VERIFICATION PACKET. THE NON-FORWARDABLE VERIFICATION PACKET, AS DEFINED IN SUBDIVISION FIVE OF THIS SECTION, SHALL BE MAILED BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS OF SUCH REGISTRANT, IN ACCORDANCE WITH THE TIMELINES ESTABLISHED BY SUBDIVISION FIFTEEN OF THIS SECTION.

15. TIMELINES. WITH RESPECT TO THE REQUIREMENTS OF THIS ARTICLE, THE FOLLOWING TIMELINES SHALL APPLY:

(A) THE MAILING REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION TWELVE OF THIS SECTION SHALL BE COMPLETED BY THE DIVISION WITHIN TEN CALENDAR DAYS OF THE DATE ON WHICH THE DIVISION ADDS THE TERRORIST TO WHOM THE MAILING IS DIRECTED TO THE NEW YORK STATE TERRORIST REGISTRY;

(B) THE MAILING REQUIRED IN ACCORDANCE WITH SUBDIVISION FOURTEEN OF THIS SECTION SHALL BE COMPLETED BY THE DIVISION WITHIN SEVENTY-FIVE CALENDAR DAYS OF THE DATE ON WHICH THE REGISTRANT TO WHOM THE MAILING IS DIRECTED PROVIDES THE DIVISION WITH ALL THE INFORMATION REQUIRED IN THE STANDARDIZED REGISTRATION FORM, AND THEN AGAIN, EVERY NINETY DAYS THEREAFTER;

(C) THE REGISTRANT, WITHIN TEN CALENDAR DAYS OF THE RECEIPT OF THE REGISTRATION PACKET FROM THE DIVISION, OR WITHIN THIRTY CALENDAR DAYS OF THE MAILING OF REGISTRATION PACKET BY THE DIVISION, OR WITHIN FIVE CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED REGISTRATION FORM FROM THE DIVISION'S WEBSITE, OR WITHIN FIVE DAYS OF BEING PERSONALLY NOTIFIED BY THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER, SHALL RETURN A FULLY EXECUTED, SIGNED AND COMPLETED COPY OF THE STANDARDIZED REGISTRATION FORM TO THE DIVISION, EITHER BY MEANS OF UNITED STATES FIRST CLASS MAIL, OR BY MEANS OF PERSONAL DELIVERY TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION;

(D) THE REGISTRANT, WITHIN TEN CALENDAR DAYS OF THE RECEIPT OF THE VERIFICATION PACKET FROM THE DIVISION, OR WITHIN FIFTEEN CALENDAR DAYS OF THE MAILING OF VERIFICATION PACKET BY THE DIVISION, OR WITHIN FIVE CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED VERIFICATION FORM FROM THE DIVISION'S WEBSITE, OR WITHIN FIVE CALENDAR DAYS OF BEING PERSONALLY NOTIFIED BY THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER, SHALL RETURN A FULLY EXECUTED, SIGNED AND COMPLETED COPY OF THE STANDARDIZED VERIFICATION FORM TO THE DIVISION, EITHER BY MEANS OF UNITED STATES FIRST CLASS MAIL, OR BY MEANS OF PERSONAL DELIVERY TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION;

(E) THE REGISTRANT, WITHIN FIFTEEN CALENDAR DAYS OF THE RECEIPT OF THE REGISTRATION PACKET FROM THE DIVISION, OR WITHIN THIRTY-FIVE CALENDAR DAYS OF THE MAILING OF REGISTRATION PACKET BY THE DIVISION, OR WITHIN TEN CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED REGISTRATION FORM FROM THE DIVISION'S WEBSITE, OR WITHIN FIVE CALENDAR DAYS OF BEING PERSONALLY NOTIFIED BY THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER, SHALL APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, TO PROVIDE FINGERPRINTS, AN INITIAL PHOTOGRAPH AND A DNA SAMPLE, UNLESS SUCH REGISTRANT HAS PREVIOUSLY HAD THEIR INITIAL PHOTOGRAPH PREVIOUSLY TAKEN, AND THEIR FINGERPRINTS AND DNA SAMPLE PREVIOUSLY COLLECTED, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE; AND

(F) THE REGISTRANT SHALL ANNUALLY APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, NOT LATER THAN ONE YEAR AFTER, AND NOT PRIOR TO THREE HUNDRED THIRTY DAYS BEFORE, THE ANNIVERSARY DATE OF THE TAKING OR HIS OR HER INITIAL PHOTOGRAPH IN ORDER TO PROVIDE THE DIVISION WITHIN AN UPDATED PHOTOGRAPH.

16. DUTY AND OBLIGATION TO REGISTER AND PROVIDE VERIFICATION ABSOLUTE. IN NO EVENT SHALL THE FAILURE OF A TERRORIST TO RECEIVE ANY NOTICE, REGISTRATION PACKET OR VERIFICATION PACKET, OR OF THE DIVISION TO FAIL TO PROVIDE SUCH NOTICE, REGISTRATION PACKET OR VERIFICATION PACKET, OR OF THE FAILURE OF THE DIVISION TO PROVIDE SUCH NOTICE, REGISTRATION PACKET OR VERIFICATION PACKET WITHIN THE TIME REQUIRED PURSUANT TO THIS SECTION, RELIEVE ANY SUCH TERRORIST FROM ANY DUTY OR OBLIGATION REQUIRED BY THIS ARTICLE.

17. VIOLATIONS. IN THE EVENT THAT A COMPLETED STANDARDIZED REGISTRATION FORM OR A COMPLETED STANDARDIZED VERIFICATION FORM IS NOT RETURNED TO THE DIVISION BY A REGISTRANT WITHIN THE TIMELINES REQUIRED PURSUANT TO SUBDIVISION FIFTEEN OF THIS SECTION, THE DIVISION SHALL IMMEDIATELY NOTIFY THE DIVISION OF STATE POLICE, THE STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, WHEREUPON THE DIVISION OF STATE POLICE SHALL IMMEDIATELY CAUSE SUCH TERRORIST TO BE ARRESTED AND CHARGED WITH A FAILURE TO REGISTER IN ACCORDANCE WITH THIS ARTICLE, AND PURSUANT TO SECTION 490.23 OF THE PENAL LAW.

18. LATE FILINGS. THE DIVISION MAY BY REGULATION IDENTIFY CERTAIN CIRCUMSTANCES WHEN THE COMMISSIONER MAY AUTHORIZE THE LATE SUBMISSION OF A STANDARDIZED REGISTRATION FORM, A STANDARDIZED VERIFICATION FORM, OR THE LATE COLLECTION OF FINGERPRINTS, DNA SAMPLE, INITIAL PHOTOGRAPH OR UPDATED PHOTOGRAPH, BUT IN NO EVENT SHALL A LATE SUBMISSION OR LATE COLLECTION BE AUTHORIZED MORE THAN NINETY DAYS AFTER THE REGISTRANT, IF OF LEGAL CAPACITY, RECEIVED ACTUAL NOTICE, OF THEIR DUTY AND OBLIGATION TO SUBMIT OR HAVE COLLECTED SUCH STANDARDIZED REGISTRATION FORM, STANDARDIZED VERIFICATION FORM, FINGERPRINTS, DNA SAMPLE, INITIAL PHOTOGRAPH OR UPDATED PHOTOGRAPH.

19. REGULATIONS. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 169-F. EXAMINATION OF POTENTIAL REGISTRANTS. 1. GENERALLY. THE DIVISION SHALL MAKE REGULAR EXAMINATIONS TO DETERMINE WHETHER TERRORISTS SHALL BE ADDED TO THE REGISTRY, AND UPON ANY SUCH EXAMINATION AND DETERMINATION THAT A TERRORIST SHALL BE ADDED TO THE REGISTRY, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, THE DIVISION SHALL ADD SUCH TERRORIST TO THE REGISTRY, AND SHALL NOTIFY SUCH TERRORIST PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

2. RELEASE NOTIFICATION. IN THE CASE OF ANY TERRORIST, IT SHALL BE THE DUTY OF THE CONFINEMENT ENTITY IN WHOSE CUSTODY SUCH TERRORIST IS HELD, AT LEAST SIXTY CALENDAR DAYS PRIOR TO THE RELEASE OF SUCH TERRORIST FROM SUCH CUSTODY, TO NOTIFY THE DIVISION, IN A FORM AND MANNER PROVIDED BY THE DIVISION, OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH TERRORIST. THE NOTIFICATION PROVIDED SHALL INCLUDE THE ADDRESS AT WHICH SUCH TERRORIST PROPOSES TO RESIDE. IF SUCH TERRORIST CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE TERRORIST'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION, ON A FORM AND IN A MANNER PROVIDED BY THE DIVISION. IN THE EVENT THAT THE CONFINEMENT ENTITY IS UNABLE TO NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH TERRORIST AT LEAST SIXTY DAYS PRIOR TO SUCH RELEASE, THE CONFINEMENT ENTITY MUST

PROVIDE AN EMERGENCY NOTIFICATION TO THE DIVISION, IN A FORM AND MANNER PROVIDED BY THE DIVISION.

3. PROBATION NOTIFICATION. IN THE CASE OF ANY TERRORIST ON PROBATION, IT SHALL BE THE DUTY OF THE TERRORIST'S PROBATION OFFICER TO NOTIFY THE DIVISION, WITHIN FORTY-EIGHT HOURS, OF ANY INITIAL OR CHANGED PLACE OF RESIDENCE OF SUCH TERRORIST, IN THE FORM AND MANNER PROVIDED BY THE DIVISION.

4. ESCAPE NOTIFICATION. IN THE EVENT THAT ANY TERRORIST ESCAPES FROM THE CUSTODY OF ANY CONFINEMENT ENTITY, THE DESIGNATED OFFICIAL OF THE CONFINEMENT ENTITY, SHALL IMMEDIATELY NOTIFY, BY TELEPHONE AND/OR EMAIL, THE DIVISION OF SUCH ESCAPE. WITHIN TWENTY-FOUR HOURS, THE CONFINEMENT ENTITY SHALL FURTHER PROVIDE THE DIVISION AND THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION AT, AND IMMEDIATELY PRIOR TO, THE TIME OF THE TERRORIST'S CONFINEMENT, WITH:

(A) THE NAME AND ALIASES OF THE TERRORIST;

(B) THE ADDRESS AT WHICH THE TERRORIST RESIDED AT THE TIME OF HIS OR HER CONFINEMENT;

(C) THE AMOUNT OF TIME REMAINING ON THE TERRORIST'S CONFINEMENT TO BE SERVED, IF ANY;

(D) THE NATURE OF THE OFFENSE FOR WHICH THE TERRORIST WAS CONFINED;

(E) A RECENT PHOTOGRAPH OF THE TERRORIST; AND

(F) THE FINGERPRINTS OF THE TERRORIST.

5. PURPOSE. IT SHALL BE THE PURPOSE OF THE DIVISION'S EXAMINATIONS UNDER THIS SECTION TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING, OR ATTENDING EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, AND WHETHER, PURSUANT TO THE PROVISIONS OF THIS ARTICLE, SUCH TERRORISTS SHOULD BE ADDED TO THE NEW YORK STATE TERRORIST REGISTRY.

6. COMMUNICATION WITH OTHER ENTITIES. (A) IN CONDUCTING ITS EXAMINATIONS, PURSUANT TO THIS SECTION, TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING, OR ATTENDING EDUCATIONAL INSTITUTIONS IN NEW YORK STATE, THE DIVISION SHALL COMMUNICATE WITH THE FOLLOWING STATE ENTITIES:

(I) THE DEPARTMENT;

(II) THE DIVISION OF PAROLE;

(III) THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES;

(IV) THE DEPARTMENT OF HEALTH;

(V) THE DEPARTMENT OF EDUCATION;

(VI) THE OFFICE OF COURT ADMINISTRATION, AND ANY COURT OF THE UNIFIED COURT SYSTEM;

(VII) THE DIVISION OF STATE POLICE;

(VIII) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES; AND/OR

(IX) ANY OTHER STATE OR LOCAL ENTITY THE DIVISION DEEMS APPROPRIATE.

(B) IN FURTHER CONDUCTING ITS EXAMINATIONS, PURSUANT TO THIS SECTION, TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING, OR ATTENDING EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, THE DIVISION SHALL ALSO COMMUNICATE WITH THE FOLLOWING FEDERAL, INTERSTATE OR INTERNATIONAL ENTITIES:

(I) THE FEDERAL BUREAU OF PRISONS;

(II) THE UNITED STATE DEPARTMENT OF DEFENSE, AND ITS ARMED SERVICES BRANCHES;

(III) THE UNITED STATE DEPARTMENT OF STATE;

(IV) THE UNITED STATES DEPARTMENT OF JUSTICE;

(V) THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

(VI) THE CENTRAL INTELLIGENCE AGENCY;

(VII) THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE;

(VIII) THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL); AND
(IX) ANY OTHER FEDERAL, INTERSTATE, OR INTERNATIONAL ENTITY THE DIVISION DEEMS APPROPRIATE.
7. GROUNDS TO ADD A TERRORIST TO THE REGISTRY. UPON EXAMINATION IN ACCORDANCE WITH THIS SECTION, THE DIVISION SHALL ADD A TERRORIST, AS DEFINED BY SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, TO THE NEW YORK STATE TERRORIST REGISTRY, AND PROVIDE SUCH TERRORIST WITH NOTIFICATION THAT THEY HAVE BEEN SO ADDED TO THE REGISTRY IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, IF THE DIVISION DETERMINES THAT SUCH TERRORIST IS:
(A) NOT PRESENTLY SUBJECT TO CONFINEMENT BUT IS CURRENTLY, HAS BEEN, OR WILL BE WITHIN THE NEXT NINETY DAYS, LIVING, WORKING OR ATTENDING AN EDUCATIONAL INSTITUTION WITHIN NEW YORK STATE, OR
(B) IS PRESENTLY IN THE CUSTODY OF A CONFINEMENT ENTITY, OR IS SUBJECT TO COMMUNITY SUPERVISION OR PROBATION, AND IS SCHEDULED FOR A CONDITIONAL RELEASE OR ANY OTHER DISCHARGE IN NEW YORK STATE, OR
(C) IS PRESENTLY IN THE CUSTODY OF A CONFINEMENT ENTITY, OR IS SUBJECT TO COMMUNITY SUPERVISION OR PROBATION, AND IS SCHEDULED FOR A CONDITIONAL RELEASE OR ANY OTHER DISCHARGE OUTSIDE OF NEW YORK STATE AND SUCH TERRORIST HAS EVIDENCED ANY INTENTION TO RESIDE, WORK OR ATTEND AN EDUCATIONAL INSTITUTION IN NEW YORK STATE.
8. COURT APPLICATION TO ADD A PERSON TO THE REGISTRY. UPON EXAMINATION IN ACCORDANCE WITH THIS SECTION, AND UPON A FINDING THAT THE PERSON EXAMINED MAY NOT HAVE COMMITTED A TERRORIST OFFENSE AS DEFINED IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, OR A VERIFIABLE ACT OF TERRORISM, AS DEFINED IN SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, BUT IN THE JOINT DETERMINATION OF THE DIVISION AND THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THAT SUCH PERSON NONETHELESS STILL PRESENTS A SERIOUS AND IMMEDIATE RISK OF PERFORMING, PROMOTING, SUPPORTING AND/OR FACILITATING A TERRORIST ACT AGAINST THE PEOPLE AND/OR PROPERTY OF THE STATE OF NEW YORK, THEN THE DIVISION MAY MAKE AN APPLICATION TO A SUPREME COURT, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-I OF THIS ARTICLE, TO ADD SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND IF SUCH COURT ISSUES THE CERTIFICATION, THEN THE DIVISION SHALL ADD SUCH PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.
9. ADDITION TO THE REGISTRY BY COURT ORDER. WHERE A COURT OF THE UNIFIED COURT SYSTEM IN NEW YORK, ISSUES A CERTIFICATION TO ADD A PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-I OF THIS ARTICLE, THEN THE DIVISION SHALL ADD SUCH PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.
10. REMOVAL FROM THE REGISTRY BY COURT ORDER. WHERE THE SUPREME COURT IN THE COUNTY WHERE A REGISTRANT RESIDES, OR THE SUPREME COURT OF ALBANY COUNTY WHERE A PERSON DOES NOT RESIDE IN NEW YORK STATE, ISSUES A DECISION AND/OR ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST REGISTRY, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-I OF THIS ARTICLE, THEN THE DIVISION SHALL REMOVE SUCH PERSON FROM THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL FROM THE REGISTRY, BUT THE DIVISION MAY APPEAL SUCH DECISION AND/OR ORDER, AND SUCH REMOVAL SHALL NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL APPEAL IS DECIDED IN FAVOR OF THE PERSON SEEKING REMOVAL FROM THE REGISTRY.
S 169-G. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, SHALL COMMENCE EXAMINATIONS

AND MAKE DETERMINATIONS, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, TO DETERMINE WHAT TERRORISTS SHALL BE INITIALLY ADDED TO THE REGISTRY, AND UPON SUCH EXAMINATIONS AND DETERMINATIONS, SHALL ADD SUCH TERRORISTS TO THE REGISTRY, AND SHALL THEREAFTER NOTIFY SUCH TERRORISTS THAT THEY HAVE BEEN ADDED TO THE REGISTRY PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

S 169-H. REGISTRATION AND VERIFICATION OF TERRORISTS. 1. DUTY AND OBLIGATION TO REGISTER AND VERIFY. ANY PERSON ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE DIVISION, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL BE REQUIRED, AND HAVE THE DUTY AND OBLIGATION TO REGISTER AND VERIFY, AND SHALL FURTHER BE REQUIRED AND HAVE THE DUTY AND OBLIGATION TO PROVIDE THE REQUIRED REGISTRATION AND QUARTERLY VERIFICATION INFORMATION, IN ACCORDANCE WITH THIS ARTICLE.

2. SPECIFIC DUTIES AND OBLIGATIONS. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE DIVISION SHALL BE REQUIRED, AND SHALL HAVE THE DUTY AND OBLIGATION TO:

(A) REGISTER UNDER THIS ARTICLE;

(B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARDIZED REGISTRATION FORM, CONTAINING ALL THE REQUIRED REGISTRATION INFORMATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, WITHIN THE TIMES, AND PURSUANT TO THE MEANS OF DELIVERY, REQUIRED BY THIS ARTICLE;

(C) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR INITIAL PHOTOGRAPH PREVIOUSLY TAKEN, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE, APPEAR TO, AND BE PHOTOGRAPHED BY, THE SPECIFIED LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS, REQUIRED PURSUANT TO THIS ARTICLE;

(D) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR FINGERPRINTS COLLECTED, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE, APPEAR TO, AND BE FINGERPRINTED BY, THE SPECIFIED LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS, REQUIRED PURSUANT TO THIS ARTICLE;

(E) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR DNA SAMPLE COLLECTED, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE, APPEAR TO, AND SUBMIT TO A DNA SAMPLE TAKEN BY THE SPECIFIED LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS, REQUIRED PURSUANT TO THIS ARTICLE; AND

(F) PROVIDE THE DIVISION WITH ANY OTHER AND FURTHER REGISTRATION INFORMATION REQUIRED BY THIS ARTICLE.

3. CONTINUING DUTIES AND OBLIGATIONS. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE DIVISION SHALL FURTHER BE REQUIRED, AND SHALL HAVE THE CONTINUING DUTY TO:

(A) VERIFY UNDER THIS ARTICLE;

(B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARD VERIFICATION FORM, CONTAINING ALL THE REQUIRED VERIFICATION INFORMATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, WITHIN THE TIMES, AND PURSUANT TO THE MEANS OF DELIVERY, REQUIRED BY THIS ARTICLE;

(C) APPEAR TO, AND BE ANNUALLY PHOTOGRAPHED BY, THE SPECIFIED LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS, REQUIRED PURSUANT TO THIS ARTICLE; AND

(D) PROVIDE THE DIVISION WITH ANY OTHER AND FURTHER VERIFICATION INFORMATION REQUIRED BY THIS ARTICLE.

4. DISCONTINUED DUTIES AND OBLIGATIONS. THE DUTY TO REGISTER AND/OR VERIFY UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO ANY PERSON WHOSE CONVICTION WAS REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR OR THE PRESIDENT FOR THE OFFENSE WHICH WAS THE REASON THE DIVISION ADDED SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY.

5. CHANGE OF ADDRESS. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY SHALL, IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THIS ARTICLE, REGISTER HIS OR HER CURRENT RESIDENTIAL ADDRESS, AND THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED, WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

S 169-I. DUTIES OF THE COURT. 1. CERTIFICATION OF TERRORIST. (A) UPON CONVICTION OF ANY OF THE OFFENSES SET FORTH IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW, THE COURT SHALL CERTIFY THAT THE PERSON IS A TERRORIST, AND SHALL INCLUDE THE CERTIFICATION IN THE ORDER OF COMMITMENT, IF ANY, AND JUDGMENT OF CONVICTION, AND SHALL ADDITIONALLY DIRECT THE DIVISION TO ADD SUCH PERSON, SO CONVICTED, TO THE NEW YORK STATE TERRORIST REGISTRY.

(B) IF THE PERSON CERTIFIED AS THE REGISTRANT IS PRESENT IN COURT, THEN THE COURT SHALL ADVISE SUCH PERSON OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE, BUT IN THE EVENT OF HIS OR HER ABSENCE FROM COURT, THE COURT SHALL DIRECT THE DIVISION TO MAIL SUCH TERRORIST A REGISTRATION PACKET IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

(C) ANY FAILURE OF THE COURT TO INCLUDE THE CERTIFICATION IN THE ORDER OF COMMITMENT OR THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A TERRORIST OF THE DUTIES AND OBLIGATIONS IMPOSED BY THIS ARTICLE, NOR PROHIBIT THE DIVISION FROM ADDING SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

(D) ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, WHO IS RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER DUTY AND OBLIGATION TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED, AND AT THE TIME SENTENCE IS IMPOSED, SUCH TERRORIST SHALL REGISTER WITH THE DIVISION ON THE STANDARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH THIS ARTICLE AS FOLLOWS:

(I) THE COURT SHALL REQUIRE THE TERRORIST TO READ AND COMPLETE THE STANDARDIZED REGISTRATION FORM, SIGN THE SAME IN THE PRESENCE OF THE COURT, AND SUBMIT SUCH COMPLETED DOCUMENT BACK TO THE COURT;

(II) UPON COMPLETION OF THE STANDARDIZED REGISTRATION FORM, THE COURT SHALL GIVE ONE COPY OF SUCH FORM TO THE TERRORIST, AND SHALL DIRECT THE IMMEDIATE TRANSMISSION OF THE ORIGINAL COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM TO THE DIVISION, WHICH SHALL, UPON RECEIPT OF SUCH FORM, ADD SUCH PERSON TO THE REGISTRY AND FORWARD THE INFORMATION COLLECTED TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ACCORDANCE WITH THIS ARTICLE;

(III) THE COURT SHALL FURTHER NOTIFY THE TERRORIST THAT WITHIN FIVE CALENDAR DAYS, SUCH TERRORIST SHALL APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, OR THE OFFICE OF PROBATION AND CORRECTIONAL

ALTERNATIVES, TO PROVIDE FINGERPRINTS, AN INITIAL PHOTOGRAPH AND A DNA SAMPLE; AND

(IV) FROM THE COMPLETED STANDARDIZED REGISTRATION FORM, THE COURT SHALL PLACE UPON THE RECORD THE FACT THAT THE TERRORIST SHALL BE ADDED TO THE NEW YORK STATE TERRORIST REGISTRY, AND THE ADDRESS WHERE THE TERRORIST WILL BE DEEMED TO RESIDE UPON HIS OR HER RELEASE.

(E) ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, WHO IS NOT PRESENT IN THE COURT AT THE TIME OF THE ISSUANCE OF ORDER PROVIDING FOR SUCH CERTIFICATION, SHALL BE ADDED BY THE DIVISION TO THE NEW YORK STATE TERRORIST REGISTRY, AND SHALL REGISTER WITH THE DIVISION, AND PROVIDE ALL REQUIRED INFORMATION, TOGETHER WITH THE DNA SAMPLE, FINGERPRINTS AND INITIAL PHOTOGRAPH, IN ACCORDANCE WITH THE PROVISIONS AND TIMELINES OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

2. APPLICATION TO ADD A PERSON TO THE REGISTRY. (A) COURT ORDER. IN ACCORDANCE WITH SUBDIVISION EIGHT OF SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, THE DIVISION, AFTER EXAMINATION, MAY PETITION THE SUPREME COURT, ON NOTICE TO THE PERSON WHO IS THE SUBJECT OF THE INVESTIGATION BY MAILING A COPY OF THE PETITION TO THE LAST KNOWN ADDRESS OF SUCH PERSON, FOR A CERTIFICATION THAT SUCH PERSON THAT IS THE SUBJECT OF SUCH EXAMINATION IN THE JOINT DETERMINATION OF THE DIVISION AND THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, PRESENTS A SERIOUS AND IMMEDIATE RISK OF PERFORMING, PROMOTING, SUPPORTING AND/OR FACILITATING A TERRORIST ACT AGAINST THE PEOPLE AND/OR PROPERTY OF THE STATE OF NEW YORK, AND THAT A CERTIFICATION SHOULD BE ISSUED TO ADD SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY. IF THE COURT ISSUES THE CERTIFICATION REQUESTED UNDER THIS SUBDIVISION, THEN THE DIVISION SHALL ADD SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

(B) APPEALS. THE DIVISION MAY APPEAL ANY DECISION AND/OR ORDER WHERE THE COURT DENIES A CERTIFICATION SOUGHT UNDER THIS SUBDIVISION AND FAILS TO DIRECT THE DIVISION TO ADD THE PERSON WHO IS THE SUBJECT OF THE APPLICATION TO THE NEW YORK STATE TERRORIST REGISTRY. AN APPEAL OF SUCH DENIAL SHALL GO, AS OF RIGHT, TO THE COURT OF APPEALS, WHICH SHALL HEAR SUCH APPEAL WITHIN NINETY DAYS OF THE ISSUANCE OF THE DECISION OR THE ENTRY OF THE ORDER DENYING THE CERTIFICATION SOUGHT BY THE DIVISION IN ACCORDANCE WITH THIS SUBDIVISION, WHICHEVER IS EARLIER. ANY PERSON WHOM THE COURT DIRECTS SHALL HAVE THEIR NAME ADDED TO THE REGISTRY MAY ALSO APPEAL SUCH DECISION AND/OR ORDER. AN APPEAL OF SUCH DECISION AND/OR ORDER ADDING SUCH PERSON TO THE REGISTRY BY THE PERSON WHOSE NAME WOULD BE SO ADDED SHALL GO, AS OF RIGHT, TO THE APPELLATE DIVISION IN THE DEPARTMENT IN WHICH SUCH PERSON SO RESIDES, OR IF SUCH PERSON DOES NOT RESIDE IN NEW YORK STATE, TO THE APPELLATE DIVISION OF THE THIRD DEPARTMENT, WHICH SUCH APPELLATE DIVISION SHALL HEAR SUCH APPEAL WITHIN NINETY DAYS OF THE ISSUANCE OF THE DECISION OR THE ENTRY OF THE ORDER ISSUING THE CERTIFICATION SOUGHT IN ACCORDANCE WITH THIS SECTION, WHICHEVER IS EARLIER.

3. APPLICATION TO REMOVE A PERSON FROM THE REGISTRY. ANY PERSON ADDED BY THE DIVISION TO THE NEW YORK STATE TERRORIST REGISTRY MAY SEEK AN ORDER OF THE SUPREME COURT IN THE COUNTY WHERE SUCH REGISTRANT RESIDES, OR THE SUPREME COURT OF THE COUNTY OF ALBANY IF SUCH REGISTRANT DOES NOT RESIDE IN THE STATE OF NEW YORK, TO HAVE THEIR NAME AND INFORMATION REMOVED FROM THE REGISTRY AS FOLLOWS:

(A) GROUNDS FOR ORDER OF REMOVAL. THAT IN ORDER TO ISSUE AN ORDER TO REMOVE THE REGISTRANT AND THEIR INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY, THE COURT MUST FIND CONSIDERABLE GROUNDS THAT:

(I) THE NATURE AND CIRCUMSTANCES OF THE OFFENSE OR INCIDENT CAUSING THE PERSON TO BE DEFINED AS A TERRORIST DOES NOT MERIT THE PERSON'S NAME AND INFORMATION BEING ADDED TO THE REGISTRY;

(II) THE HISTORY AND CHARACTER OF SUCH PERSON DOES NOT MERIT THE PERSON'S NAME AND INFORMATION BEING ADDED TO THE REGISTRY;

(III) THE DIVISION, IN ADDING SUCH PERSON'S NAME TO THE REGISTRY ACTED IN AN ARBITRARY AND CAPRICIOUS MANNER, FAILED TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE AND/OR THE PAST ACTIONS AND CURRENT BEHAVIOR OF THE REGISTRANT DOES NOT MERIT HIS OR HER REGISTRATION FOR ANY REASON; AND

(IV) THE COURT IS OF THE OPINION THAT SUCH REGISTRATION WOULD BE UNDULY HARSH AND INAPPROPRIATE.

(B) REMOVAL OF PERSON FROM THE REGISTRY. THAT WHERE THE SUPREME COURT FINDS THE CONSIDERABLE GROUNDS REQUIRED IN PARAGRAPH (A) OF THIS SUBDIVISION, AND ISSUES AN ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST REGISTRY, THE DIVISION SHALL, IN ACCORDANCE WITH THIS PARAGRAPH AND PARAGRAPH (C) OF THIS SUBDIVISION, REMOVE SUCH PERSON FROM THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL FROM THE REGISTRY.

(C) APPEALS. THE DIVISION MAY APPEAL ANY DECISION AND/OR ORDER WHERE THE COURT DIRECTS THE DIVISION TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST REGISTRY. AN APPEAL OF SUCH DECISION AND/OR ORDER SHALL GO, AS OF RIGHT, TO THE COURT OF APPEALS WHICH SHALL HEAR SUCH APPEAL WITHIN NINETY DAYS OF THE ISSUANCE OF THE DECISION OR THE ENTRY OF THE ORDER DIRECTING THE DIVISION TO REMOVE SUCH PERSON FROM THE REGISTRY, WHICHEVER IS EARLIER. WHERE THE DIVISION APPEALS AN ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST REGISTRY, SUCH REMOVAL SHALL NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL APPEAL IS DECIDED IN FAVOR OF THE PERSON SEEKING SUCH REMOVAL. ANY PERSON TO WHOM THE COURT DENIES A PETITION TO HAVE THEIR NAME REMOVED FROM THE NEW YORK STATE TERRORIST REGISTRY MAY ALSO APPEAL SUCH DECISION AND/OR ORDER. AN APPEAL OF SUCH DECISION AND/OR ORDER DENYING THE PETITION TO REMOVE SUCH PERSON FROM THE REGISTRY BY THE PERSON SEEKING TO HAVE THEIR NAME REMOVED SHALL GO, AS OF RIGHT, TO THE APPELLATE DIVISION IN THE DEPARTMENT IN WHICH SUCH PERSON SO RESIDES, OR IF SUCH PERSON DOES NOT RESIDE IN NEW YORK STATE, TO THE APPELLATE DIVISION OF THE THIRD DEPARTMENT, WHICH SUCH APPELLATE DIVISION SHALL HEAR SUCH APPEAL WITHIN NINETY DAYS OF THE ISSUANCE OF THE DECISION OR ENTRY OF THE ORDER DENYING THE PETITION SOUGHT IN ACCORDANCE WITH THIS SECTION, WHICHEVER IS EARLIER.

S 169-J. RESPONSIBILITIES OF A CONFINEMENT ENTITY PRIOR TO DISCHARGE OF A TERRORIST. 1. NOTIFICATION OF THE DIVISION. FOR EVERY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, WITHIN ITS CUSTODY, THE CONFINEMENT ENTITY, AS DEFINED IN SUBDIVISION EIGHTEEN OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, SHALL NOTIFY THE DIVISION, IN A FORM AND MANNER PROVIDED FOR BY THE DIVISION, OF CERTAIN INFORMATION ON SUCH TERRORIST, INCLUDING, BUT NOT LIMITED TO, THE TERRORIST'S NAME, THE ADDRESS OF THE TERRORIST PRIOR TO CONFINEMENT, THE EXPECTED LENGTH OF CONFINEMENT OF THE TERRORIST, AND THE DATE OF EXPECTED RELEASE OF THE TERRORIST FROM THE FACILITY MAINTAINED BY THE CONFINEMENT ENTITY. THE NOTIFICATION REQUIRED BY THIS SUBDIVISION SHALL TAKE PLACE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, OR IF THE CONFINEMENT ENTITY TAKES CUSTODY OF SUCH TERRORIST AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THEN SUCH NOTICE SHALL TAKE PLACE WITHIN THIRTY DAYS OF THE COMMENCEMENT OF THE DATE OF SUCH CUSTODY OF SUCH TERRORIST.

2. NOTIFICATION OF DUTY AND OBLIGATION TO REGISTER. FOR EVERY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, WITHIN ITS CUSTODY, THE CONFINEMENT ENTITY, AS DEFINED IN SUBDIVISION EIGHTEEN OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, SHALL INFORM SUCH TERRORIST OF THEIR DUTY AND OBLIGATION TO REGISTER UNDER THIS ARTICLE. SUCH NOTIFICATION SHALL BE IN A FORM AND MANNER PROVIDED BY THE DIVISION. THE FAILURE OF THE DIVISION, OR OF THE CONFINEMENT ENTITY, TO PROVIDE, OR THE FAILURE OF THE TERRORIST TO RECEIVE, SUCH NOTICE, SHALL NOT RELIEVE THE TERRORIST OF ANY DUTY AND/OR OBLIGATION UNDER THIS ARTICLE. THE NOTIFICATION REQUIRED BY THIS SUBDIVISION SHALL TAKE PLACE NOT LESS THAN SIXTY CALENDAR DAYS PRIOR TO THE RELEASE, DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR ANY OTHER RELEASE, OF THE TERRORIST, FROM THE CUSTODY OF THE CONFINEMENT ENTITY, BUT IN THE EVENT THE CONFINEMENT ENTITY IS UNABLE TO NOTIFY THE TERRORIST AT LEAST SIXTY DAYS PRIOR TO SUCH RELEASE, DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR ANY OTHER RELEASE, AS REQUIRED BY THIS SUBDIVISION, THE CONFINEMENT ENTITY SHALL PROVIDE AN EMERGENCY NOTIFICATION TO THE TERRORIST, IN A FORM AND MANNER BY THE DIVISION.

3. REGISTRATION AT THE FACILITY. IMMEDIATELY AFTER PROVIDING THE TERRORIST WITH THE NOTIFICATION REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE CONFINEMENT ENTITY SHALL PRESENT EVERY TERRORIST IN THEIR CUSTODY WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE TERRORIST REGISTRY WITH A REGISTRATION PACKET AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, AS PROVIDED BY THE DIVISION, AND SHALL FURTHER ARRANGE TO HAVE SUCH PACKET READ AND EXPLAINED TO THE TERRORIST, AND AFTER SUCH READING AND EXPLANATION, SHALL ADDITIONALLY REQUIRE THE TERRORIST TO:

(A) COMPLETE AND SIGN THE STANDARDIZED REGISTRATION FORM CONTAINED WITHIN SUCH REGISTRATION PACKET;

(B) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF AN INITIAL REGISTRATION PHOTOGRAPH;

(C) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A COMPLETE SET OF FINGERPRINTS; AND

(D) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A DNA SAMPLE.

4. FAILURE OF A TERRORIST TO REGISTER. NO CONFINEMENT ENTITY SHALL RELEASE, DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION, OR PROVIDE ANY OTHER RELEASE FOR ANY TERRORIST REQUIRED TO REGISTER UNDER THIS ARTICLE, WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE TERRORIST REGISTRY, WITHOUT FIRST OBTAINING A COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM, AN INITIAL PHOTOGRAPH, A COMPLETE SET OF FINGERPRINTS, AND A DNA SAMPLE FROM SUCH TERRORIST PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

5. SATISFACTION OF DUTY TO INITIALLY APPEAR BEFORE LAW ENFORCEMENT AGENCY HAVING JURISDICTION. THE COLLECTION BY THE CONFINEMENT ENTITY OF THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE FROM THE TERRORIST IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, SHALL RELIEVE THE TERRORIST FROM THEIR DUTY TO INITIALLY APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE COLLECTION OF THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, BUT SHALL NOT RELIEVE SUCH TERRORIST FROM THEIR DUTY TO PAY, WITHIN FIFTEEN DAYS OF RELEASE FROM THE CONFINEMENT ENTITY, THE ONE HUNDRED DOLLAR FEE REQUIRED PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, OR THE DUTY TO APPEAR BEFORE SUCH LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING A CHANGE OF ADDRESS FORM, OR THE DUTY TO APPEAR OR RE-APPEAR BEFORE SUCH LAW ENFORCEMENT

AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING AN ANNUAL UPDATE TO THE TERRORIST'S INITIAL PHOTOGRAPH.

6. RECORDING OF ADDRESS. UPON THE COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST, THE CONFINEMENT ENTITY SHALL IMMEDIATELY RECORD FROM SUCH STANDARDIZED REGISTRATION FORM, THE ADDRESS WHERE THE TERRORIST EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR ANY OTHER RELEASE, AND SHALL KEEP AND MAINTAIN A RECORD OF SUCH ADDRESS.

7. TRANSMISSION OF THE STANDARDIZED REGISTRATION FORM. UPON THE COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE CONFINEMENT ENTITY SHALL IMMEDIATELY GIVE ONE COPY OF THE COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM TO THE TERRORIST, MAINTAIN ONE COPY OF SUCH COMPLETED AND SIGNED FORM FOR THE CONFINEMENT ENTITY'S OWN RECORDS, AND SHALL FURTHER IMMEDIATELY TRANSMIT TO THE DIVISION, BY THE MEANS AND MANNER PROVIDED BY THE DIVISION, THE ORIGINAL COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM.

8. TRANSMISSION OF THE REGISTRATION MATERIALS. UPON THE COLLECTION OF THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE FROM THE TERRORIST IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE CONFINEMENT ENTITY SHALL IMMEDIATELY TRANSMIT TO THE DIVISION THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, BY THE MEANS AND MANNER PROVIDED BY THE DIVISION.

9. CONVICTION DATA AND PERSONAL INFORMATION. AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION MAY REQUEST, AND THE CONFINEMENT ENTITY SHALL THEN IMMEDIATELY PROVIDE AND TRANSMIT TO THE DIVISION, ANY AND ALL THE CONVICTION DATA AND PERSONAL INFORMATION OF ANY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, WITHIN THE CUSTODY OF THE CONFINEMENT ENTITY.

10. SHARING OF CONVICTION DATA AND PERSONAL INFORMATION. UPON RECEIPT OF THE CONVICTION DATA AND PERSONAL INFORMATION OF THE TERRORIST IN ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION, THE DIVISION SHALL IMMEDIATELY TRANSMIT SUCH CONVICTION DATA AND PERSONAL INFORMATION TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL BUREAU OF INVESTIGATION, AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

S 169-K. RESPONSIBILITIES DURING COMMUNITY SUPERVISION OR PROBATION. 1. NOTIFICATION OF THE DIVISION. FOR EVERY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, ON COMMUNITY SUPERVISION OR PROBATION, THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL NOTIFY THE DIVISION, IN A FORM AND MANNER PROVIDED FOR BY THE DIVISION, OF CERTAIN INFORMATION ON SUCH TERRORIST, INCLUDING, BUT NOT LIMITED TO, THE TERRORIST'S NAME, THE ADDRESS OF THE TERRORIST PRIOR TO THE COMMUNITY SUPERVISION OR PROBATION, THE CURRENT ADDRESS OF THE TERRORIST, THE EXPECTED LENGTH OF COMMUNITY SUPERVISION OR PROBATION OF THE TERRORIST, AND THE DATE OF EXPECTED RELEASE OF THE TERRORIST FROM THE COMMUNITY SUPERVISION OR PROBATION. THE NOTIFICATION REQUIRED BY THIS SUBDIVISION SHALL TAKE PLACE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, OR IF THE TERRORIST COMMENCES COMMUNITY SUPERVISION OR PROBATION AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THEN SUCH NOTICE SHALL TAKE PLACE WITHIN THIRTY DAYS OF THE COMMENCEMENT OF THE DATE OF SUCH COMMUNITY SUPERVISION OR PROBATION.

2. NOTIFICATION OF DUTY AND OBLIGATION TO REGISTER. FOR EVERY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B

OF THIS ARTICLE, ON COMMUNITY SUPERVISION OR PROBATION, THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL INFORM SUCH TERRORIST OF THEIR DUTY AND OBLIGATION TO REGISTER UNDER THIS ARTICLE. SUCH NOTIFICATION SHALL BE IN A FORM AND MANNER PROVIDED BY THE DIVISION. THE FAILURE OF THE DIVISION, OR OF THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, TO PROVIDE, OR THE FAILURE OF THE TERRORIST TO RECEIVE, SUCH NOTICE, SHALL NOT RELIEVE THE TERRORIST OF ANY DUTY AND/OR OBLIGATION UNDER THIS ARTICLE. THE NOTIFICATION REQUIRED BY THIS SUBDIVISION SHALL TAKE PLACE NOT LESS THAN THIRTY CALENDAR DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, BUT IN THE EVENT THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES IS UNABLE TO NOTIFY THE TERRORIST AS REQUIRED BY THIS SUBDIVISION, THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL PROVIDE AN EMERGENCY NOTIFICATION TO THE TERRORIST, IN A FORM AND MANNER PROVIDED BY THE DIVISION.

3. REGISTRATION BY THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES. IMMEDIATELY AFTER PROVIDING THE TERRORIST WITH THE NOTIFICATION REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL PRESENT EVERY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, ON COMMUNITY SUPERVISION OR PROBATION, WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE TERRORIST REGISTRY, WITH A REGISTRATION PACKET, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, AS PROVIDED BY THE DIVISION, AND SHALL FURTHER ARRANGE TO HAVE SUCH PACKET READ AND EXPLAINED TO THE TERRORIST, AND AFTER SUCH READING AND EXPLANATION, SHALL ADDITIONALLY REQUIRE THE TERRORIST TO:

(A) COMPLETE AND SIGN THE STANDARDIZED REGISTRATION FORM CONTAINED WITHIN SUCH REGISTRATION PACKET;

(B) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF AN INITIAL REGISTRATION PHOTOGRAPH;

(C) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A COMPLETE SET OF FINGERPRINTS; AND

(D) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A DNA SAMPLE.

4. FAILURE OF A TERRORIST TO REGISTER. NEITHER THE DEPARTMENT NOR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL RELEASE OR DISCHARGE FROM PROBATION OR COMMUNITY SUPERVISION ANY TERRORIST REQUIRED TO REGISTER UNDER THIS ARTICLE WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE TERRORIST REGISTRY, WITHOUT FIRST OBTAINING A COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM, AN INITIAL PHOTOGRAPH, A COMPLETE SET OF FINGERPRINTS, AND A DNA SAMPLE, FROM SUCH TERRORIST PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

5. SATISFACTION OF DUTY TO INITIALLY APPEAR BEFORE LAW ENFORCEMENT AGENCY HAVING JURISDICTION. THE COLLECTION BY THE DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, OF THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, FROM THE TERRORIST, IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, SHALL RELIEVE THE TERRORIST FROM THEIR DUTY TO INITIALLY APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, FOR THE COLLECTION OF THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, BUT SHALL NOT RELIEVE SUCH TERRORIST FROM THEIR DUTY TO PAY, WITHIN FIFTEEN DAYS OF RELEASE FROM PROBATION OR COMMUNITY SUPERVISION, THE ONE HUNDRED DOLLAR FEE REQUIRED PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, OR THE DUTY TO APPEAR BEFORE SUCH LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING A CHANGE OF ADDRESS FORM, OR THE DUTY TO APPEAR OR RE-APPEAR BEFORE SUCH

LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING AN ANNUAL UPDATE TO THE TERRORIST'S INITIAL PHOTOGRAPH.

6. RECORDING OF ADDRESS. UPON THE COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST, THE DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL IMMEDIATELY RECORD FROM SUCH STANDARDIZED REGISTRATION FORM, THE ADDRESS WHERE THE TERRORIST EXPECTS TO RESIDE UPON HIS OR HER RELEASE OR DISCHARGE FROM COMMUNITY SUPERVISION OR PROBATION, AND SHALL KEEP AND MAINTAIN A RECORD OF SUCH ADDRESS.

7. TRANSMISSION OF THE STANDARDIZED REGISTRATION FORM. UPON THE COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST, IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL IMMEDIATELY GIVE ONE COPY OF THE COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM TO THE TERRORIST, MAINTAIN ONE COPY OF SUCH COMPLETED AND SIGNED FORM FOR THE CONFINEMENT ENTITY'S OWN RECORDS, AND SHALL FURTHER IMMEDIATELY TRANSMIT TO THE DIVISION, BY THE MEANS AND MANNER PROVIDED BY THE DIVISION, THE ORIGINAL COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM.

8. TRANSMISSION OF THE REGISTRATION MATERIALS. UPON THE COLLECTION OF THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, FROM THE TERRORIST, IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL IMMEDIATELY TRANSMIT TO THE DIVISION, THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, BY THE MEANS AND MANNER PROVIDED BY THE DIVISION.

9. CONVICTION DATA AND PERSONAL INFORMATION. AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION MAY REQUEST, AND THE DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL THEN IMMEDIATELY PROVIDE AND TRANSMIT TO THE DIVISION, ANY AND ALL THE CONVICTION DATA AND PERSONAL INFORMATION OF ANY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, ON COMMUNITY SUPERVISION OR PROBATION.

10. SHARING OF CONVICTION DATA AND PERSONAL INFORMATION. UPON RECEIPT OF THE CONVICTION DATA AND PERSONAL INFORMATION OF THE TERRORIST, IN ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION, THE DIVISION SHALL IMMEDIATELY TRANSMIT SUCH CONVICTION DATA AND PERSONAL INFORMATION TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL BUREAU OF INVESTIGATION, AND THE UNITED STATE DEPARTMENT OF HOMELAND SECURITY.

S 169-L. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF REGISTRATION OF A TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY SHALL BE FOR LIFE, AND THE DUTY AND OBLIGATION TO PROVIDE VERIFICATION BY SUCH TERRORIST SHALL BE QUARTERLY FOR LIFE.

S 169-M. NOTIFICATION OF CHANGE OF ADDRESS. 1. DUTY AND OBLIGATION TO NOTIFY DIVISION OF CHANGE OF ADDRESS. IN ACCORDANCE WITH SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY WHO IS A RESIDENT OF NEW YORK STATE SHALL, IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THIS ARTICLE, REGISTER HIS OR HER CURRENT RESIDENTIAL ADDRESS AND THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

2. NOTIFICATION OF LOCAL LAW ENFORCEMENT. UPON RECEIPT OF A CHANGE OF ADDRESS BY A TERRORIST REQUIRED TO REGISTER UNDER THIS ARTICLE, IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, THE DIVISION SHALL

IMMEDIATELY NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE, PLACE OF EMPLOYMENT OR PLACE OF EDUCATIONAL INSTITUTION ATTENDED, AND THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE TERRORIST LAST RESIDED, WORKED OR ATTENDED EDUCATIONAL INSTRUCTION, OF SUCH CHANGE OF ADDRESS.

3. REQUIREMENTS OF LOCAL LAW ENFORCEMENT. UPON RECEIPT OF THE CHANGE OF ADDRESS INFORMATION FROM THE DIVISION, SENT TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, IN ACCORDANCE WITH SUBDIVISION TWO OF THIS SECTION, THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL ADHERE TO ALL THE PROVISIONS AND REQUIREMENTS SET FORTH IN THIS ARTICLE.

4. NOTIFICATION OF OTHER JURISDICTIONS. THE DIVISION SHALL, IF THE TERRORIST CHANGES HIS OR HER RESIDENCE TO ANOTHER STATE OR NATION, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE OR NATION OF THE NEW PLACE OF RESIDENCE.

S 169-N. REGISTRY INFORMATION SHARING. 1. SHARING OF INFORMATION WITH NEW YORK AND FEDERAL ENTITIES. THE DIVISION, PURSUANT TO THIS SECTION, IS AUTHORIZED TO SHARE THE NEW YORK STATE TERRORIST REGISTRY, AND ALL OF ITS INFORMATION CONTAINED THEREIN, WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE DEPARTMENT, ANY COURT OF THE UNIFIED COURT SYSTEM, THE NEW YORK CITY POLICE DEPARTMENT, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF JUSTICE, THE UNITED STATES DEPARTMENT OF STATE, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE UNITED STATES CENTRAL INTELLIGENCE AGENCY, AND ANY LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITY, AND/OR ANY OTHER ENTITY THAT THE DIVISION DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF THIS ARTICLE. FOR THE PURPOSES OF THIS SECTION, THE SHARING OF INFORMATION SHALL INCLUDE THE PROVISION OF INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY TO THE ENTITIES AUTHORIZED UNDER THIS SECTION, AS WELL AS THE RECEIPT AND INCORPORATION OF INFORMATION INTO NEW YORK STATE TERRORIST REGISTRY FROM THE ENTITIES AUTHORIZED UNDER THIS SECTION.

2. SHARING OF INFORMATION WITH OTHER REGISTRY ENTITIES. THE DIVISION, PURSUANT TO THIS SECTION, IS FURTHER AUTHORIZED TO SHARE THE NEW YORK STATE TERRORIST REGISTRY, AND ALL OF ITS INFORMATION CONTAINED THEREIN, WITH ANY OTHER STATE, REGIONAL OR NATIONAL REGISTRY OF TERRORISTS, INCLUDING BUT NOT LIMITED TO, THE TERRORIST SCREENING DATABASE MAINTAINED BY THE FEDERAL BUREAU OF INVESTIGATION'S TERRORIST SCREENING CENTER, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY THE DIVISION OF THE STATE POLICE, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY ANY LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITIES, AND/OR ANY OTHER ENTITY THAT MAINTAINS A CRIMINAL JUSTICE OR TERRORIST DATABASE THAT THE DIVISION DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF THIS ARTICLE. FOR THE PURPOSES OF THIS SECTION, THE SHARING OF INFORMATION SHALL INCLUDE THE PROVISION OF INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY TO THE ENTITIES AUTHORIZED UNDER THIS SECTION, AS WELL AS THE RECEIPT AND INCORPORATION OF INFORMATION INTO NEW YORK STATE TERRORIST REGISTRY FROM THE ENTITIES AUTHORIZED UNDER THIS SECTION.

3. REVIEW OF REGISTRY FOR SECURE INFORMATION. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, PURSUANT TO THIS SECTION, IN CONSULTATION WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND THE DIVISION OF STATE POLICE, SHALL REVIEW THE INFORMATION CONTAINED ON THE NEW YORK STATE TERRORIST REGISTRY, AND SHALL DETERMINE WHETHER THE DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON THE REGISTRY MAY CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE STATE OF NEW YORK. UPON THE REVIEW MADE IN ACCORDANCE WITH THIS SUBDIVISION, AND UPON A DETERMINATION THAT ANY PARTICULAR INFORMATION NEEDS TO BE DEEMED

SECURE, THE DIVISION SHALL REMOVE SUCH SECURE INFORMATION FROM PUBLIC ACCESSIBILITY, INCLUDING EXEMPTING SUCH INFORMATION FROM THE REQUIREMENTS OF THE POSTING ON THE DIVISION'S WEBSITE, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE, OR PROVIDING OF SUCH INFORMATION THROUGH THE SPECIAL TELEPHONE NUMBER IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-Q OF THIS ARTICLE. ANY INFORMATION DEEMED SECURE PURSUANT TO THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE NEW YORK STATE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

4. SECURE INFORMATION SHARABLE. IN NO EVENT SHALL A DETERMINATION MADE BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THAT PARTICULAR INFORMATION SHALL BE DEEMED SECURE, PURSUANT TO SUBDIVISION THREE OF THIS SECTION, PREVENT THE DIVISION FROM SHARING SUCH SECURE INFORMATION WITH ANY ENTITY IDENTIFIED FOR THE REGISTRY INFORMATION SHARING PURSUANT TO THIS SECTION, BUT THE DIVISION MAY PLACE SHARING RESTRICTIONS ON SUCH SECURE INFORMATION, AS DETERMINED BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, WHEN SHARING SUCH SECURE INFORMATION WITH OTHER AUTHORIZED SHARING ENTITIES, IN ACCORDANCE WITH SUBDIVISION ONE AND TWO OF THIS SECTION, COULD RESULT IN THE INAPPROPRIATE DISCLOSURE OF SUCH SECURE INFORMATION.

S 169-O. DNA AND FINGERPRINT CUSTODY AND ANALYSIS. 1. SECURE CUSTODIAL COLLECTION. THE DIVISION, PURSUANT TO THIS SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL COLLECTION OF THE DNA SAMPLE AND FINGERPRINTS TAKEN FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, THE CONFINEMENT ENTITY, OR THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. THE DIVISION SHALL FURTHER DEVELOP BY REGULATION, PROTOCOLS FOR SUCH SECURE CUSTODIAL COLLECTION OF THE DNA SAMPLE AND FINGERPRINTS COLLECTED FROM THE TERRORIST, AND SHALL MAKE AVAILABLE AN INFORMATION PACKET TO EXPLAIN THE SECURE PROTOCOLS TO ALL LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, ALL CONFINEMENT ENTITIES, THE DEPARTMENT AND THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES.

2. SECURE CUSTODIAL TRANSFER OF DNA. THE DIVISION, PURSUANT TO THIS SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL TRANSFER OF THE DNA SAMPLE COLLECTED FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, THE CONFINEMENT ENTITY, THE DEPARTMENT, OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, AND/OR ANY OTHER APPROVED DNA ANALYSIS ENTITY, AS CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH DNA SAMPLE.

3. SECURE CUSTODIAL TRANSFER OF FINGERPRINTS. THE DIVISION, PURSUANT TO THIS SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL TRANSFER OF THE FINGERPRINTS COLLECTED FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, THE CONFINEMENT ENTITY, THE DEPARTMENT, OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, AND/OR ANY OTHER APPROVED FINGERPRINT ANALYSIS ENTITY, AS CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH FINGERPRINTS.

4. STATE DNA IDENTIFICATION INDEX. THE DIVISION SHALL FURTHER PROVIDE FOR THE SUBSEQUENT SECURE CUSTODIAL TRANSFER OF THE DNA SAMPLE, AND/OR THE ANALYSIS PRODUCED, TO THE STATE DNA IDENTIFICATION INDEX, MAINTAINED PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE-C OF THE EXECUTIVE LAW.

S 169-P. REGISTRY AND VERIFICATION FEES. 1. CHARGING OF FEES. THE DIVISION, PURSUANT TO THIS SECTION, SHALL:

(A) CHARGE A FEE OF ONE HUNDRED DOLLARS FOR THE INITIAL REGISTRATION OF THE TERRORIST;

(B) CHARGE A FEE OF TEN DOLLARS EACH TIME A TERRORIST REGISTERS ANY CHANGE OF ADDRESS; AND

(C) CHARGE A FEE OF TEN DOLLARS EACH TIME A TERRORIST APPEARS TO PERMIT THE TAKING OF AN UPDATED ANNUAL PHOTOGRAPH.

2. PAYMENT OF FEES. ALL FEES CHARGED PURSUANT TO THIS SECTION SHALL BE PAID TO THE DIVISION BY THE TERRORIST AT THE TIME AND MANNER PRESCRIBED BY THE DIVISION.

3. WAIVER OF FEES. THE DIVISION MAY PROVIDE, ON A CASE BY CASE BASIS, FOR A WAIVER OF ANY FEE TO BE CHARGED PURSUANT TO THIS SECTION, OR MAY FURTHER AUTHORIZE, ON A CASE BY CASE BASIS, FOR A DELAYED OR INSTALLMENT PAYMENT OF A FEE TO BE CHARGED PURSUANT TO THIS SECTION.

4. DEPOSIT AUTHORIZATION. THE STATE COMPTROLLER IS HEREBY AUTHORIZED TO DEPOSIT ANY AND ALL FEES COLLECTED PURSUANT TO THIS SECTION INTO THE GENERAL FUND.

S 169-Q. SPECIAL TELEPHONE NUMBER. 1. TOLL FREE NUMBER. THE DIVISION SHALL OPERATE A TELEPHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF CHARGE TO INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE IS LISTED ON THE NEW YORK STATE TERRORIST REGISTRY, AND TO OBTAIN PUBLICLY AVAILABLE REGISTRY INFORMATION WITH RESPECT TO SUCH TERRORIST.

2. RECEIPT OF, AND RESPONSE TO, CALLS TO THE SPECIAL TELEPHONE NUMBER. UPON THE RECEIPT OF A CALL TO THE SPECIAL TELEPHONE NUMBER PROVIDED FOR IN THIS SECTION, THE DIVISION SHALL:

(A) ASK THE CALLER FOR A NAME OF AN INDIVIDUAL ON WHICH THE CALLER WOULD LIKE TO OBTAIN INFORMATION.

(B) ASCERTAIN WHETHER SUCH NAMED INDIVIDUAL REASONABLY APPEARS TO BE A PERSON LISTED ON THE REGISTRY, AND IN DECIDING WHETHER SUCH NAMED INDIVIDUAL REASONABLY APPEARS TO BE A PERSON LISTED ON THE REGISTRY, THE DIVISION SHALL REQUIRE THE CALLER TO PROVIDE INFORMATION ON ANY THREE OF THE FOLLOWING:

(I) AN EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, IF ANY, OF THE TERRORIST;

(II) THE DRIVER'S LICENSE NUMBER OR NON-DRIVER'S IDENTIFICATION CARD NUMBER OF THE TERRORIST;

(III) THE DATE OF BIRTH OF THE TERRORIST;

(IV) THE SOCIAL SECURITY NUMBER OR TAXPAYER IDENTIFICATION NUMBER OF THE TERRORIST;

(V) THE COUNTRY OF ORIGIN OF THE TERRORIST;

(VI) THE CRIME OF TERRORISM OR VERIFIABLE TERRORIST ACT COMMITTED BY THE TERRORIST;

(VII) THE HAIR COLOR OR EYE COLOR OF THE TERRORIST;

(VIII) THE HEIGHT, WEIGHT, OR BUILD OF THE TERRORIST;

(IX) ANY DISTINCTIVE MARKINGS OR THE ETHNICITY OF THE TERRORIST; AND/OR

(X) THE NAME AND STREET ADDRESS OF THE TERRORIST'S EMPLOYER.

(C) UPON ASCERTAINING THAT THE NAMED INDIVIDUAL REASONABLY APPEARS TO BE A PERSON LISTED ON THE NEW YORK STATE TERRORIST REGISTRY BASED UPON THE INFORMATION PROVIDED FROM THE CALLER IN ACCORDANCE WITH PARAGRAPH (B) OF THIS SUBDIVISION, PROVIDE THE CALLER WITH THE FOLLOWING INFORMATION:

(I) THE NAME OF THE TERRORIST;

(II) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE TERRORIST;

(III) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

(IV) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERRORIST'S PLACE OF EMPLOYMENT;

(V) IF THE TERRORIST IS A STUDENT, THE EXACT ADDRESS OF THE EDUCATIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

(VI) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING FOR EACH AND EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO PROVIDE.

(D) PLAY, BEFORE A LIVE OPERATOR SPEAKS WITH THE CALLER, A RECORDED PREAMBLE WHICH SHALL PROVIDE THE FOLLOWING NOTICES:

(I) THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;

(II) THAT THERE WILL BE NO CHARGE TO THE CALLER FOR USE OF THE SPECIAL TELEPHONE NUMBER;

(III) THAT THE CALLER SHALL BE REQUIRED TO PROVIDE THEIR NAME AND ADDRESS TO THE OPERATOR AND THAT SUCH SHALL BE MAINTAINED IN A WRITTEN RECORD;

(IV) THAT THE CALLER IS REQUIRED TO BE NOT LESS THAN EIGHTEEN YEARS OF AGE;

(V) THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH THE TELEPHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON REGISTERED ON THE NEW YORK STATE TERRORIST REGISTRY, OR TO ENGAGE IN ILLEGAL DISCRIMINATION OR HARASSMENT AGAINST SUCH PERSON;

(VI) THAT THE CALLER IS REQUIRED TO HAVE THE IDENTIFYING INFORMATION REQUIRED TO BE PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION REGARDING THE INDIVIDUAL ABOUT WHOM INFORMATION IS SOUGHT IN ORDER TO ACHIEVE A POSITIVE IDENTIFICATION OF THAT PERSON;

(VII) THAT THE SPECIAL TELEPHONE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY SUSPECTED CRIMINAL OR TERRORIST ACTIVITY SHOULD BE REPORTED TO THE LOCAL, STATE OR FEDERAL AUTHORITIES; AND

(VIII) THAT AN INFORMATION PACKAGE, WHICH WILL INCLUDE A DESCRIPTION OF THE LAW PERTAINING TO THE NEW YORK STATE TERRORIST REGISTRY, IS AVAILABLE ONLINE ON THE DIVISION'S OFFICIAL WEBSITE, AND IN WRITING, BY MAIL, UPON REQUEST FROM THE DIVISION.

3. MISUSE OF THE SPECIAL TELEPHONE NUMBER. WHENEVER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OF MISUSE OF THE SPECIAL TELEPHONE NUMBER, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY PERSON AGGRIEVED BY THE MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR THE PATTERN OR PRACTICE OF MISUSE, AND THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW, AND SUCH PERSON OR GROUP OF PERSONS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS.

4. REPORT OF CALL ACTIVITY. THE DIVISION SHALL, ON OR BEFORE THE FIRST OF SEPTEMBER IN EACH YEAR, FILE A REPORT WITH THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, ON THE OPERATION OF THE TELEPHONE NUMBER, AND SUCH ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

(A) THE NUMBER OF CALLS RECEIVED;

(B) A DETAILED OUTLINE OF THE AMOUNT OF MONEY EXPENDED AND THE MANNER IN WHICH IT WAS EXPENDED FOR PURPOSES OF THIS SECTION;

(C) THE NUMBER OF CALLS THAT RESULTED IN AN AFFIRMATIVE RESPONSE AND THE NUMBER OF CALLS THAT RESULTED IN A NEGATIVE RESPONSE WITH REGARD TO WHETHER A NAMED INDIVIDUAL WAS LISTED;

(D) A SUMMARY OF THE SUCCESS OF THE SPECIAL TELEPHONE NUMBER PROGRAM BASED UPON THE ABOVE OR ANY OTHER SELECTED FACTORS THE DIVISION SHALL DEEM RELEVANT;

(E) A COMPARISON BETWEEN THE EFFICACY OF THE SPECIAL TELEPHONE NUMBER, OPERATED PURSUANT TO THIS SECTION, AND THE INTERNET DIRECTORY, OPERATED PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE; AND

(F) RECOMMENDATIONS AS TO HOW THE DIVISION MIGHT IMPROVE THE SPECIAL TELEPHONE NUMBER AND/OR THE NEW YORK STATE TERRORIST REGISTRY.

5. SECURE INFORMATION. THE OPERATORS OF THE SPECIAL TELEPHONE NUMBER SHALL NOT PROVIDE ANY CALLER WITH ANY INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY THAT THE DIVISION HAS DEEMED SECURE IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE-N OF THIS ARTICLE.

6. ADVERTISEMENT OF SPECIAL TELEPHONE NUMBER. THE DIVISION SHALL PROVIDE FOR THE ADVERTISEMENT OF THE SPECIAL TELEPHONE NUMBER ESTABLISHED PURSUANT TO THIS SECTION, INCLUDING BUT NOT LIMITED TO THE POSTING OF SUCH NUMBER ON ITS OFFICIAL WEBSITE, AND THE OFFICIAL WEBSITE OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

7. REGULATIONS. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 169-R. INTERNET DIRECTORY. 1. OPERATION OF THE INTERNET DIRECTORY. THE DIVISION SHALL MAINTAIN AND OPERATE AN INTERNET DIRECTORY OF THE NEW YORK STATE TERRORIST REGISTRY WHICH SHALL:

(A) INCLUDE THE FOLLOWING INFORMATION FOR EACH TERRORIST:

(I) THE NAME OF THE TERRORIST;

(II) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE TERRORIST;

(III) THE MOST RECENT PHOTOGRAPH OF THE TERRORIST TAKEN OF THE TERRORIST FOR THE REGISTRY;

(IV) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

(V) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERRORIST'S PLACE OF EMPLOYMENT;

(VI) IF THE TERRORIST IS A STUDENT, THE EXACT ADDRESS OF THE EDUCATIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

(VII) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING EACH AND EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO PROVIDE;

(B) HAVE TERRORIST LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE; AND

(C) BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION'S OFFICIAL HOMEPAGE, WITH A LINK TO CONNECT TO SUCH DIRECTORY ALSO APPEARING ON THE OFFICIAL HOMEPAGE OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

2. AUTOMATED E-MAIL NOTIFICATIONS. ANY PERSON MAY APPLY TO THE DIVISION TO RECEIVE AUTOMATED E-MAIL NOTIFICATIONS WHENEVER A NEW OR UPDATED REGISTRATION OCCURS ON THE NEW YORK STATE TERRORIST REGISTRY, IN THE GEOGRAPHIC AREA SPECIFIED BY SUCH PERSON, BUT UNLESS THE APPLICANT IS AN EMPLOYEE OR ENTITY OF A STATE, LOCAL OR FEDERAL GOVERNMENT, ACTING IN THEIR OFFICIAL CAPACITY, SUCH E-MAIL NOTIFICATIONS SHALL BE LIMITED TO THREE GEOGRAPHIC AREAS PER E-MAIL ACCOUNT.

3. NO CHARGE FOR THE USE OF THE DIRECTORY. THE DIVISION SHALL NOT CHARGE FOR ACCESS TO THE INTERNET DIRECTORY NOR FOR THE RECEIPT OF E-MAIL NOTIFICATIONS.

4. MISUSE OF THE INTERNET DIRECTORY. WHENEVER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OF MISUSE OF THE INTERNET DIRECTORY, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY PERSON AGGRIEVED BY THE MISUSE OF THE DIRECTORY IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR THE PATTERN OR PRACTICE OF MISUSE, AND THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW, AND SUCH PERSON OR GROUP OF PERSONS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS.

5. SECURE INFORMATION. THE INTERNET DIRECTORY SHALL NOT PROVIDE ANY USER WITH ANY INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY THAT THE DIVISION HAS DEEMED SECURE, IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE-N OF THIS ARTICLE.

6. ADVERTISEMENT OF INTERNET DIRECTORY. THE DIVISION SHALL PROVIDE FOR THE ADVERTISEMENT OF THE INTERNET DIRECTORY ESTABLISHED PURSUANT TO THIS SECTION, INCLUDING BUT NOT LIMITED TO THE LISTING OF SUCH WEBSITE ADDRESS ON ITS RECORDED MESSAGE FOR THE SPECIAL TELEPHONE NUMBER, AND THE POSTING OF A LINK TO SUCH INTERNET DIRECTORY ON THE OFFICIAL WEBSITE OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

7. REGULATIONS. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 169-S. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT AND NECESSARY INFORMATION PURSUANT TO THIS ARTICLE, UNLESS IT IS SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE RELEASE OF RELEVANT INFORMATION TO OTHER STATE, LOCAL AND/OR FEDERAL EMPLOYEES OR OFFICIALS, OR TO THE GENERAL PUBLIC.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO RELEASE INFORMATION AS AUTHORIZED IN THIS ARTICLE UNLESS IT IS SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH.

S 169-T. ANNUAL REPORT. THE DIVISION SHALL, ON OR BEFORE THE FIRST OF SEPTEMBER IN EACH YEAR, FILE A REPORT WITH THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, DETAILING THE NEW YORK STATE TERRORIST REGISTRY PROGRAM ESTABLISHED BY THIS ARTICLE, THE DIVISION'S EXPERIENCE CONCERNING COMPLIANCE WITH PROVISIONS OF THIS ARTICLE, AND THE DIVISION'S EXPERIENCE CONCERNING THE EFFECTIVENESS OF THIS ARTICLE, TOGETHER WITH ANY RECOMMENDATIONS THE DIVISION MAY HAVE TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

S 169-U. PENALTY. ANY TERRORIST REQUIRED TO REGISTER, OR TO PROVIDE INFORMATION OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, PURSUANT TO THE PROVISIONS OF THIS ARTICLE, OR WHO FAILS TO REGISTER OR TO PROVIDE

INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE, SHALL BE GUILTY OF A CLASS A-I FELONY, PURSUANT TO SECTION 490.23 OF THE PENAL LAW. ANY SUCH FAILURE TO REGISTER OR TO PROVIDE INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, PURSUANT TO THE PROVISIONS OF THIS ARTICLE, MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW, OR THE BASIS FOR REVOCATION OF PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW.

S 169-V. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE OF ANY INFORMATION CONTAINED IN THE NEW YORK STATE TERRORIST REGISTRY SHALL BE A CLASS B MISDEMEANOR.

S 169-W. EXPENSES INCURRED BY GOVERNMENTAL ENTITIES. 1. LOCAL GOVERNMENTS. ANY LOCAL GOVERNMENT, WHICH HAS INCURRED ANY COST FOR COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE, MAY MAKE AN APPLICATION TO THE STATE COMPTROLLER FOR REIMBURSEMENT OF SUCH COST. APPLICATION FOR REIMBURSEMENT FOR SUCH COST INCURRED SHALL BE IN THE FORM AND MANNER AS REQUIRED BY THE STATE COMPTROLLER. THE STATE COMPTROLLER SHALL PAY SUCH A LOCAL GOVERNMENT, WHICH HAS MADE AN APPLICATION FOR A COST, WHICH HAS BEEN VERIFIED BY THE STATE COMPTROLLER AS HAVING BEEN INCURRED BY THE LOCAL GOVERNMENT, FROM THE TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT, ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-AAAA OF THE STATE FINANCE LAW, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET.

2. STATE AGENCY. ANY STATE AGENCY, WHICH HAS INCURRED ANY COST FOR COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE, MAY MAKE AN APPLICATION TO THE STATE COMPTROLLER AND THE DIRECTOR OF THE BUDGET, FOR AN INCREASE IN SUCH STATE AGENCY'S BUDGET, IN DIRECT RELATION TO SUCH COST SO INCURRED. APPLICATION FOR AN INCREASE IN SUCH STATE AGENCY'S BUDGET, IN DIRECT RELATION TO SUCH COST INCURRED, SHALL BE IN THE FORM AND MANNER AS REQUIRED BY THE DIRECTOR OF THE BUDGET AND THE STATE COMPTROLLER. THE STATE COMPTROLLER SHALL VERIFY WHETHER THE COST HAS BEEN SO INCURRED BY THE STATE AGENCY. ANY INCREASE IN SUCH STATE AGENCY'S BUDGET, AS AUTHORIZED BY THIS SUBDIVISION, SHALL BE IN DIRECT RELATION TO SUCH COST INCURRED BY SUCH STATE AGENCY, AND SHALL BE CHARGED FROM THE TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT, ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-AAAA OF THE STATE FINANCE LAW, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET.

3. NOTIFICATION OF THE GOVERNOR AND THE LEGISLATURE. NOT LATER THAN THE FIRST DAY OF MARCH, THE STATE COMPTROLLER AND THE DIRECTOR OF THE BUDGET SHALL NOTIFY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, OF THE FISCAL AMOUNTS REQUESTED IN APPLICATIONS FOR REIMBURSEMENT FOR COSTS INCURRED BY LOCAL GOVERNMENTS UNDER THIS SECTION, AND THE FISCAL AMOUNTS OF APPLICATIONS FOR INCREASES IN STATE AGENCIES' BUDGETS UNDER THIS SECTION, DURING THE PREVIOUS TWELVE MONTHS, WITH SUCH NOTIFICATION IDENTIFYING THE LOCAL GOVERNMENTS AND THE STATE AGENCIES THAT HAVE MADE SUCH APPLICATIONS.

S 169-X. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE OR PART THEREOF SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OR ANY OTHER SECTION OR PART THEREOF.

S 5. The penal law is amended by adding a new section 490.23 to read as follows:

S 490.23 FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST REGISTRY.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST REGISTRY WHEN HE OR SHE IS REQUIRED TO REGISTER OR VERIFY WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, AND FAILS TO REGISTER AS REQUIRED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, OR FAILS TO PROVIDE REQUIRED INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION AS REQUIRED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW.

FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST REGISTRY IS A CLASS A-I FELONY.

S 6. The state finance law is amended by adding a new section 97-aaaa to read as follows:

S 97-AAAA. TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF THE DEPARTMENT OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE "TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT".

2. THE TERRORIST REGISTRY FUND MANAGEMENT ACCOUNT SHALL CONSIST OF:

(A) MONIES RECEIVED BY THE STATE PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW;

(B) MONIES RECEIVED BY THE STATE AND DIRECTED TO BE PAID TO THE ACCOUNT UPON ORDER OF ANY COURT OF:

(I) THE UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK;

(II) THE FEDERAL COURT SYSTEM OF THE UNITED STATES; AND/OR

(III) THE GOVERNMENT OF THE UNITED STATES OPERATING UNDER THE UNIFORM CODE OF MILITARY JUSTICE, AND

(C) ALL OTHER MONIES, FEES, FINES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED, APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE.

3. MONIES OF THE TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET, SHALL BE MADE AVAILABLE FOR LOCAL GOVERNMENTS AND STATE AGENCIES PROVIDING SERVICES PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW.

S 7. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

SUBPART D

Section 1. The executive law is amended by adding a new section 720 to read as follows:

S 720. QUINQUENNIAL CYBER SECURITY REPORT. 1. THE COMMISSIONER, IN CONSULTATION WITH THE SUPERINTENDENT OF THE STATE POLICE, THE CHIEF INFORMATION OFFICER, AND THE PRESIDENT OF THE CENTER FOR INTERNET SECURITY, SHALL PREPARE A REPORT, TO BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, ON OR BEFORE THE FIRST DAY OF SEPTEMBER, TWO THOUSAND SIXTEEN, AND THEN EVERY FIVE YEARS THEREAFTER, WHICH PROVIDES A COMPREHENSIVE REVIEW OF ALL CYBER SECURITY SERVICES PERFORMED BY, AND ON BEHALF OF, THE STATE OF NEW YORK.

2. THE REPORT REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SHALL INCLUDE A DETAILED ASSESSMENT OF EACH AND EVERY CYBER SECURITY NEED OF THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, ITS STATE AGENCIES AND ITS PUBLIC AUTHORITIES, AND FOR EACH AND EVERY SUCH CYBER SECURITY NEED SO IDENTIFIED, SHALL FURTHER INCLUDE A DETAILED DESCRIPTION OF:

(A) THE TYPE OF CYBER SECURITY SERVICE USED TO ADDRESS SUCH NEED;
(B) THE SCOPE OF THE NEED SO ADDRESSED, AS WELL AS THE SCOPE OF THE SERVICE USED TO ADDRESS SUCH NEED;
(C) THE COST OF THE SERVICE USED TO ADDRESS SUCH NEED;
(D) THE EFFECTIVENESS OF THE CYBER SECURITY SERVICE USED TO ADDRESS SUCH NEED;
(E) THE ENTITY PROVIDING SUCH CYBER SECURITY SERVICE USED TO ADDRESS SUCH NEED;
(F) THE GOVERNMENT, INDUSTRY AND/OR ACADEMICALLY ACCEPTED BEST CYBER SECURITY PRACTICE FOR ADDRESSING SUCH NEED;
(G) HOW OTHER STATES, AND THE FEDERAL GOVERNMENT HAVE ADDRESSED SUCH NEED; AND
(H) HOW PRIVATE SECTOR ENTITIES ADDRESSED SUCH NEED.

3. DURING THE PREPARATION OF THE REPORT REQUIRED BY SUBDIVISION ONE OF THIS SECTION, AND AFTER ITS DELIVERY TO THE PERSONS IDENTIFIED TO RECEIVE SUCH REPORT, THE COMMISSIONER, THE SUPERINTENDENT OF THE STATE POLICE, THE CHIEF INFORMATION OFFICER, AND THE PRESIDENT OF THE CENTER FOR INTERNET SECURITY, AS WELL AS THE DIVISIONS, OFFICES AND CORPORATIONS UNDER THEIR DIRECTION, SHALL PROVIDE TO SUCH PERSONS ENTITLED TO RECEIVE SUCH REPORT, ANY AND ALL ADDITIONAL INFORMATION SUCH PERSONS MAY REQUEST, WITH RESPECT TO ANY CYBER SECURITY ISSUE CONCERNING:
(A) THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, ANY AGENCY, BOARD, BUREAU, COMMISSION, DEPARTMENT, DIVISION, INSTITUTION, OFFICE, OR PUBLIC AUTHORITY OF THE STATE;
(B) ANY LOCAL GOVERNMENT ENTITY, INCLUDING BUT NOT LIMITED TO, ANY COUNTY, TOWN, CITY, VILLAGE, SCHOOL DISTRICT, SPECIAL DISTRICT, AND ANY AGENCY, BOARD, BUREAU, COMMISSION, DEPARTMENT, DIVISION, INSTITUTION, OFFICE, OR PUBLIC AUTHORITY OF SUCH LOCAL GOVERNMENT ENTITY;
(C) ANY REGULATED ENTITY OF THE STATE OF NEW YORK OR LOCAL GOVERNMENT ENTITY;
(D) ANY NOT-FOR-PROFIT CORPORATION IN THE STATE OF NEW YORK;
(E) ANY PRIVATE SECTOR BUSINESS IN THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, A SOLE PROPRIETOR, PARTNERSHIP, LIMITED LIABILITY COMPANY OR BUSINESS CORPORATION; AND/OR
(F) ANY CITIZEN OF THE STATE OF NEW YORK.

4. WHERE COMPLIANCE WITH THIS SECTION SHALL REQUIRE THE DISCLOSURE OF CONFIDENTIAL INFORMATION, OR THE DISCLOSURE OF SENSITIVE INFORMATION WHICH IN THE JUDGMENT OF THE COMMISSIONER WOULD JEOPARDIZE THE CYBER SECURITY OF THE STATE:
(A) SUCH CONFIDENTIAL OR SENSITIVE INFORMATION SHALL BE PROVIDED TO THE PERSONS ENTITLED TO RECEIVE THE REPORT AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, AS FOLLOWS:
(I) IN THE CASE OF THE REPORT REQUIRED BY SUBDIVISION ONE OF THIS SECTION, IN THE FORM OF A SUPPLEMENTAL APPENDIX TO THE REPORT; AND
(II) IN THE CASE OF A RESPONSE TO A REQUEST FOR INFORMATION MADE IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, IN A SECURE MANNER AS DETERMINED BY THE COMMISSIONER;
(B) NEITHER A SUPPLEMENTAL APPENDIX TO THE REPORT, NOR ANY CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, SHALL BE POSTED ON THE DIVISION'S WEBSITE AS REQUIRED BY SUBDIVISION FIVE OF THIS SECTION;
(C) NEITHER A SUPPLEMENTAL APPENDIX TO THE REPORT, NOR ANY CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, SHALL BE SUBJECT TO THE PROVISIONS OF THE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW; AND

(D) THE PERSONS ENTITLED TO RECEIVE THE REPORT AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, MAY DISCLOSE THE SUPPLEMENTAL APPENDIX TO THE REPORT, AND ANY CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, TO THEIR PROFESSIONAL STAFF, BUT SHALL NOT OTHERWISE PUBLICLY DISCLOSE SUCH CONFIDENTIAL OR SECURE INFORMATION.

5. EXCEPT WITH RESPECT TO ANY CONFIDENTIAL OR SENSITIVE INFORMATION AS DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION, THE DIVISION SHALL POST A COPY OF THE REPORT PREPARED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, ON ITS WEBSITE, NOT MORE THAN FIFTEEN DAYS AFTER SUCH REPORT IS DELIVERED TO THE PERSONS ENTITLED TO RECEIVE SUCH REPORT. THE DIVISION MAY FURTHER POST ANY AND ALL FURTHER INFORMATION IT MAY DEEM APPROPRIATE, ON ITS WEBSITE, REGARDING CYBER SECURITY, AND THE PROTECTION OF PUBLIC AND PRIVATE COMPUTER SYSTEMS, NETWORKS, HARDWARE AND SOFTWARE.

S 2. This act shall take effect immediately.

SUBPART E

Section 1. The executive law is amended by adding a new section 721 to read as follows:

S 721. NEW YORK STATE CYBER SECURITY INITIATIVE. 1. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS AND DECLARES THAT REPEATED CYBER INTRUSIONS INTO CRITICAL INFRASTRUCTURE, EFFECTING GOVERNMENT, PRIVATE SECTOR BUSINESS, AND CITIZENS OF THE STATE OF NEW YORK, HAVE DEMONSTRATED THE NEED FOR IMPROVED CYBER SECURITY.

THE LEGISLATURE FURTHER FINDS AND DECLARES THAT THIS CYBER THREAT CONTINUES TO GROW AND REPRESENTS ONE OF THE MOST SERIOUS PUBLIC SECURITY CHALLENGES THAT NEW YORK MUST CONFRONT. MOREOVER, THE SECURITY OF THE STATE OF NEW YORK DEPENDS ON THE RELIABLE FUNCTIONING OF NEW YORK STATE'S CRITICAL INFRASTRUCTURE, AND PRIVATE SECTOR BUSINESS INTERESTS, AS WELL AS THE PROTECTION OF THE FINANCES AND INDIVIDUAL LIBERTIES OF EVERY CITIZEN, IN THE FACE OF SUCH THREATS.

THE LEGISLATURE ADDITIONALLY FINDS AND DECLARES THAT TO ENHANCE THE SECURITY, PROTECTION AND RESILIENCE OF NEW YORK STATE'S CRITICAL INFRASTRUCTURE, AND PRIVATE SECTOR BUSINESS INTERESTS, AS WELL AS THE PROTECTION OF THE FINANCES AND INDIVIDUAL LIBERTIES OF EVERY CITIZEN, THE STATE OF NEW YORK MUST PROMOTE A CYBER ENVIRONMENT THAT ENCOURAGES EFFICIENCY, INNOVATION, AND ECONOMIC PROSPERITY, AND THAT CAN OPERATE WITH SAFETY, SECURITY, BUSINESS CONFIDENTIALITY, PRIVACY, AND CIVIL LIBERTY.

THE LEGISLATURE FURTHER FINDS AND DECLARES THAT TO CREATE SUCH A SAFE AND SECURE CYBER ENVIRONMENT FOR GOVERNMENT, PRIVATE SECTOR BUSINESS AND INDIVIDUAL CITIZENS, NEW YORK MUST ADVANCE, IN ADDITION TO ITS CURRENT EFFORTS IN THIS FIELD, A NEW YORK STATE CYBER SECURITY INITIATIVE, THAT ESTABLISHES A NEW YORK STATE CYBER SECURITY ADVISORY BOARD; A NEW YORK STATE CYBER SECURITY PARTNERSHIP PROGRAM WITH THE OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE, PRIVATE SECTOR BUSINESS, ACADEMIA, AND INDIVIDUAL CITIZENS TO IMPROVE, DEVELOP AND IMPLEMENT RISK-BASED STANDARDS FOR GOVERNMENT, PRIVATE SECTOR BUSINESSES AND INDIVIDUAL CITIZENS; AND A NEW YORK STATE CYBER SECURITY INFORMATION SHARING PROGRAM.

2. CRITICAL INFRASTRUCTURE AND INFORMATION SYSTEMS. AS USED IN THIS SECTION, THE TERM "CRITICAL INFRASTRUCTURE AND INFORMATION SYSTEMS" SHALL MEAN ALL SYSTEMS AND ASSETS, WHETHER PHYSICAL OR VIRTUAL, SO VITAL TO THE GOVERNMENT, PRIVATE SECTOR BUSINESSES AND INDIVIDUAL CITIZENS OF THE STATE OF NEW YORK THAT THE INCAPACITY OR DESTRUCTION OF SUCH SYSTEMS AND ASSETS WOULD HAVE A DEBILITATING IMPACT TO THE SECURITY, ECONOMY, OR

PUBLIC HEALTH OF THE INDIVIDUAL CITIZENS, GOVERNMENT, OR PRIVATE SECTOR BUSINESSES OF THE STATE OF NEW YORK.

3. NEW YORK STATE CYBER SECURITY ADVISORY BOARD. (A) THERE SHALL BE WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, A NEW YORK STATE CYBER SECURITY ADVISORY BOARD, WHICH SHALL ADVISE THE GOVERNOR AND THE LEGISLATURE ON DEVELOPMENTS IN CYBER SECURITY AND MAKE RECOMMENDATIONS FOR PROTECTING THE STATE'S CRITICAL INFRASTRUCTURE AND INFORMATION SYSTEMS.

(B) THE BOARD MEMBERS SHALL CONSIST OF ELEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THREE MEMBERS APPOINTED UPON RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, AND THREE MEMBERS APPOINTED AT THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. ALL MEMBERS SO APPOINTED SHALL HAVE EXPERTISE IN CYBER SECURITY, TELECOMMUNICATIONS, INTERNET SERVICE DELIVERY, PUBLIC PROTECTION, COMPUTER SYSTEMS AND/OR COMPUTER NETWORKS.

(C) THE BOARD SHALL INVESTIGATE, DISCUSS AND MAKE RECOMMENDATIONS CONCERNING CYBER SECURITY ISSUES INVOLVING BOTH THE PUBLIC AND PRIVATE SECTORS AND WHAT STEPS CAN BE TAKEN BY NEW YORK STATE TO PROTECT CRITICAL CYBER INFRASTRUCTURE, FINANCIAL SYSTEMS, TELECOMMUNICATIONS NETWORKS, ELECTRICAL GRIDS, SECURITY SYSTEMS, FIRST RESPONDER SYSTEMS AND INFRASTRUCTURE, PHYSICAL INFRASTRUCTURE SYSTEMS, TRANSPORTATION SYSTEMS, AND SUCH OTHER AND FURTHER SECTORS OF STATE GOVERNMENT AND THE PRIVATE SECTOR AS THE ADVISORY BOARD SHALL DEEM PRUDENT.

(D) THE PURPOSE OF THE ADVISORY BOARD SHALL BE TO PROMOTE THE DEVELOPMENT OF INNOVATIVE, ACTIONABLE POLICIES TO ENSURE THAT NEW YORK STATE IS IN THE FOREFRONT OF PUBLIC CYBER SECURITY DEFENSE.

(E) THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT MAY RECEIVE ACTUAL AND NECESSARY EXPENSES, AND SHALL NOT BE DISQUALIFIED FOR HOLDING ANY OTHER PUBLIC OFFICE OR EMPLOYMENT BY MEANS OF THEIR SERVICE AS A MEMBER OF THE ADVISORY BOARD.

(F) THE ADVISORY BOARD SHALL BE ENTITLED TO REQUEST AND RECEIVE, AND SHALL BE PROVIDED WITH, SUCH FACILITIES, RESOURCES AND DATA OF ANY AGENCY, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR PUBLIC AUTHORITY OF THE STATE, AS THEY MAY REASONABLY REQUEST, TO CARRY OUT PROPERLY THEIR POWERS, DUTIES AND PURPOSE.

4. NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND ANALYSIS PROGRAM. (A) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE DIVISION OF THE STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY, SHALL ESTABLISH, WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, A VOLUNTARY NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND ANALYSIS PROGRAM.

(B) IT SHALL BE THE PURPOSE OF THE NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND ANALYSIS PROGRAM TO INCREASE THE VOLUME, TIMELINESS, AND QUALITY OF CYBER THREAT INFORMATION SHARED WITH NEW YORK STATE PUBLIC AND PRIVATE SECTOR ENTITIES SO THAT THESE ENTITIES MAY BETTER PROTECT AND DEFEND THEMSELVES AGAINST CYBER THREATS AND TO PROMOTE THE DEVELOPMENT OF EFFECTIVE DEFENSES AND STRATEGIES TO COMBAT, AND PROTECT AGAINST, CYBER THREATS AND ATTACKS.

(C) TO FACILITATE THE PURPOSES OF THE NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND ANALYSIS PROGRAM, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, SHALL PROMULGATE REGULATIONS, IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

(D) THE REGULATIONS SHALL PROVIDE FOR THE TIMELY PRODUCTION OF UNCLASSIFIED REPORTS OF CYBER THREATS TO NEW YORK STATE AND ITS PUBLIC AND PRIVATE SECTOR ENTITIES, INCLUDING THREATS THAT IDENTIFY A SPECIFIC TARGETED ENTITY.

(E) THE REGULATIONS SHALL ADDRESS THE NEED TO PROTECT INTELLIGENCE AND LAW ENFORCEMENT SOURCES, METHODS, OPERATIONS, AND INVESTIGATIONS, AND SHALL FURTHER ESTABLISH A PROCESS THAT RAPIDLY DISSEMINATES THE REPORTS PRODUCED PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, TO BOTH ANY TARGETED ENTITY AS WELL AS SUCH OTHER AND FURTHER PUBLIC AND PRIVATE ENTITIES AS THE DIVISION SHALL DEEM NECESSARY TO ADVANCE THE PURPOSES OF THIS SUBDIVISION.

(F) THE REGULATIONS SHALL PROVIDE FOR PROTECTIONS FROM LIABILITY FOR ENTITIES SHARING AND RECEIVING INFORMATION WITH THE NEW YORK STATE CYBER SECURITY INFORMATION AND ANALYSIS PROGRAM, SO LONG AS THE ENTITY ACTED IN GOOD FAITH.

(G) THE REGULATIONS SHALL FURTHER ESTABLISH A SYSTEM FOR TRACKING THE PRODUCTION, DISSEMINATION, AND DISPOSITION OF THE REPORTS PRODUCED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

(H) THE REGULATIONS SHALL ALSO ESTABLISH AN ENHANCED CYBER SECURITY SERVICES PROGRAM, WITHIN NEW YORK STATE, TO PROVIDE FOR PROCEDURES, METHODS AND DIRECTIVES, FOR A VOLUNTARY INFORMATION SHARING PROGRAM, THAT WILL PROVIDE CYBER THREAT AND TECHNICAL INFORMATION COLLECTED FROM BOTH PUBLIC AND PRIVATE SECTOR ENTITIES, TO SUCH PRIVATE AND PUBLIC SECTOR ENTITIES AS THE DIVISION DEEMS PRUDENT, TO ADVISE ELIGIBLE CRITICAL INFRASTRUCTURE COMPANIES OR COMMERCIAL SERVICE PROVIDERS THAT OFFER SECURITY SERVICES TO CRITICAL INFRASTRUCTURE ON CYBER SECURITY THREATS AND DEFENSE MEASURES.

(I) THE REGULATIONS SHALL ALSO SEEK TO DEVELOP STRATEGIES TO MAXIMIZE THE UTILITY OF CYBER THREAT INFORMATION SHARING BETWEEN AND ACROSS THE PRIVATE AND PUBLIC SECTORS, AND SHALL FURTHER SEEK TO PROMOTE THE USE OF PRIVATE AND PUBLIC SECTOR SUBJECT MATTER EXPERTS TO ADDRESS CYBER SECURITY NEEDS IN NEW YORK STATE, WITH THESE SUBJECT MATTER EXPERTS PROVIDING ADVICE REGARDING THE CONTENT, STRUCTURE, AND TYPES OF INFORMATION MOST USEFUL TO CRITICAL INFRASTRUCTURE OWNERS AND OPERATORS IN REDUCING AND MITIGATING CYBER RISKS.

(J) THE REGULATIONS SHALL FURTHER SEEK TO ESTABLISH A CONSULTATIVE PROCESS TO COORDINATE IMPROVEMENTS TO THE CYBER SECURITY OF CRITICAL INFRASTRUCTURE, WHERE AS PART OF THE CONSULTATIVE PROCESS, THE PUBLIC AND PRIVATE ENTITIES OF THE STATE OF NEW YORK SHALL ENGAGE AND CONSIDER THE ADVICE OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF THE STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, THE CENTER FOR INTERNET SECURITY, THE NEW YORK STATE CYBER SECURITY ADVISORY BOARD, THE PROGRAMS ESTABLISHED BY THIS SUBDIVISION, AND SUCH OTHER AND FURTHER PRIVATE AND PUBLIC SECTOR ENTITIES, UNIVERSITIES, AND CYBER SECURITY EXPERTS AS THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES MAY DEEM PRUDENT.

(K) THE REGULATIONS SHALL FURTHER SEEK TO ESTABLISH A BASELINE FRAMEWORK TO REDUCE CYBER RISK TO CRITICAL INFRASTRUCTURE, AND SHALL SEEK TO HAVE THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE DIVISION OF STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY, LEAD THE DEVELOPMENT OF A VOLUNTARY FRAMEWORK TO REDUCE CYBER RISKS TO CRITICAL INFRASTRUCTURE, TO BE KNOWN AS THE CYBER SECURITY FRAMEWORK, WHICH SHALL:

(I) INCLUDE A SET OF STANDARDS, METHODOLOGIES, PROCEDURES, AND PROCESSES THAT ALIGN POLICY, BUSINESS, AND TECHNOLOGICAL APPROACHES TO ADDRESS CYBER RISKS;

(II) INCORPORATE VOLUNTARY CONSENSUS STANDARDS AND INDUSTRY BEST PRACTICES TO THE FULLEST EXTENT POSSIBLE;

(III) PROVIDE A PRIORITIZED, FLEXIBLE, REPEATABLE, PERFORMANCE-BASED, AND COST-EFFECTIVE APPROACH, INCLUDING INFORMATION SECURITY MEASURES AND CONTROLS, TO HELP OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE IDENTIFY, ASSESS, AND MANAGE CYBER RISK;

(IV) FOCUS ON IDENTIFYING CROSS-SECTOR SECURITY STANDARDS AND GUIDELINES APPLICABLE TO CRITICAL INFRASTRUCTURE;

(V) IDENTIFY AREAS FOR IMPROVEMENT THAT SHOULD BE ADDRESSED THROUGH FUTURE COLLABORATION WITH PARTICULAR SECTORS AND STANDARDS-DEVELOPING ORGANIZATIONS;

(VI) ENABLE TECHNICAL INNOVATION AND ACCOUNT FOR ORGANIZATIONAL DIFFERENCES, TO PROVIDE GUIDANCE THAT IS TECHNOLOGY NEUTRAL AND THAT ENABLES CRITICAL INFRASTRUCTURE SECTORS TO BENEFIT FROM A COMPETITIVE MARKET FOR PRODUCTS AND SERVICES THAT MEET THE STANDARDS, METHODOLOGIES, PROCEDURES, AND PROCESSES DEVELOPED TO ADDRESS CYBER RISKS;

(VII) INCLUDE GUIDANCE FOR MEASURING THE PERFORMANCE OF AN ENTITY IN IMPLEMENTING THE CYBER SECURITY FRAMEWORK;

(VIII) INCLUDE METHODOLOGIES TO IDENTIFY AND MITIGATE IMPACTS OF THE CYBER SECURITY FRAMEWORK AND ASSOCIATED INFORMATION SECURITY MEASURES OR CONTROLS ON BUSINESS CONFIDENTIALITY, AND TO PROTECT INDIVIDUAL PRIVACY AND CIVIL LIBERTIES; AND

(IX) ENGAGE IN THE REVIEW OF THREAT AND VULNERABILITY INFORMATION AND TECHNICAL EXPERTISE.

(L) THE REGULATIONS SHALL ADDITIONALLY ESTABLISH A VOLUNTARY CRITICAL INFRASTRUCTURE CYBER SECURITY PROGRAM TO SUPPORT THE ADOPTION OF THE CYBER SECURITY FRAMEWORK BY OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE AND ANY OTHER INTERESTED ENTITIES, WHERE UNDER THIS PROGRAM IMPLEMENTATION GUIDANCE OR SUPPLEMENTAL MATERIALS WOULD BE DEVELOPED TO ADDRESS SECTOR-SPECIFIC RISKS AND OPERATING ENVIRONMENTS, AND RECOMMEND LEGISLATION FOR ENACTMENT TO ADDRESS CYBER SECURITY ISSUES.

(M) IN DEVELOPING THE NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND ANALYSIS PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE DIVISION OF STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY, SHALL PRODUCE AND SUBMIT A REPORT, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, MAKING RECOMMENDATIONS ON THE FEASIBILITY, SECURITY BENEFITS, AND RELATIVE MERITS OF INCORPORATING SECURITY STANDARDS INTO ACQUISITION PLANNING AND CONTRACT ADMINISTRATION. SUCH REPORT SHALL FURTHER ADDRESS WHAT STEPS CAN BE TAKEN TO HARMONIZE AND MAKE CONSISTENT EXISTING PROCUREMENT REQUIREMENTS RELATED TO CYBER SECURITY AND THE FEASIBILITY OF INCLUDING RISK-BASED SECURITY STANDARDS INTO PROCUREMENT AND CONTRACT ADMINISTRATION.

5. NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK ASSESSMENT REPORT. (A) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE DIVISION OF STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY, WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, SHALL PRODUCE A NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK ASSESSMENT REPORT.

(B) THE PRODUCTION OF THE NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK ASSESSMENT REPORT SHALL USE A RISK-BASED APPROACH TO IDENTIFY CRITICAL INFRASTRUCTURE WHERE A CYBER SECURITY INCIDENT COULD REASONABLY RESULT IN CATASTROPHIC REGIONAL OR STATE-WIDE EFFECTS ON PUBLIC HEALTH OR SAFETY, ECONOMIC DISTRESS, AND/OR THREATEN PUBLIC PROTECTION OF THE PEOPLE AND/OR PROPERTY OF NEW YORK STATE.

(C) THE PRODUCTION OF THE REPORT SHALL FURTHER USE THE CONSULTATIVE PROCESS AND DRAW UPON THE EXPERTISE OF AND ADVICE OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, THE CENTER FOR INTERNET SECURITY, THE NEW YORK STATE CYBER SECURITY ADVISORY BOARD, THE PROGRAMS ESTABLISHED BY THIS SECTION, AND SUCH OTHER AND FURTHER PRIVATE AND PUBLIC SECTOR ENTITIES, UNIVERSITIES, AND CYBER SECURITY EXPERTS AS THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES MAY DEEM PRUDENT.

(D) THE NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK ASSESSMENT REPORT SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS.

(E) WHERE COMPLIANCE WITH THIS SECTION SHALL REQUIRE THE DISCLOSURE OF CONFIDENTIAL INFORMATION, OR THE DISCLOSURE OF SENSITIVE INFORMATION WHICH IN THE JUDGMENT OF THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES WOULD JEOPARDIZE THE CYBER SECURITY OF THE STATE:

(I) SUCH CONFIDENTIAL OR SENSITIVE INFORMATION SHALL BE PROVIDED TO THE PERSONS ENTITLED TO RECEIVE THE REPORT, IN THE FORM OF A SUPPLEMENTAL APPENDIX TO THE REPORT; AND

(II) SUCH SUPPLEMENTAL APPENDIX TO THE REPORT SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW; AND

(III) THE PERSONS ENTITLED TO RECEIVE THE REPORT MAY DISCLOSE THE SUPPLEMENTAL APPENDIX TO THE REPORT TO THEIR PROFESSIONAL STAFF, BUT SHALL NOT OTHERWISE PUBLICLY DISCLOSE SUCH CONFIDENTIAL OR SECURE INFORMATION.

S 2. This act shall take effect immediately.

SUBPART F

Section 1. This act shall be known and may be cited as the "personal information protection act".

S 2. Legislative findings and determinations. The legislature finds and determines that the unauthorized access to, theft and misappropriation of personal information can cause serious and significant harm.

The legislature further finds and determines that in an attempt to provide some level of protection against the unauthorized access to, and theft and misappropriation of such personal information, all persons or entities who collect and maintain such personal information should be required to follow certain minimum protocols and standards.

The legislature additionally finds and determines that the minimum protocols and standards established by this act seek to promote the safeguarding of personal information contained in both paper and electronic records, and that the objectives of this act are to promote the security and confidentiality of personal information in a manner fully consistent with customarily accepted standards and protocols; protect against unauthorized access, threats or hazards to the security or integrity of such information as best as can be anticipated; and protect against unauthorized access to, or the unauthorized use of, such information that may result in serious, significant or substantial harm or inconvenience.

S 3. The penal law is amended by adding five new sections 156.07, 156.08, 156.45, 156.46 and 156.47 to read as follows:

S 156.07 AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE SECOND DEGREE.

IN ACCORDANCE WITH THE DEFINITION OF TERMS CONTAINED IN SECTION FOUR HUNDRED ONE OF THE STATE TECHNOLOGY LAW, ANY PERSON WHO INTENTIONALLY COPIES, DUPLICATES, USES OR REMOVES PERSONAL INFORMATION FROM A COMPUTER, WITHOUT AUTHORIZATION FROM THE PERSONAL INFORMATION SUBJECT OR THE PERSONAL INFORMATION HOLDER, SHALL BE GUILTY OF AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE SECOND DEGREE.

AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE SECOND DEGREE IS A CLASS E FELONY.

S 156.08 AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE FIRST DEGREE.

IN ACCORDANCE WITH THE DEFINITION OF TERMS CONTAINED IN SECTION FOUR HUNDRED ONE OF THE STATE TECHNOLOGY LAW, ANY PERSON WHO INTENTIONALLY COPIES, DUPLICATES, USES OR REMOVES PERSONAL INFORMATION FROM A COMPUTER, WITHOUT AUTHORIZATION FROM THE PERSONAL INFORMATION SUBJECT OR THE PERSONAL INFORMATION HOLDER, THAT RESULTS IN DAMAGES IN THE AMOUNT OF ONE THOUSAND DOLLARS OR MORE TO THE PERSONAL INFORMATION SUBJECT, OR THAT RESULTS IN THE UNAUTHORIZED PUBLIC DISCLOSURE OF MEDICAL INFORMATION OF THE PERSONAL INFORMATION SUBJECT, SHALL BE GUILTY OF AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE FIRST DEGREE.

AGGRAVATED UNAUTHORIZED USE OF A COMPUTER IN THE FIRST DEGREE IS A CLASS C FELONY.

S 156.45 FAILING TO MAINTAIN STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION.

IN ACCORDANCE WITH THE DEFINITION OF TERMS CONTAINED IN SECTION FOUR HUNDRED ONE OF THE STATE TECHNOLOGY LAW, ANY FIRST DEGREE PERSONAL INFORMATION HOLDER OR A FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER THAT:

1. INTENTIONALLY VIOLATES ITS DUTY TO PROTECT PERSONAL INFORMATION, AND

2. INTENTIONALLY FAILS TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN ITS APPROVED COMPREHENSIVE INFORMATION SECURITY PROGRAM, AND

3. EXPERIENCES A BREACH OF SECURITY INVOLVING PERSONAL INFORMATION, WHERE SUCH BREACH OF SECURITY HAS RESULTED IN:

(A) THE IDENTITY THEFT OF A PERSONAL INFORMATION SUBJECT, OR

(B) AN ACT OF FRAUD AGAINST A PERSONAL INFORMATION SUBJECT, OR

(C) ANY ACT WHICH CAUSES DAMAGES IN THE AMOUNT OF ONE THOUSAND DOLLARS OR MORE TO THE PERSONAL INFORMATION SUBJECT, OR

(D) ANY ACT WHICH CAUSES THE UNAUTHORIZED PUBLIC DISCLOSURE OF MEDICAL INFORMATION OF A PERSONAL INFORMATION SUBJECT,

SHALL BE GUILTY OF FAILING TO MAINTAIN STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION.

FAILING TO MAINTAIN STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION SHALL BE PUNISHABLE BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR EVERY INCIDENCE OF IDENTITY THEFT, FRAUD OR ACT CAUSING DAMAGES OF ONE THOUSAND DOLLARS OR MORE, AND/OR BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR EVERY INCIDENCE OF UNAUTHORIZED PUBLIC DISCLOSURE OF MEDICAL INFORMATION.

S 156.46 FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE SECOND DEGREE.

ANY PERSONAL INFORMATION RECIPIENT THAT INTENTIONALLY FAILS TO PROVIDE TIMELY NOTIFICATION OF A BREACH OF SECURITY, AS REQUIRED BY SECTION FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW, SHALL BE GUILTY OF THE OFFENSE OF FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE SECOND DEGREE.

FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE SECOND DEGREE SHALL BE PUNISHABLE BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR THE INTENTIONAL FAILURE TO TIMELY NOTIFY THE BUREAU OF CYBER SECURITY OF THE STATE POLICE PURSUANT TO SUBDIVISION ONE OF SECTION FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW, AND/OR BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR THE INTENTIONAL FAILURE TO TIMELY NOTIFY, IF REQUIRED, THE PERSONAL INFORMATION RECIPIENT'S COMPREHENSIVE SECURITY PROGRAM APPROVAL ENTITY PURSUANT TO SUBDIVISION TWO OF SECTION FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW, AND/OR BY A FINE OF UP TO ONE HUNDRED DOLLARS FOR EACH PERSONAL INFORMATION SUBJECT THE PERSONAL INFORMATION RECIPIENT FAILED TO TIMELY NOTIFY PURSUANT TO SUBDIVISION FOUR OF SECTION FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW.

S 156.47 FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE FIRST DEGREE.

ANY FIRST DEGREE PERSONAL INFORMATION RECIPIENT THAT INTENTIONALLY FAILS TO PROVIDE TIMELY NOTIFICATION OF A BREACH OF SECURITY, AS REQUIRED BY SECTION FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW, SHALL BE GUILTY OF THE OFFENSE OF FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE FIRST DEGREE.

FAILING TO NOTIFY OF A BREACH OF SECURITY IN THE FIRST DEGREE SHALL BE PUNISHABLE BY A FINE OF UP TO TEN THOUSAND DOLLARS FOR THE INTENTIONAL FAILURE TO TIMELY NOTIFY THE BUREAU OF CYBER SECURITY OF THE STATE POLICE PURSUANT TO SUBDIVISION ONE OF SECTION FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW, AND/OR BY A FINE OF UP TO TEN THOUSAND DOLLARS FOR THE INTENTIONAL FAILURE TO TIMELY NOTIFY, IF REQUIRED, THE PERSONAL INFORMATION RECIPIENT'S COMPREHENSIVE SECURITY PROGRAM APPROVAL ENTITY PURSUANT TO SUBDIVISION TWO OF SECTION FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW, AND/OR BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH PERSONAL INFORMATION SUBJECT THE FIRST DEGREE PERSONAL INFORMATION RECIPIENT FAILED TO TIMELY NOTIFY PURSUANT TO SUBDIVISION TWO OF SECTION FOUR HUNDRED SIX OF THE STATE TECHNOLOGY LAW.

S 4. The state technology law is amended by adding a new article 4 to read as follows:

ARTICLE IV

STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION

SECTION 401. DEFINITION OF TERMS.
402. DUTY TO PROTECT PERSONAL INFORMATION.
403. COMPREHENSIVE SECURITY PROGRAM STANDARDS.
404. APPROVAL OF COMPREHENSIVE SECURITY PROGRAMS.
405. COMPUTER SYSTEM SECURITY REQUIREMENTS.
406. BREACH OF SECURITY.
407. CAUSES OF ACTION.
408. LIABILITY PROTECTION.

S 401. DEFINITIONS OF TERMS. THE FOLLOWING DEFINITIONS ARE APPLICABLE TO THIS ARTICLE EXCEPT WHERE DIFFERENT MEANINGS ARE EXPRESSLY SPECIFIED:

1. "PERSONAL INFORMATION SUBJECT", AS USED IN THIS ARTICLE, MEANS ANY NATURAL PERSON WHO HAS THEIR PERSONAL INFORMATION COLLECTED OR MAINTAINED BY A PERSONAL INFORMATION RECIPIENT.

2. "PERSONAL INFORMATION RECIPIENT" AS USED IN THIS ARTICLE, MEANS ANY SECOND DEGREE PERSONAL INFORMATION RECIPIENT OR FIRST DEGREE PERSONAL INFORMATION RECIPIENT.

(A) "SECOND DEGREE PERSONAL INFORMATION RECIPIENT", AS USED IN THIS ARTICLE, MEANS ANY NATURAL PERSON, CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, UNINCORPORATED ASSOCIATION, GOVERNMENT, OR OTHER ENTITY, THAT, IN THE COURSE OF THEIR PERSONAL, BUSINESS, COMMERCIAL, CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATIONS, COLLECTS, RECEIVES,

STORES, MAINTAINS, PROCESSES, OR OTHERWISE HAS ACCESS TO, PERSONAL INFORMATION.

(B) "FIRST DEGREE PERSONAL INFORMATION RECIPIENT", AS USED IN THIS ARTICLE, MEANS ANY NATURAL PERSON, CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, UNINCORPORATED ASSOCIATION, GOVERNMENT, OR OTHER ENTITY, THAT, IN THE COURSE OF THEIR PERSONAL, BUSINESS, COMMERCIAL, CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATIONS, COLLECTS, RECEIVES, STORES, MAINTAINS, PROCESSES, OR OTHERWISE HAS ACCESS TO, PERSONAL INFORMATION, AND THAT HAS GROSS ANNUAL OPERATING REVENUES IN EXCESS OF ONE MILLION DOLLARS.

3. "PERSONAL INFORMATION COLLECTOR", AS USED IN THIS ARTICLE, MEANS ANY PERSONAL INFORMATION RECIPIENT, THAT DOES NOT MAINTAIN OR STORE SUCH PERSONAL INFORMATION, OR MAINTAIN ACCESS TO SUCH PERSONAL INFORMATION, FOR MORE THAN FIVE MINUTES, AND WAS PROVIDED WITH THE PERSONAL INFORMATION BY THE PERSONAL INFORMATION SUBJECT.

4. "PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTICLE, MEANS ANY SECOND DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE PERSONAL INFORMATION HOLDER.

(A) "SECOND DEGREE PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTICLE, MEANS ANY PERSONAL INFORMATION RECIPIENT, THAT MAINTAINS OR STORES SUCH PERSONAL INFORMATION, OR MAINTAINS ACCESS TO SUCH PERSONAL INFORMATION, FOR MORE THAN FIVE MINUTES, AND WAS PROVIDED WITH THE PERSONAL INFORMATION BY THE PERSONAL INFORMATION SUBJECT.

(B) "FIRST DEGREE PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTICLE, MEANS ANY PERSONAL INFORMATION RECIPIENT, THAT MAINTAINS OR STORES SUCH PERSONAL INFORMATION, OR MAINTAINS ACCESS TO SUCH PERSONAL INFORMATION, FOR MORE THAN FIVE MINUTES, AND WAS PROVIDED WITH THE PERSONAL INFORMATION BY THE PERSONAL INFORMATION SUBJECT, AND THAT HAS GROSS ANNUAL OPERATING REVENUES IN EXCESS OF ONE MILLION DOLLARS.

5. "THIRD PARTY PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTICLE, MEANS ANY SECOND DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER.

(A) "SECOND DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTICLE, MEANS ANY PERSONAL INFORMATION RECIPIENT, THAT AGREES TO COLLECT, RECEIVE, STORE, MAINTAIN, PROCESS, OR OTHERWISE HAVE ACCESS TO, PERSONAL INFORMATION, AND WAS PROVIDED WITH SUCH PERSONAL INFORMATION FROM A PERSONAL INFORMATION COLLECTOR, A PERSONAL INFORMATION HOLDER, OR ANOTHER THIRD PARTY PERSONAL INFORMATION HOLDER.

(B) "FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER", AS USED IN THIS ARTICLE, MEANS ANY PERSONAL INFORMATION RECIPIENT, THAT AGREES TO COLLECT, RECEIVE, STORE, MAINTAIN, PROCESS, OR OTHERWISE HAVE ACCESS TO, PERSONAL INFORMATION, AND WAS PROVIDED WITH SUCH PERSONAL INFORMATION FROM A PERSONAL INFORMATION COLLECTOR, A PERSONAL INFORMATION HOLDER, OR ANOTHER THIRD PARTY PERSONAL INFORMATION HOLDER, AND THAT HAS GROSS ANNUAL OPERATING REVENUES IN EXCESS OF ONE MILLION DOLLARS.

6. "PERSONAL INFORMATION", AS USED IN THIS ARTICLE,

(A) MEANS ANY INFORMATION, INCLUDING PAPER-BASED INFORMATION OR ELECTRONIC INFORMATION, THAT CONTAINS A NEW YORK STATE RESIDENT'S FIRST NAME AND LAST NAME, OR A NEW YORK STATE RESIDENT'S FIRST INITIAL AND LAST NAME, IN COMBINATION WITH ANY ONE OR MORE OF THE FOLLOWING OTHER INFORMATIONAL ELEMENTS THAT RELATE TO SUCH RESIDENT:

(I) A GOVERNMENTALLY ISSUED IDENTIFICATION NUMBER, INCLUDING:

(1) SOCIAL SECURITY NUMBER;

(2) DRIVER'S LICENSE NUMBER;

(3) STATE ISSUED IDENTIFICATION CARD NUMBER;

(4) MILITARY IDENTIFICATION CARD NUMBER;

(5) STUDENT IDENTIFICATION NUMBER; OR
(6) A UNITED STATES PASSPORT NUMBER;
(II) PERSONAL FINANCIAL INFORMATION, INCLUDING:
(1) FINANCIAL ACCOUNT INFORMATION, INCLUDING:
(A) BANK ACCOUNT INFORMATION:
(B) INVESTMENT ACCOUNT INFORMATION;
(C) RETIREMENT ACCOUNT INFORMATION;
(D) DEFERRED COMPENSATION ACCOUNT INFORMATION;
(E) MORTGAGE ACCOUNT INFORMATION;
(F) CAR LOAN ACCOUNT INFORMATION;
(G) CREDIT LINE ACCOUNT INFORMATION;
(H) PERSONAL LOAN ACCOUNT INFORMATION; OR
(I) ANY OTHER MONETARY FUND OR LOAN ACCOUNT INFORMATION; INCLUDING:
(I) THE NUMBER OF SUCH FINANCIAL ACCOUNT;
(II) ANY RECORD OF SUCH FINANCIAL ACCOUNT;
(III) A TRANSACTION HISTORY OF SUCH ACCOUNT;
(IV) A BALANCE OF SUCH ACCOUNT; AND/OR
(V) ANY SECURITY CODE, ACCESS CODE, PERSONAL IDENTIFICATION NUMBER OR PASSWORD, THAT WOULD PERMIT ACCESS TO, OR USE OF, SUCH FINANCIAL ACCOUNT;
(2) CREDIT OR DEBIT CARD INFORMATION, INCLUDING:
(A) THE NUMBER OF SUCH CREDIT CARD OR DEBIT CARD;
(B) THE EXPIRATION DATE OF SUCH CREDIT OR DEBIT CARD;
(C) THE CARD VERIFICATION VALUE CODE NUMBER OF SUCH CREDIT OR DEBIT CARD;
(D) ANY RECORD OF SUCH CREDIT OR DEBIT CARD ACCOUNT;
(E) ANY TRANSACTION HISTORY OF SUCH CREDIT OR DEBIT CARD;
(F) ANY BALANCE OF SUCH CREDIT OR DEBIT CARD; AND/OR
(G) ANY REQUIRED SECURITY CODE, ACCESS CODE, PERSONAL IDENTIFICATION NUMBER OR PASSWORD, THAT WOULD PERMIT ACCESS TO, OR USE OF, SUCH CREDIT OR DEBIT CARD; OR
(3) CREDIT STATUS INFORMATION, INCLUDING:
(A) CREDIT SCORE;
(B) CREDIT HISTORY; OR
(C) ANY INFORMATION DESCRIBING CREDIT TRANSACTIONS OF THE PERSONAL INFORMATION SUBJECT;
(III) PHYSICAL CHARACTERISTIC INFORMATION, INCLUDING:
(1) THE HEIGHT OF THE PERSONAL INFORMATION SUBJECT;
(2) THE WEIGHT OF THE PERSONAL INFORMATION SUBJECT;
(3) THE HAIR COLOR OF THE PERSONAL INFORMATION SUBJECT;
(4) THE EYE COLOR OF THE PERSONAL INFORMATION SUBJECT; AND/OR
(5) ANY OTHER DISTINGUISHING CHARACTERISTICS OF THE PERSONAL INFORMATION SUBJECT;
(IV) BIOMETRIC INFORMATION, INCLUDING:
(1) FINGERPRINTS OF THE PERSONAL INFORMATION SUBJECT;
(2) VOICE-PRINTS OF THE PERSONAL INFORMATION SUBJECT;
(3) EYE SCANS OF THE PERSONAL INFORMATION SUBJECT;
(4) BLOOD SAMPLES OF THE PERSONAL INFORMATION SUBJECT;
(5) DEOXYRIBONUCLEIC ACID (DNA) BASED SAMPLES OF THE PERSONAL INFORMATION SUBJECT;
(6) SKIN SAMPLES OF THE PERSONAL INFORMATION SUBJECT;
(7) HAIR SAMPLES OF THE PERSONAL INFORMATION SUBJECT; AND/OR
(8) ANY OTHER BIOMETRIC INFORMATION WHICH IS INTENDED OR COLLECTED FOR THE PURPOSE OF IDENTIFICATION OF THE PERSONAL INFORMATION SUBJECT; OR
(V) MEDICAL INFORMATION, INCLUDING BUT NOT LIMITED TO, ANY INFORMATION COLLECTED OR MAINTAINED ABOUT A PERSON INFORMATION SUBJECT PURSUANT TO

EXAMINATION, TESTING OR TREATMENT FOR PHYSICAL OR MENTAL ILLNESS OR WELLNESS, OR ANY OTHER INFORMATION COLLECTED OR MAINTAINED ON A PERSONAL INFORMATION SUBJECT BY A HEALTH CARE PROVIDER OR HEALTH CARE INSURER;

(B) SHALL NOT INCLUDE:

(I) PERSONAL INFORMATION THAT IS LAWFULLY OBTAINED FROM PUBLICLY AVAILABLE INFORMATION, OR FROM FEDERAL, STATE OR LOCAL GOVERNMENT RECORDS LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC; OR

(II) PAPER-BASED INFORMATION THAT HAS BEEN INTENTIONALLY DISCARDED OR ABANDONED BY THE PERSONAL INFORMATION SUBJECT.

7. "BREACH OF SECURITY", AS USED IN THIS ARTICLE, MEANS THE UNAUTHORIZED ACCESS, VIEWING, ACQUISITION, COPYING, DUPLICATION, REMOVAL OR ANY OTHER USE OF PERSONAL INFORMATION, EITHER IN UNENCRYPTED FORM OR IN ENCRYPTED FORM TOGETHER WITH THE CONFIDENTIAL PROCESS OR KEY THAT IS CAPABLE OF COMPROMISING THE SECURITY, CONFIDENTIALITY, OR INTEGRITY OF PERSONAL INFORMATION. A GOOD FAITH UNAUTHORIZED ACCESS, VIEWING OR ACQUISITION OF PERSONAL INFORMATION, FOR THE LAWFUL PURPOSES OF A PERSONAL INFORMATION COLLECTOR, IS NOT A BREACH OF SECURITY UNLESS THE PERSONAL INFORMATION IS THEREAFTER USED IN AN UNAUTHORIZED MANNER OR IS SUBJECT TO FURTHER UNAUTHORIZED DISCLOSURE, AS A RESULT OF SUCH GOOD FAITH UNAUTHORIZED ACCESS OR ACQUISITION.

8. "RECORD", AS USED IN THIS ARTICLE, MEANS ANY INFORMATION UPON WHICH WRITTEN, DRAWN, SPOKEN, VISUAL, OR ELECTROMAGNETIC DATA OR IMAGES ARE RECORDED OR PRESERVED, EITHER AS PAPER-BASED INFORMATION OR ELECTRONIC INFORMATION.

9. "PAPER-BASED INFORMATION", AS USED IN THIS ARTICLE, MEANS PERSONAL INFORMATION COLLECTED OR MAINTAINED VIA PAPER, WRITING OR OTHER DRAWING MEDIUM, OR ANY OTHER PHYSICAL BASED, TANGIBLE, RECORDING MEDIUM.

10. "ELECTRONIC INFORMATION", AS USED IN THIS ARTICLE, MEANS PERSONAL INFORMATION COLLECTED OR MAINTAINED VIA COMPUTER, TELEPHONE, INTERNET, COMPUTER NETWORK OR OTHER ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC OR SIMILAR DEVICE.

11. "ENCRYPTION", AS USED IN THIS ARTICLE, MEANS THE TRANSFORMATION OF DATA INTO A FORM IN WHICH THE MEANING OF SUCH DATA CANNOT BE ACCESSED WITHOUT THE USE OF A CONFIDENTIAL PROCESS OR KEY.

S 402. DUTY TO PROTECT PERSONAL INFORMATION. EVERY PERSONAL INFORMATION RECIPIENT SHALL HAVE A LEGAL DUTY TO PROTECT THE SECURITY AND INTEGRITY OF ALL PERSONAL INFORMATION IN THEIR CUSTODY FROM UNAUTHORIZED ACCESS OR UNAUTHORIZED USE.

S 403. COMPREHENSIVE SECURITY PROGRAM STANDARDS.

1. COMPREHENSIVE SECURITY PROGRAMS FOR PERSONAL INFORMATION RECIPIENTS. EVERY PERSONAL INFORMATION RECIPIENT SHALL DEVELOP, IMPLEMENT, AND MAINTAIN A COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM THAT IS WRITTEN IN ONE OR MORE READILY ACCESSIBLE PARTS, AND CONTAINS ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS, DETAILING THE PERSONAL INFORMATION RECIPIENT'S OBLIGATIONS TO SAFEGUARD THE PERSONAL INFORMATION UNDER SUCH COMPREHENSIVE INFORMATION SECURITY PROGRAM, THAT ARE APPROPRIATE TO:

(A) THE SIZE, SCOPE AND TYPE OF THE PERSONAL, BUSINESS, COMMERCIAL, CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATION OF THE PERSONAL INFORMATION RECIPIENT;

(B) THE AMOUNT OF VOLUNTEERS, EMPLOYEES AND/OR FINANCIAL RESOURCES AVAILABLE TO SUCH PERSONAL INFORMATION RECIPIENT;

(C) THE AMOUNT OF PERSONAL INFORMATION IN THE CUSTODY OF THE PERSONAL INFORMATION RECIPIENT; AND

(D) THE NEED FOR SECURITY AND CONFIDENTIALITY OF THE PERSONAL INFORMATION.

2. COMPREHENSIVE SECURITY PROGRAMS FOR FIRST DEGREE PERSONAL INFORMATION HOLDERS AND FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDERS. EVERY FIRST DEGREE PERSONAL INFORMATION HOLDER, AND EVERY FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER, SHALL DEVELOP, IMPLEMENT, AND MAINTAIN AN APPROVED COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM, THAT IS WRITTEN IN ONE OR MORE READILY ACCESSIBLE PARTS, AND CONTAINS ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS, DETAILING THE FIRST DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER'S OBLIGATIONS TO SAFEGUARD THE PERSONAL INFORMATION UNDER SUCH COMPREHENSIVE INFORMATION SECURITY PROGRAM, THAT ARE APPROPRIATE TO:

(A) THE SIZE, SCOPE AND TYPE OF THE PERSONAL, BUSINESS, COMMERCIAL, CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATION OF THE PERSONAL INFORMATION HOLDER OR THIRD PARTY PERSONAL INFORMATION HOLDER;

(B) THE AMOUNT OF RESOURCES AVAILABLE TO SUCH PERSONAL INFORMATION HOLDER OR THIRD PARTY PERSONAL INFORMATION HOLDER;

(C) THE AMOUNT OF PERSONAL INFORMATION IN THE CUSTODY OF THE PERSONAL INFORMATION HOLDER OR THIRD PARTY PERSONAL INFORMATION HOLDER; AND

(D) THE NEED FOR SECURITY AND CONFIDENTIALITY OF THE PERSONAL INFORMATION.

3. SAFEGUARDS FOR PROTECTION OF PERSONAL INFORMATION. THE SAFEGUARDS CONTAINED IN THE COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM REQUIRED BY THIS SECTION MUST BE CONSISTENT WITH THE SAFEGUARDS FOR PROTECTION OF PERSONAL INFORMATION AND INFORMATION OF A SIMILAR CHARACTER SET FORTH IN ANY STATE OR FEDERAL REGULATIONS BY WHICH HOLDER OF PERSONAL INFORMATION MAY BE REGULATED.

4. REQUIREMENTS FOR COMPREHENSIVE SECURITY PROGRAMS. EVERY COMPREHENSIVE INFORMATION SECURITY PROGRAM SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

(A) DESIGNATING ONE OR MORE PERSONS, OR IN THE CASE OF A BUSINESS ONE OR MORE EMPLOYEES, TO MAINTAIN THE COMPREHENSIVE INFORMATION SECURITY PROGRAM;

(B) CLEARLY IDENTIFYING AND ASSESSING REASONABLY FORESEEABLE INTERNAL AND EXTERNAL RISKS TO THE SECURITY, CONFIDENTIALITY, AND/OR INTEGRITY OF ANY ELECTRONIC INFORMATION, PAPER-BASED INFORMATION OR OTHER RECORDS CONTAINING PERSONAL INFORMATION, IN THE CUSTODY OF THE PERSONAL INFORMATION RECIPIENT, AND EVALUATING AND IMPROVING, WHERE NECESSARY, THE EFFECTIVENESS OF THE CURRENT SAFEGUARDS FOR LIMITING SUCH RISKS, INCLUDING BUT NOT LIMITED TO:

(I) ONGOING PERSONAL, VOLUNTEER, AND/OR EMPLOYEE TRAINING;

(II) PERSONAL, VOLUNTEER, AND/OR EMPLOYEE COMPLIANCE WITH POLICIES AND PROCEDURES;

(III) THE MEANS FOR DETECTING AND PREVENTING SECURITY SYSTEM RISKS; AND/OR

(IV) THE MEANS FOR DETECTING AND PREVENTING SECURITY SYSTEM FAILURES;

(C) DEVELOPING SECURITY POLICIES FOR PERSONS, VOLUNTEERS AND/OR EMPLOYEES RELATING TO THE STORAGE, ACCESS AND TRANSPORTATION OF RECORDS CONTAINING PERSONAL INFORMATION ON THE PREMISES OF THE PERSONAL INFORMATION RECIPIENT;

(D) DEVELOPING SECURITY POLICIES FOR PERSONS, VOLUNTEERS AND/OR EMPLOYEES RELATING TO THE STORAGE, ACCESS AND TRANSPORTATION OF RECORDS CONTAINING PERSONAL INFORMATION OUTSIDE THE PREMISES OF THE PERSONAL INFORMATION RECIPIENT;

(E) IMPOSING DISCIPLINARY MEASURES FOR VIOLATIONS OF THE COMPREHENSIVE INFORMATION SECURITY PROGRAM RULES;

(F) PREVENTING DISASSOCIATED PERSONS OR VOLUNTEERS, AND/OR FORMER OR TERMINATED EMPLOYEES FROM ACCESSING RECORDS CONTAINING PERSONAL INFORMATION;

(G) OVERSIGHT OF THIRD PARTY HOLDERS OF PERSONAL INFORMATION, BY:

(I) TAKING REASONABLE STEPS TO SELECT AND RETAIN THIRD PARTY PERSONAL INFORMATION HOLDERS THAT ARE CAPABLE OF MAINTAINING APPROPRIATE SECURITY MEASURES TO PROTECT SUCH PERSONAL INFORMATION CONSISTENT WITH THIS ARTICLE AND ANY OTHER APPLICABLE FEDERAL OR STATE STATUTES OR REGULATIONS; AND

(II) REQUIRING SUCH THIRD-PARTY INFORMATION HOLDERS BY CONTRACT TO IMPLEMENT AND MAINTAIN SUCH APPROPRIATE SECURITY MEASURES FOR PERSONAL INFORMATION;

(H) REASONABLE RESTRICTIONS UPON PHYSICAL ACCESS TO ANY ELECTRONIC INFORMATION, PAPER-BASED INFORMATION OR OTHER RECORDS CONTAINING PERSONAL INFORMATION, AND STORAGE OF SUCH INFORMATION AND/OR RECORDS AND DATA IN LOCKED FACILITIES, STORAGE AREAS OR CONTAINERS;

(I) REGULAR MONITORING TO ENSURE THAT THE COMPREHENSIVE INFORMATION SECURITY PROGRAM IS OPERATING IN A MANNER REASONABLY CALCULATED TO PREVENT UNAUTHORIZED ACCESS TO, OR UNAUTHORIZED USE OF, PERSONAL INFORMATION; AND UPGRADING INFORMATION SAFEGUARDS AS NECESSARY TO LIMIT AND MINIMIZE SUCH RISKS;

(J) REVIEWING THE SCOPE OF THE SECURITY MEASURES NOT LESS THAN QUARTERLY, OR WHENEVER THERE IS A MATERIAL CHANGE IN THE PERSONAL, BUSINESS, COMMERCIAL, CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATION PRACTICES OF THE PERSONAL INFORMATION RECIPIENT THAT MAY REASONABLY EFFECT THE SECURITY OR INTEGRITY OF RECORDS CONTAINING PERSONAL INFORMATION;

(K) DOCUMENTING RESPONSIVE ACTIONS TO BE TAKEN IN CONNECTION WITH ANY INCIDENT INVOLVING A BREACH OF SECURITY, AND MANDATORY POST-INCIDENT REVIEW OF EVENTS AND ACTIONS TAKEN, IF ANY, TO MAKE CHANGES IN THE PERSONAL, BUSINESS, COMMERCIAL, CORPORATE, ASSOCIATION OR GOVERNMENTAL OPERATION PRACTICES OF THE PERSONAL INFORMATION RECIPIENT, RELATING TO PROTECTION OF PERSONAL INFORMATION; AND

(L) DETAILING ALL PHYSICAL SECURITY, SECURITY PROTOCOLS, AND ENCRYPTION METHODS THAT WILL BE USED BY THE PERSONAL INFORMATION RECIPIENT TO SAFEGUARD THE PERSONAL INFORMATION.

S 404. APPROVAL OF COMPREHENSIVE SECURITY PROGRAMS. 1. APPROVAL OF COMPREHENSIVE SECURITY PROGRAMS. ON OR BEFORE THE FIRST DAY OF APRIL, EVERY FIRST DEGREE PERSONAL INFORMATION HOLDER AND EVERY FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER SHALL ANNUALLY SUBMIT ITS COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM FOR APPROVAL TO THE APPROPRIATE APPROVAL ENTITY, AS FOLLOWS:

(A) THE APPROPRIATE APPROVAL ENTITY FOR ANY FIRST DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER REGULATED BY A STATE AGENCY SHALL BE THE CHIEF INFORMATION OFFICER OF SUCH REGULATING STATE AGENCY.

(B) THE APPROPRIATE APPROVAL ENTITY FOR ANY FIRST DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER NOT REGULATED BY A STATE AGENCY, OR REGULATED BY A STATE AGENCY THAT DOES NOT MAINTAIN A CHIEF INFORMATION OFFICER, SHALL BE THE CHIEF INFORMATION OFFICER OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES.

(C) THE COMPREHENSIVE SECURITY PROGRAM SUBMITTED BY THE FIRST DEGREE PERSONAL INFORMATION HOLDER OR THE FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER, SHALL BE SUBMITTED IN THE FORM AND MANNER AS REQUIRED BY THE APPROPRIATE APPROVAL ENTITY.

(D) IF THE ENTITY TO WHICH THE COMPREHENSIVE SECURITY PROGRAM IS SUBMITTED, DETERMINES THAT IT IS NOT THE APPROPRIATE APPROVAL ENTITY,

THEN SUCH ENTITY TO WHICH THE PROGRAM WAS SUBMITTED FOR APPROVAL SHALL FORWARD SUCH SUBMISSION TO THE APPROPRIATE APPROVAL ENTITY AND SHALL PROVIDE WRITTEN NOTIFICATION TO THE FIRST DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER SUBMITTING THE PROGRAM FOR APPROVAL OF SUCH FORWARDING, AND SUCH ORIGINAL SUBMISSION, MADE PRIOR TO ANY SUCH NOTIFICATION SHALL BE DEEMED TIMELY FOR PURPOSES OF THIS ARTICLE.

(E) IF THE APPROPRIATE APPROVAL ENTITY DOES NOT ISSUE AN APPROVAL OR DENIAL OF THE COMPREHENSIVE SECURITY PROGRAM BY THE FIRST DAY OF MAY OF EACH YEAR, WHERE SUCH PROGRAM WAS PROPERLY SUBMITTED TO THE APPROPRIATE APPROVAL ENTITY BY THE FIRST DAY OF APRIL OF EACH YEAR, THEN THE COMPREHENSIVE SECURITY PROGRAM SHALL BE DEEMED APPROVED, AND WHERE A COMPREHENSIVE SECURITY PROGRAM WAS SUBMITTED TO THE APPROPRIATE APPROVAL ENTITY AFTER THE FIRST DAY OF APRIL OF EACH YEAR, AND THE APPROPRIATE APPROVAL ENTITY DOES NOT ISSUE AN APPROVAL OR DENIAL OF THE COMPREHENSIVE SECURITY PROGRAM WITHIN FORTY-FIVE DAYS, THEN THE COMPREHENSIVE SECURITY PROGRAM SHALL BE DEEMED APPROVED.

(F) THE APPROPRIATE APPROVAL ENTITY SHALL NOT REQUIRE THE PAYMENT OF ANY FEE OR CHARGE FOR THE SUBMISSION, REVIEW, APPROVAL, DENIAL OR RE-REVIEW OF THE COMPREHENSIVE SECURITY PROGRAM.

(G) ANY DENIAL OF A COMPREHENSIVE SECURITY PROGRAM SUBMITTED SHALL SPECIFY WHAT CHANGES NEED TO BE MADE TO THE PROGRAM IN ORDER TO GAIN APPROVAL, AND THE APPROVAL ENTITY SHALL WORK WITH THE FIRST DEGREE PERSONAL INFORMATION HOLDER OR THE FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER TO DEVELOP AN APPROVED PROGRAM.

2. POST DENIAL OF APPROVAL OF THE COMPREHENSIVE SECURITY PROGRAM. IF THE APPROPRIATE APPROVAL ENTITY AND THE FIRST DEGREE PERSONAL INFORMATION HOLDER OR THE FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER CANNOT REACH AN AGREEMENT TO OBTAIN APPROVAL OF A COMPREHENSIVE SECURITY PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, WITHIN THIRTY DAYS OF THE DENIAL, THEN THE APPROPRIATE APPROVAL ENTITY MAY IMPOSE A COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM UPON THE FIRST DEGREE PERSONAL INFORMATION HOLDER OR THE FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER. THE IMPOSITION OF A COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM SHALL BE SUBJECT TO ADMINISTRATIVE REVIEW IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURE ACT, AS WELL AS JUDICIAL REVIEW PURSUANT TO AN ACTION BROUGHT UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 405. COMPUTER SYSTEM SECURITY REQUIREMENTS. 1. COMPUTER SYSTEM SECURITY PROGRAM. EVERY PERSONAL INFORMATION HOLDER OR THIRD PARTY PERSONAL INFORMATION HOLDER WHO ELECTRONICALLY STORES OR TRANSMITS PERSONAL INFORMATION SHALL INCLUDE IN ITS WRITTEN, COMPREHENSIVE INFORMATION SECURITY PROGRAM THE ESTABLISHMENT AND MAINTENANCE OF A COMPUTER SECURITY SYSTEM PROGRAM COVERING ALL OF ITS COMPUTERS, ELECTRONIC SYSTEMS AND/OR NETWORKS, INCLUDING ANY WIRELESS SYSTEM.

2. MINIMUM STANDARDS FOR COMPUTER SYSTEM SECURITY PROGRAM. EVERY FIRST DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE PERSONAL INFORMATION HOLDER MUST ADDITIONALLY, ESTABLISH A COMPUTER SYSTEM SECURITY PROGRAM, THAT, AT A MINIMUM, AND TO THE EXTENT TECHNICALLY FEASIBLE, HAS THE FOLLOWING ELEMENTS:

(A) SECURE USER AUTHENTICATION PROTOCOLS INCLUDING:

(I) CONTROL OF USER IDS, USER NAMES, PASSWORDS AND OTHER UNIQUE IDENTIFIERS;

(II) A REASONABLY SECURE METHOD OF ASSIGNING AND SELECTING PASSWORDS, OR USE OF UNIQUE IDENTIFIER TECHNOLOGIES, SUCH AS BIOMETRICS OR TOKEN DEVICES;

(III) CONTROL OF DATA SECURITY PASSWORDS TO ENSURE THAT SUCH PASSWORDS ARE KEPT IN A LOCATION AND/OR FORMAT THAT DOES NOT COMPROMISE THE SECURITY OF THE DATA THEY PROTECT;

(IV) A PROGRAM OF RESTRICTING ACCESS TO ACTIVE USERS AND ACTIVE USER ACCOUNTS ONLY; AND

(V) A REQUIREMENT TO BLOCK ACCESS TO USER IDENTIFICATION AFTER MULTIPLE UNSUCCESSFUL ATTEMPTS TO GAIN ACCESS OR THE LIMITATION PLACED ON ACCESS FOR THE PARTICULAR SYSTEM;

(B) SECURE ACCESS CONTROL MEASURES THAT:

(I) RESTRICT ACCESS TO RECORDS AND FILES CONTAINING PERSONAL INFORMATION TO THOSE WHO NEED SUCH INFORMATION TO PERFORM THEIR JOB DUTIES; AND

(II) ASSIGN UNIQUE IDENTIFICATIONS PLUS PASSWORDS, WHICH ARE NOT VENDOR SUPPLIED DEFAULT PASSWORDS, TO EACH PERSON WITH COMPUTER ACCESS, THAT ARE REASONABLY DESIGNED TO MAINTAIN THE INTEGRITY OF THE SECURITY OF THE ACCESS CONTROLS;

(C) ENCRYPTION OF ALL TRANSMITTED RECORDS AND FILES CONTAINING PERSONAL INFORMATION THAT WILL TRAVEL ACROSS PUBLIC NETWORKS, OR AN ALTERNATIVE SYSTEM OF DATA PROTECTION AND SECURITY THAT HAS BEEN ACCEPTED BY COMPUTER INDUSTRY STANDARDS AS EQUIVALENT OR SUPERIOR;

(D) ENCRYPTION OF ALL DATA CONTAINING PERSONAL INFORMATION TO BE TRANSMITTED WIRELESSLY, OR AN ALTERNATIVE SYSTEM OF DATA PROTECTION AND SECURITY THAT HAS BEEN ACCEPTED BY COMPUTER INDUSTRY STANDARDS AS EQUIVALENT OR SUPERIOR;

(E) REASONABLE MONITORING OF SYSTEMS, FOR UNAUTHORIZED USE OF OR ACCESS TO PERSONAL INFORMATION;

(F) ENCRYPTION OF ALL PERSONAL INFORMATION STORED ON LAPTOPS OR OTHER PORTABLE DEVICES, OR AN ALTERNATIVE SYSTEM OF DATA PROTECTION AND SECURITY THAT HAS BEEN ACCEPTED BY COMPUTER INDUSTRY STANDARDS AS EQUIVALENT OR SUPERIOR;

(G) PROTOCOLS FOR ESTABLISHING STATE OF THE ART, AIR-GAPPED SYSTEMS FOR THE STORAGE AND MAINTENANCE OF PERSONAL INFORMATION, OR AN ALTERNATIVE SYSTEM OF DATA PROTECTION AND SECURITY THAT HAS BEEN ACCEPTED BY COMPUTER INDUSTRY STANDARDS AS EQUIVALENT OR SUPERIOR;

(H) FOR FILES CONTAINING PERSONAL INFORMATION ON A SYSTEM THAT IS CONNECTED TO THE INTERNET, REASONABLY UP-TO-DATE FIREWALL PROTECTION AND OPERATING SYSTEM SECURITY PATCHES, REASONABLY DESIGNED TO MAINTAIN THE INTEGRITY OF THE PERSONAL INFORMATION, OR AN ALTERNATIVE SYSTEM OF DATA PROTECTION AND SECURITY THAT HAS BEEN ACCEPTED BY COMPUTER INDUSTRY STANDARDS AS EQUIVALENT OR SUPERIOR;

(I) REASONABLY UP-TO-DATE VERSIONS OF SYSTEM SECURITY AGENT SOFTWARE WHICH INCLUDING MALWARE PROTECTION AND REASONABLY UP-TO-DATE PATCHES AND VIRUS DEFINITIONS, OR A VERSION OF SUCH SOFTWARE THAT CAN STILL BE SUPPORTED WITH UP-TO-DATE PATCHES AND VIRUS DEFINITIONS, SET TO RECEIVE THE MOST CURRENT SECURITY UPDATES ON A REGULAR BASIS, OR AN ALTERNATIVE SYSTEM OF DATA PROTECTION AND SECURITY THAT HAS BEEN ACCEPTED BY COMPUTER INDUSTRY STANDARDS AS EQUIVALENT OR SUPERIOR; AND

(J) EDUCATION AND TRAINING OF PERSONS, VOLUNTEERS AND/OR EMPLOYEES ON THE PROPER USE OF THE COMPUTER SECURITY SYSTEM AND THE IMPORTANCE OF PERSONAL INFORMATION SECURITY.

3. REVIEW OF COMPUTER SYSTEM SECURITY PROGRAMS. EVERY PERSONAL INFORMATION HOLDER OR THIRD PARTY PERSONAL INFORMATION HOLDER WHO ELECTRONICALLY STORES OR TRANSMITS SUCH INFORMATION SHALL FURTHER REVIEW AND UPDATE ITS WRITTEN, APPROVED, COMPREHENSIVE INFORMATION SECURITY PROGRAM NOT LESS THAN ANNUALLY, TO INCLUDE ALL FEASIBLE RECENTLY DEVELOPED TECHNOLOGICAL SAFEGUARDS AND PROTOCOLS THAT COULD ENHANCE THE PROTECTION OF THE COLLECTION, STORAGE AND MAINTENANCE OF SUCH PERSONAL INFORMATION.

S 406. BREACH OF SECURITY. 1. NOTIFICATION OF THE BUREAU OF CYBER SECURITY OF THE STATE POLICE. IN ADDITION TO ANY OTHER REQUIREMENTS PURSUANT TO ANY OTHER PROVISION OF LAW, NOT LATER THAN TEN DAYS AFTER DISCOVERING A SECURITY BREACH INVOLVING PERSONAL INFORMATION, ANY PERSONAL INFORMATION RECIPIENT THAT HAS EXPERIENCED A BREACH OF SECURITY INVOLVING PERSONAL INFORMATION, SHALL MAKE A COMPREHENSIVE REPORT TO THE BUREAU OF CYBER SECURITY OF THE STATE POLICE, IN THE FORM AND MANNER REQUIRED BY THE BUREAU OF CYBER SECURITY OF THE STATE POLICE, NOTIFYING SUCH BUREAU OF THE SECURITY BREACH.

2. NOTIFICATION OF COMPREHENSIVE SECURITY PROGRAM APPROVAL ENTITY. IF SUCH PERSONAL INFORMATION RECIPIENT OR THIRD PARTY PERSONAL INFORMATION RECIPIENT IS REQUIRED IN ACCORDANCE WITH SECTION FOUR HUNDRED FOUR OF THIS ARTICLE, TO OBTAIN APPROVAL OF ITS COMPREHENSIVE SECURITY PROGRAM, THEN SUCH PERSONAL INFORMATION RECIPIENT OR THIRD PARTY PERSONAL INFORMATION RECIPIENT SHALL ALSO MAKE A COMPREHENSIVE REPORT TO THE ENTITY FROM WHICH THE PERSONAL INFORMATION RECIPIENT OR THIRD PARTY INFORMATION RECIPIENT IS REQUIRED TO OBTAIN APPROVAL FOR ITS COMPREHENSIVE SECURITY PROGRAM, IN THE FORM AND MANNER REQUIRED BY SUCH APPROVAL ENTITY, NOTIFYING SUCH APPROVAL ENTITY OF THE SECURITY BREACH.

3. NOTIFICATION OF THE CHIEF INFORMATION OFFICER. NOT MORE THAN FIVE DAYS AFTER RECEIVING THE NOTIFICATION REQUIRED PURSUANT TO SUBDIVISIONS ONE OR TWO OF THIS SECTION, THE BUREAU OF CYBER SECURITY OF THE STATE POLICE, AND/OR THE ENTITY REQUIRED TO APPROVE THE COMPREHENSIVE SECURITY PROGRAM OF THE NOTIFYING PERSONAL INFORMATION RECIPIENT OR THIRD PARTY PERSONAL INFORMATION RECIPIENT, SHALL PROVIDE THE COMPREHENSIVE REPORT PROVIDED TO SUCH BUREAU AND/OR APPROVAL ENTITY TO THE CHIEF INFORMATION OFFICER OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES.

4. NOTIFICATION OF PERSONAL INFORMATION SUBJECTS. IN ADDITION TO ANY OTHER REQUIREMENTS PURSUANT TO ANY OTHER PROVISION OF LAW, UPON THE RECEIPT OF THE COMPREHENSIVE REPORT REQUIRED BY SUBDIVISION THREE OF THIS SECTION, THE CHIEF INFORMATION OFFICER OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES MAY REQUIRE, IN A SPECIFIED TIMEFRAME, AND IN A SPECIFIED FORM AND MANNER, THAT THE PERSONAL INFORMATION RECIPIENT OR THIRD PARTY PERSONAL INFORMATION RECIPIENT NOTIFY ALL PERSONAL INFORMATION SUBJECTS OF THE FACT THAT THERE HAS BEEN A BREACH OF SECURITY INVOLVING THEIR PERSONAL INFORMATION.

S 407. CAUSES OF ACTION. 1. LIMITATION ON CIVIL ACTIONS. ANY PERSONAL INFORMATION SUBJECT, AS DEFINED BY SUBDIVISION ONE OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE, MAY BRING A CIVIL ACTION, AGAINST A PERSONAL INFORMATION RECIPIENT, AS DEFINED BY SUBDIVISION TWO OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE IN THE SUPREME COURT OF ANY COUNTY IN WHICH THE PERSONAL INFORMATION RECIPIENT RESIDES OR CONDUCTS BUSINESS OPERATIONS, FOR DAMAGES OR EQUITABLE RELIEF, ARISING FROM A BREACH OF SECURITY, AS DEFINED BY SUBDIVISION SEVEN OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE, AND IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. A CIVIL ACTION FOR DAMAGES OR EQUITABLE RELIEF, MAY NOT, HOWEVER, BE BROUGHT BY A PERSONAL INFORMATION SUBJECT, IN ANY OTHER STATE COURT OF COMPETENT JURISDICTION, OTHER THAN IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, IF SUCH CIVIL ACTION ARISES OUT OF A BREACH OF SECURITY BY A PERSONAL INFORMATION RECIPIENT.

2. CIVIL ACTIONS THAT MAY BE BROUGHT BY A PERSONAL INFORMATION SUBJECT AGAINST A PERSONAL INFORMATION RECIPIENT.

(A) TIMELINESS OF ACTIONS. A CIVIL ACTION MAY BE BROUGHT IN ACCORDANCE WITH THIS SECTION IF SUCH CIVIL ACTION IS BROUGHT WITHIN SIX YEARS OF THE DATE OF THE REPORTING OF THE BREACH OF SECURITY AS REQUIRED BY SECTION FOUR HUNDRED SIX OF THIS ARTICLE, OR IN THE EVENT NO SUCH REPORT

WAS EVER MADE, WITHIN ANY TIME AFTER THE DATE OF THE DISCOVERY OF THE BREACH OF SECURITY BY THE PERSONAL INFORMATION SUBJECT.

(B) EQUITABLE ACTION. ANY ACTION BROUGHT IN ACCORDANCE WITH THIS SECTION, MAY SEEK EITHER DAMAGES OR EQUITABLE RELIEF. IF A PERSONAL INFORMATION SUBJECT SEEKS EQUITABLE RELIEF FOR A BREACH OF SECURITY INVOLVING A SECURITY BREACH OF PERSONAL INFORMATION FROM A PERSONAL INFORMATION RECIPIENT, AND THE COURT DETERMINES THAT SUCH EQUITABLE RELIEF IS JUST AND PROPER AND SHOULD BE AWARDED, THEN IN ADDITION TO SUCH EQUITABLE RELIEF, THE COURT MAY ALSO AWARD THE PERSONAL INFORMATION SUBJECT COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION.

(C) ACTIONS INVOLVING DAMAGES. ANY ACTION BROUGHT IN ACCORDANCE WITH THIS SECTION, SEEKING DAMAGES FOR A BREACH OF SECURITY INVOLVING A SECURITY BREACH OF PERSONAL INFORMATION FROM A A PERSONAL INFORMATION RECIPIENT, SHALL BE BROUGHT AS FOLLOWS:

(I) FIRST DEGREE PERSONAL INFORMATION HOLDERS OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDERS WITH ANNUAL REVENUES OF TEN MILLION DOLLARS OR MORE. ANY FIRST DEGREE PERSONAL INFORMATION HOLDER OR FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDER, THAT HAS GROSS ANNUAL REVENUES OF TEN MILLION DOLLARS OR MORE, AND THAT FAILS TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN ITS COMPREHENSIVE INFORMATION SECURITY PROGRAM, OR THAT FAILS TO MAINTAIN A COMPREHENSIVE SECURITY PROGRAM AS REQUIRED BY THIS ARTICLE, AND THAT EXPERIENCES A BREACH OF SECURITY INVOLVING SUCH PERSONAL INFORMATION, SHALL BE LIABLE IN A CIVIL ACTION BROUGHT IN ACCORDANCE WITH THIS SECTION, FOR DAMAGES, IF THE PERSONAL INFORMATION SUBJECT INVOLVED IN THE BREACH OF SECURITY SUSTAINS ANY DAMAGES AS A RESULT OF SUCH BREACH, IN THE AMOUNT OF THREE TIMES THE AMOUNT OF SUCH DAMAGES SO SUSTAINED, OR AN AMOUNT OF UP TO TEN THOUSAND DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION, OR IN THE EVENT THAT ANY PERSONAL INFORMATION SUBJECT INVOLVED IN THE BREACH OF SECURITY SUSTAINS A PUBLIC DISCLOSURE OF THEIR MEDICAL INFORMATION, AS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE, THEN SUCH PERSONAL INFORMATION SUBJECT MAY BE AWARDED A RECOVERY IN THE AMOUNT OF UP TO THREE TIMES THE AMOUNT OF ANY DAMAGES SUSTAINED AS A RESULT OF THE DISCLOSURE OF SUCH MEDICAL INFORMATION, OR AN AMOUNT OF UP TO TWENTY-FIVE THOUSAND DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION. WHERE THE COURT FINDS THAT THE PERSONAL INFORMATION HOLDER OR A THIRD PARTY PERSONAL INFORMATION HOLDER, INTENTIONALLY FAILED TO ESTABLISH A COMPREHENSIVE INFORMATION SECURITY PROGRAM, OR INTENTIONALLY FAILED TO SEEK AND OBTAIN APPROVAL FOR A COMPREHENSIVE INFORMATION SECURITY PROGRAM, WHERE REQUIRED, OR INTENTIONALLY FAILED TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN ITS COMPREHENSIVE INFORMATION SECURITY PROGRAM, THEN THE COURT MAY ALSO AWARD PUNITIVE DAMAGES TO THE PLAINTIFF OF AN ACTION BROUGHT UNDER THIS SUBDIVISION IN THE AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS.

(II) FIRST DEGREE PERSONAL INFORMATION HOLDERS AND FIRST DEGREE THIRD PARTY PERSONAL INFORMATION HOLDERS WITH ANNUAL REVENUES OF BETWEEN ONE MILLION DOLLARS AND TEN MILLION DOLLARS. ANY FIRST DEGREE PERSONAL INFORMATION HOLDER OR A THIRD PARTY PERSONAL INFORMATION HOLDER, THAT HAS GROSS ANNUAL REVENUES OF NOT LESS THAN ONE MILLION DOLLARS BUT LESS THAN TEN MILLION DOLLARS, AND THAT FAILS TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN ITS COMPREHENSIVE INFORMATION SECURITY PROGRAM, OR THAT FAILS TO MAINTAIN A COMPREHENSIVE SECURITY PROGRAM AS REQUIRED BY THIS ARTICLE, AND THAT EXPERI-

ENCES A BREACH OF SECURITY INVOLVING SUCH PERSONAL INFORMATION, SHALL BE LIABLE IN A CIVIL ACTION BROUGHT IN ACCORDANCE WITH THIS SECTION, FOR DAMAGES, IF THE PERSONAL INFORMATION SUBJECT INVOLVED IN THE BREACH OF SECURITY SUSTAINS ANY DAMAGES AS A RESULT OF SUCH BREACH, IN THE AMOUNT OF THREE TIMES THE AMOUNT OF SUCH DAMAGES SO SUSTAINED, OR AN AMOUNT OF UP TO FIVE THOUSAND DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION, OR IN THE EVENT THAT ANY PERSONAL INFORMATION SUBJECT INVOLVED IN THE BREACH OF SECURITY SUSTAINS A PUBLIC DISCLOSURE OF THEIR MEDICAL INFORMATION, AS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE, THEN SUCH PERSONAL INFORMATION SUBJECT MAY BE AWARDED A RECOVERY IN THE AMOUNT OF UP TO THREE TIMES THE AMOUNT OF ANY DAMAGES SUSTAINED AS A RESULT OF THE DISCLOSURE OF SUCH MEDICAL INFORMATION, OR AN AMOUNT OF UP TO TEN THOUSAND DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION. WHERE THE COURT FINDS THAT THE PERSONAL INFORMATION HOLDER OR A THIRD PARTY PERSONAL INFORMATION HOLDER, INTENTIONALLY FAILED TO ESTABLISH A COMPREHENSIVE INFORMATION SECURITY PROGRAM, OR INTENTIONALLY FAILED TO SEEK AND OBTAIN APPROVAL FOR A COMPREHENSIVE INFORMATION SECURITY PROGRAM, WHERE REQUIRED, OR INTENTIONALLY FAILED TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN ITS COMPREHENSIVE INFORMATION SECURITY PROGRAM, THEN THE COURT MAY ALSO AWARD PUNITIVE DAMAGES TO THE PLAINTIFF OF AN ACTION BROUGHT UNDER THIS SUBDIVISION IN THE AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS.

(III) PERSONAL INFORMATION HOLDERS AND THIRD PARTY INFORMATION HOLDERS WITH ANNUAL REVENUES OF LESS THAN ONE MILLION DOLLARS. ANY PERSONAL INFORMATION HOLDER OR A THIRD PARTY PERSONAL INFORMATION HOLDER, THAT HAS ANNUAL GROSS REVENUES OF LESS THAN ONE MILLION DOLLARS, AND THAT FAILS TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN ITS COMPREHENSIVE INFORMATION SECURITY PROGRAM, OR THAT FAILS TO MAINTAIN A COMPREHENSIVE SECURITY PROGRAM AS REQUIRED BY THIS ARTICLE, AND THAT EXPERIENCES A BREACH OF SECURITY INVOLVING SUCH PERSONAL INFORMATION, SHALL BE LIABLE IN A CIVIL ACTION FOR DAMAGES BROUGHT IN ACCORDANCE WITH THIS SECTION, IN THE AMOUNT OF SUCH DAMAGES SO SUSTAINED, OR AN AMOUNT OF UP TO ONE THOUSAND DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION, OR IN THE EVENT THAT ANY PERSONAL INFORMATION SUBJECT INVOLVED IN THE BREACH OF SECURITY SUSTAINS A PUBLIC DISCLOSURE OF THEIR MEDICAL INFORMATION, AS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE, THEN SUCH PERSONAL INFORMATION SUBJECT MAY BE AWARDED A RECOVERY IN THE AMOUNT OF ANY DAMAGES SUSTAINED AS A RESULT OF THE DISCLOSURE OF SUCH MEDICAL INFORMATION, OR AN AMOUNT OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION.

(IV) PERSONAL INFORMATION COLLECTORS. ANY PERSONAL INFORMATION COLLECTOR, THAT FAILS TO MAINTAIN THE STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION AS ESTABLISHED IN ITS COMPREHENSIVE INFORMATION SECURITY PROGRAM, OR THAT FAILS TO MAINTAIN A COMPREHENSIVE SECURITY PROGRAM AS REQUIRED BY THIS ARTICLE, AND THAT EXPERIENCES A BREACH OF SECURITY INVOLVING SUCH PERSONAL INFORMATION, SHALL BE LIABLE IN A CIVIL ACTION FOR DAMAGES BROUGHT IN ACCORDANCE WITH THIS SECTION, IN THE AMOUNT OF SUCH DAMAGES SO SUSTAINED, OR AN AMOUNT OF UP TO ONE THOUSAND DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION, OR IN THE EVENT THAT ANY PERSONAL INFORMATION SUBJECT INVOLVED IN THE BREACH OF SECURITY SUSTAINS A PUBLIC DISCLOSURE

OF THEIR MEDICAL INFORMATION, AS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE, THEN SUCH PERSONAL INFORMATION SUBJECT MAY BE AWARDED A RECOVERY IN THE AMOUNT OF ANY DAMAGES SUSTAINED AS A RESULT OF THE DISCLOSURE OF SUCH MEDICAL INFORMATION, OR AN AMOUNT OF UP TO TWO THOUSAND FIVE HUNDRED DOLLARS, WHICHEVER IS GREATER, TOGETHER WITH COSTS, DISBURSEMENTS AND ATTORNEYS FEES OF THE ACTION.

S 408. LIABILITY PROTECTION. 1. LIABILITY PROTECTION IT SHALL BE A COMPLETE DEFENSE TO ANY CIVIL ACTION BROUGHT IN ACCORDANCE WITH SECTION FOUR HUNDRED SEVEN OF THIS ARTICLE, BY A PERSONAL INFORMATION SUBJECT, AGAINST A PERSONAL INFORMATION RECIPIENT, THAT SUCH PERSONAL INFORMATION RECIPIENT, ESTABLISHED AND MAINTAINED A COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM, AS REQUIRED BY THIS ARTICLE, AND FOLLOWED AND COMPLIED WITH ALL PROVISIONS OF SUCH COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM, AND MAINTAINED, IF REQUIRED, ALL COMPUTER SYSTEM SECURITY REQUIREMENTS, IN ACCORDANCE WITH SECTION FOUR HUNDRED FIVE OF THIS ARTICLE, AND MAINTAINED, IF REQUIRED, THE PROPER APPROVAL FOR SUCH COMPREHENSIVE PERSONAL INFORMATION SECURITY PROGRAM, IN ACCORDANCE WITH SECTION FOUR HUNDRED FOUR OF THIS ARTICLE, AT THE TIME OF THE BREACH OF SUCH SECURITY.

2. ANY CIVIL ACTION BROUGHT BY A PERSONAL INFORMATION SUBJECT AGAINST A PERSONAL INFORMATION RECIPIENT, IN ANY COURT OF COMPETENT JURISDICTION, INVOLVING DAMAGES ARISING FROM A BREACH OF SECURITY, AS DEFINED IN SUBDIVISION SEVEN OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE, THAT IS NOT BROUGHT IN ACCORDANCE WITH THE PROVISIONS OF SECTION FOUR HUNDRED SEVEN OF THIS ARTICLE, SHALL BE DISMISSED WITHOUT PREJUDICE, AGAINST SUCH PERSONAL INFORMATION RECIPIENT, BUT THAT SUCH PERSONAL INFORMATION SUBJECT MAY BRING A SUBSEQUENT ACTION, IF TIMELY, IN ACCORDANCE WITH THE PROVISIONS OF SECTION FOUR HUNDRED SIX OF THIS ARTICLE.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

SUBPART G

Section 1. This act shall be known and may be cited as the New York state Iran divestment act.

S 2. Section 2 of chapter 1 of the laws 2012 amending the state finance law and other laws enacting the Iran divestment act of 2012 is amended to read as follows:

S 2. The legislature hereby finds and declares all of the following:

[(a) Congress and the President have determined that the illicit nuclear activities of the Government of Iran, combined with its development of unconventional weapons and ballistic missiles, and its support of international terrorism, represent a serious threat to the security of the United States, Israel, and other United States allies in Europe, the Middle East, and around the world.

(b) The International Atomic Energy Agency has repeatedly called attention to Iran's unlawful nuclear activities, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the government of Iran to cease those activities and comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (commonly known as the "Nuclear Non-Proliferation Treaty").

(c) On July 1, 2010, President Barack Obama signed into law H.R. 2194, the "Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010" (Public Law 111-195), which expressly authorizes states and

local governments to prevent investment in, including prohibiting entry into or renewing contracts with, companies operating in Iran's energy sector with investments that have the result of directly or indirectly supporting the efforts of the government of Iran to achieve nuclear weapons capability.

(d) The serious and urgent nature of the threat from Iran demands that states, local governments, and private institutions work together with the federal government and American allies to do everything possible diplomatically, politically, and economically to prevent Iran from acquiring a nuclear weapons capability.

(e) Respect for human rights in Iran has steadily deteriorated as demonstrated by transparently fraudulent elections and the brutal repression and murder, arbitrary arrests, and show trials of peaceful dissidents.

(f) The concerns of the state of New York regarding Iran are strictly the result of the actions of the government of Iran and should not be construed as enmity towards the Iranian people.

(g) In order to effectively address the need for the governments of this state to respond to the policies of Iran in a uniform fashion, prohibiting contracts with persons engaged in investment activities in the energy sector of Iran must be accomplished on a statewide basis.

(h) It is the intent of the legislature to fully implement the authority granted under Section 202 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195).]

(A) THAT THE ILLICIT NUCLEAR ACTIVITIES OF THE GOVERNMENT OF IRAN, COMBINED WITH ITS DEVELOPMENT OF UNCONVENTIONAL WEAPONS AND BALLISTIC MISSILES, AND ITS SUPPORT OF INTERNATIONAL TERRORISM, REPRESENT A SERIOUS THREAT TO THE SECURITY OF THE STATE OF NEW YORK, ITS CITIZENS AND THEIR PROPERTY;

(B) THAT IRAN AND OTHER TERRORIST STATES AND ORGANIZATIONS HAVE REPEATEDLY IDENTIFIED NEW YORK STATE AND ITS CITIZENS AS A PRIMARY TARGET FOR TERRORIST ACTIVITIES AND ATTACKS, AND UNDER THE STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, SECURITY AND PUBLIC PROTECTION OF ITS CITIZENS AND THEIR PROPERTY, AND UNDER THE STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PROTECTION AND REGULATION OF ITS FINANCIAL, BANKING AND INSURANCE SECTORS, AND UNDER THE STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PROTECTION AND REGULATION OF ITS ENVIRONMENT AND NATURAL RESOURCES, NEW YORK STATE HAS THE LEGAL AUTHORITY TO PREVENT INVESTMENT IN, INCLUDING PROHIBITING ENTRY INTO OR RENEWING CONTRACTS WITH, COMPANIES OPERATING IN IRAN'S ENERGY AND FINANCIAL SECTORS WITH INVESTMENTS THAT HAVE THE RESULT OF DIRECTLY OR INDIRECTLY SUPPORTING THE EFFORTS OF THE GOVERNMENT OF IRAN TO ACHIEVE NUCLEAR WEAPONS CAPABILITY OR TO OTHERWISE PROMOTE OR ADVANCE TERRORIST ACTIVITIES THAT WILL TARGET OR AFFECT NEW YORK STATE, ITS CITIZENS OR THEIR PROPERTY;

(C) THAT THE SERIOUS AND URGENT NATURE OF THE THREAT FROM IRAN DEMANDS THAT STATES, LOCAL GOVERNMENTS, AND PRIVATE INSTITUTIONS WORK TOGETHER WITH THE FEDERAL GOVERNMENT AND AMERICAN ALLIES TO DO EVERYTHING POSSIBLE DIPLOMATICALLY, POLITICALLY, AND ECONOMICALLY TO PREVENT IRAN FROM ACQUIRING A NUCLEAR WEAPONS CAPABILITY OR TO OTHERWISE PROMOTE OR ADVANCE TERRORIST ACTIVITIES THAT WILL TARGET OR AFFECT NEW YORK STATE, ITS CITIZENS OR THEIR PROPERTY;

(D) THAT IRAN HAS REPEATEDLY DEMONSTRATED AN INTENT TO PURSUE AND USE NUCLEAR WEAPONS, WEAPONS OF MASS DESTRUCTION, AND TO PROMOTE OR ADVANCE TERRORIST ACTIVITIES ACROSS THE WORLD;

(E) THAT RESPECT FOR HUMAN RIGHTS IN IRAN HAS STEADILY DETERIORATED AS DEMONSTRATED BY TRANSPARENTLY FRAUDULENT ELECTIONS AND THE BRUTAL REPRESSION AND MURDER, ARBITRARY ARRESTS, AND SHOW TRIALS OF PEACEFUL DISSIDENTS;

(F) THAT THE CONCERNS OF THE STATE OF NEW YORK REGARDING IRAN ARE STRICTLY THE RESULT OF THE ACTIONS OF THE GOVERNMENT OF IRAN AND SHOULD NOT BE CONSTRUED AS ENMITY TOWARDS THE IRANIAN PEOPLE;

(G) THAT IN ORDER TO EFFECTIVELY ADDRESS THE NEED FOR THE GOVERNMENTS OF THIS STATE TO RESPOND TO THE POLICIES OF IRAN IN A UNIFORM FASHION, PROHIBITING CONTRACTS WITH PERSONS ENGAGED IN INVESTMENT ACTIVITIES IN THE ENERGY AND FINANCIAL SECTORS OF IRAN MUST BE ACCOMPLISHED ON A STATEWIDE BASIS;

(H) THAT TERRORISTS HAVE CONTINUED TO USE IRAN AS THEIR SAFE HARBOR, THAT THE IRANIAN GOVERNMENT HAS FAILED TO ADDRESS THE SPREAD OF TERRORIST ACTIVITIES, AND THAT HUMAN RIGHTS VIOLATIONS ARE IN IRAN ARE, AND CONTINUE TO BE RAMPANT; AND

(I) THAT THE SERIOUS AND URGENT NATURE OF THE CONTINUED THREAT FROM IRAN, FOR THE STATE OF NEW YORK, ITS CITIZENS AND THEIR PROPERTY, DEMANDS THAT OUR STATE, LOCAL GOVERNMENTS AND PRIVATE INSTITUTIONS WORK TOGETHER TO CONTINUE TO DO ALL WITHIN ITS LEGAL POWER TO ENSURE THAT IRAN DOES NOT HAVE THE RESOURCES TO ACQUIRE NUCLEAR WEAPONS CAPABILITY AND THAT IT CEASE ITS PROMOTION AND ADVANCEMENT OF TERRORIST ACTIVITIES.

S 3. Paragraph (b) of subdivision 1 of section 165-a of the state finance law, as added by chapter 1 of the laws of 2012, is amended to read as follows:

(b) "Financial institution" means [the term as used in Section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).]:

(1) A BANKING ORGANIZATION AS DEFINED IN SUBDIVISION ELEVEN OF SECTION TWO OF THE BANKING LAW;

(2) A SECURITIES FIRM, INCLUDING A BROKER OR DEALER;

(3) ANY INSURANCE COMPANY, INCLUDING ANY COMPANY, AGENT, BROKER, OR UNDERWRITER, LICENSED OR REGULATED BY THE DEPARTMENT OF FINANCIAL SERVICES PURSUANT TO THE INSURANCE LAW; AND/OR

(4) ANY OTHER COMPANY THAT PROVIDES A FINANCIAL PRODUCT OR SERVICE AS DEFINED IN SUBDIVISION TWO OF SECTION ONE HUNDRED FOUR OF THE FINANCIAL SERVICES LAW.

S 4. Subparagraph 2 of paragraph (e) of subdivision 1 of section 165-a of the state finance law, as added by chapter 1 of the laws of 2012, is amended to read as follows:

(2) Any governmental entity or instrumentality of a government, including [a multilateral development institution, as defined in Section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))] THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, THE INTERNATIONAL DEVELOPMENT ASSOCIATION, THE INTERNATIONAL FINANCE CORPORATION, THE MULTILATERAL INVESTMENT GUARANTEE AGENCY, THE AFRICAN DEVELOPMENT BANK, THE AFRICAN DEVELOPMENT FUND, THE ASIAN DEVELOPMENT BANK, THE INTER-AMERICAN DEVELOPMENT BANK, THE BANK FOR ECONOMIC COOPERATION AND DEVELOPMENT IN THE MIDDLE EAST AND NORTH AFRICA, AND THE INTER-AMERICAN INVESTMENT CORPORATION.

S 5. Subdivision 6 of section 165-a of the state finance law, as added by chapter 1 of the laws of 2012, is amended to read as follows:

6. The commissioner shall report to the governor and the legislature annually on or before October first, on the status of the [federal "Comprehensive Iran Sanctions, Accountability, and Divestment Act of

2010" (Public Law 111-195), "the Iran divestment act of 2012",] PROVISIONS OF THE NEW YORK STATE IRAN DIVESTMENT ACT and any rules or regulations adopted thereunder.

S 6. Section 1 of chapter 481 of the laws of 2013 amending the insurance law relating to investments in foreign states sponsoring terrorism, is amended to read as follows:

Section 1. The legislature finds and declares all of the following:

[(1) The Federal Securities and Exchange Commission has determined that investments in foreign states sponsoring terrorism, such as Iran, that are subject to sanctions by the United States, may materially harm the share value of foreign companies. Shares in these foreign companies may be held in the portfolio of insurance companies issuing policies to New York consumers.

(2) Publicly traded companies in the United States are substantially restricted in doing business in or with foreign states, such as Iran, that the United States Department of State has identified as sponsoring terrorism.

(3) Identifying persons with investments in foreign states, such as Iran, that sponsor terrorism and ensuring that those investments are financially sound is an important public policy priority.

(4) It is the government of Iran, and not the people of Iran, that is responsible for Iran's support of terrorism and that commits egregious violations of human rights under which its own citizens are required to live.]

(A) THAT THE ILLICIT NUCLEAR ACTIVITIES OF THE GOVERNMENT OF IRAN, COMBINED WITH ITS DEVELOPMENT OF UNCONVENTIONAL WEAPONS AND BALLISTIC MISSILES, AND ITS SUPPORT OF INTERNATIONAL TERRORISM, REPRESENT A SERIOUS THREAT TO THE SECURITY OF THE STATE OF NEW YORK, ITS CITIZENS AND THEIR PROPERTY;

(B) THAT IRAN AND OTHER TERRORIST STATES AND ORGANIZATIONS HAVE REPEATEDLY IDENTIFIED NEW YORK STATE AND ITS CITIZENS AS A PRIMARY TARGET FOR TERRORIST ACTIVITIES AND ATTACKS, AND UNDER THE STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY, SECURITY AND PUBLIC PROTECTION OF ITS CITIZENS AND THEIR PROPERTY, AND UNDER THE STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PROTECTION AND REGULATION OF ITS FINANCIAL, BANKING AND INSURANCE SECTORS, AND UNDER THE STATE'S CONSTITUTIONAL POWERS TO PROVIDE FOR THE PROTECTION AND REGULATION OF ITS ENVIRONMENT AND NATURAL RESOURCES, NEW YORK STATE HAS THE LEGAL AUTHORITY TO PREVENT INVESTMENT IN, INCLUDING PROHIBITING ENTRY INTO OR RENEWING CONTRACTS WITH, COMPANIES OPERATING IN IRAN'S ENERGY AND FINANCIAL SECTORS WITH INVESTMENTS THAT HAVE THE RESULT OF DIRECTLY OR INDIRECTLY SUPPORTING THE EFFORTS OF THE GOVERNMENT OF IRAN TO ACHIEVE NUCLEAR WEAPONS CAPABILITY OR TO OTHERWISE PROMOTE OR ADVANCE TERRORIST ACTIVITIES THAT WILL TARGET OR AFFECT NEW YORK STATE, ITS CITIZENS OR THEIR PROPERTY;

(C) THAT THE SERIOUS AND URGENT NATURE OF THE THREAT FROM IRAN DEMANDS THAT STATES, LOCAL GOVERNMENTS, AND PRIVATE INSTITUTIONS WORK TOGETHER WITH THE FEDERAL GOVERNMENT AND AMERICAN ALLIES TO DO EVERYTHING POSSIBLE DIPLOMATICALLY, POLITICALLY, AND ECONOMICALLY TO PREVENT IRAN FROM ACQUIRING A NUCLEAR WEAPONS CAPABILITY OR TO OTHERWISE PROMOTE OR ADVANCE TERRORIST ACTIVITIES THAT WILL TARGET OR AFFECT NEW YORK STATE, ITS CITIZENS OR THEIR PROPERTY;

(D) THAT IRAN HAS REPEATEDLY DEMONSTRATED AN INTENT TO PURSUE AND USE NUCLEAR WEAPONS, WEAPONS OF MASS DESTRUCTION, AND TO PROMOTE OR ADVANCE TERRORIST ACTIVITIES ACROSS THE WORLD;

(E) THAT RESPECT FOR HUMAN RIGHTS IN IRAN HAS STEADILY DETERIORATED AS DEMONSTRATED BY TRANSPARENTLY FRAUDULENT ELECTIONS AND THE BRUTAL REPRESSION AND MURDER, ARBITRARY ARRESTS, AND SHOW TRIALS OF PEACEFUL DISSIDENTS;

(F) THAT THE CONCERNS OF THE STATE OF NEW YORK REGARDING IRAN ARE STRICTLY THE RESULT OF THE ACTIONS OF THE GOVERNMENT OF IRAN AND SHOULD NOT BE CONSTRUED AS ENMITY TOWARDS THE IRANIAN PEOPLE;

(G) THAT IN ORDER TO EFFECTIVELY ADDRESS THE NEED FOR THE GOVERNMENTS OF THIS STATE TO RESPOND TO THE POLICIES OF IRAN IN A UNIFORM FASHION, PROHIBITING CONTRACTS WITH PERSONS ENGAGED IN INVESTMENT ACTIVITIES IN THE ENERGY AND FINANCIAL SECTORS OF IRAN MUST BE ACCOMPLISHED ON A STATEWIDE BASIS;

(H) THAT TERRORISTS HAVE CONTINUED TO USE IRAN AS THEIR SAFE HARBOR, THAT THE IRANIAN GOVERNMENT HAS FAILED TO ADDRESS THE SPREAD OF TERRORIST ACTIVITIES, AND THAT HUMAN RIGHTS VIOLATIONS ARE IN IRAN ARE, AND CONTINUE TO BE RAMPANT; AND

(I) THAT THE SERIOUS AND URGENT NATURE OF THE CONTINUED THREAT FROM IRAN, FOR THE STATE OF NEW YORK, ITS CITIZENS AND THEIR PROPERTY, DEMANDS THAT OUR STATE, LOCAL GOVERNMENTS AND PRIVATE INSTITUTIONS WORK TOGETHER TO CONTINUE TO DO ALL WITHIN ITS LEGAL POWER TO ENSURE THAT IRAN DOES NOT HAVE THE RESOURCES TO ACQUIRE NUCLEAR WEAPONS CAPABILITY AND THAT IT CEASE ITS PROMOTION AND ADVANCEMENT OF TERRORIST ACTIVITIES.

S 7. Subsection 5 of section 1415 of the insurance law is REPEALED.

S 8. This act shall take effect immediately, and shall not be deemed repealed as the result of any executive action taken by the president of the United States, or the department of state, unless such action is a duly executed treaty approved by two-thirds of the United States Senate; provided that the commissioner of general services shall notify the legislative bill drafting commission upon the occurrence of such duly executed treaty in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law; and provided further that the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act is authorized to be made on and after such effective date.

SUBPART H

Intentionally Omitted

SUBPART I

Section 1. This act shall be known as the New Yorkers Combating Alien Recidivism and Ending Sanctuary Act and may be cited as the "NY Cares Act".

S 2. Paragraph (u) of subdivision 2 of section 709 of the executive law is relettered paragraph (v) and a new paragraph (u) is added to read as follows:

(U) DEVELOP A PLAN TO ENSURE THAT ALL COUNTIES, CITIES, TOWNS AND VILLAGES, AND ANY AGENCY, OFFICE, DEPARTMENT OR AUTHORITY THEREOF, INCLUDING A SHERIFF'S DEPARTMENT, MUNICIPAL POLICE DEPARTMENT OR DISTRICT ATTORNEY'S OFFICE ARE IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION ONE HUNDRED THIRTY-NINE-E OF THE GENERAL MUNICIPAL LAW.

S 3. The general municipal law is amended by adding a new section 139-e to read as follows:

S 139-E. PROHIBITION AGAINST LOCAL GOVERNMENT ACTION TO PREVENT ENFORCEMENT OF CERTAIN FEDERAL LAWS. 1. IN ACCORDANCE WITH ARTICLES NINE AND THIRTEEN OF THE CONSTITUTION OF THE STATE OF NEW YORK, NO COUNTY, CITY, TOWN OR VILLAGE, OR ANY AGENCY, OFFICE, DEPARTMENT OR AUTHORITY THEREOF, INCLUDING A SHERIFF'S DEPARTMENT, MUNICIPAL POLICE DEPARTMENT, OR DISTRICT ATTORNEY'S OFFICE, OR THE GOVERNING BOARD THEREOF, SHALL ADOPT ANY RULE, ORDER, ORDINANCE, LOCAL LAW OR POLICY, EITHER FORMALLY OR INFORMALLY, PROHIBITING OR INHIBITING ONE OR MORE OF THE FOLLOWING:

(A) THE ENFORCEMENT OF LAWS OF THIS STATE OR FEDERAL LAWS RELATING TO PERSONS ILLEGALLY IN THE COUNTRY;

(B) THE ABILITY OF LAW ENFORCEMENT OFFICERS TO ASSIST OR COOPERATE WITH FEDERAL OFFICIALS IN THE COURSE OF CARRYING OUT THEIR ROUTINE LAW ENFORCEMENT DUTIES;

(C) THE USE OF LOCAL RESOURCES TO AID IN THE COMPLIANCE WITH DETAINER REQUESTS ISSUED BY THE DEPARTMENT OF HOMELAND SECURITY;

(D) A LAW ENFORCEMENT OFFICER FROM MAKING AN INQUIRY CONCERNING THE LAWFULNESS OF AN INDIVIDUAL'S PRESENCE IN THE COUNTRY IF THE INDIVIDUAL IS LAWFULLY DETAINED OR LAWFULLY ARRESTED, AND/OR VERIFYING SUCH INDIVIDUAL IS LEGALLY IN THE COUNTRY;

(E) THE SHARING OF INFORMATION PERTAINING TO WHETHER THE LAWFULNESS OF AN INDIVIDUAL'S PRESENCE IN THE COUNTRY WITH FEDERAL HOMELAND SECURITY OFFICIALS; OR

(F) THE ABILITY OF FEDERAL HOMELAND SECURITY OFFICIALS TO ENTER AND CONDUCT ENFORCEMENT ACTIVITIES AT A MUNICIPAL OR COUNTY JAIL IN FURTHERANCE OF THEIR DUTY TO ENFORCE FEDERAL LAWS.

2. FOR PURPOSES OF THIS SECTION, A PERSON SHALL NOT BE CONSIDERED TO BE LAWFULLY DETAINED IF SUCH PERSON IS: (A) THE VICTIM OF A CRIME; (B) A COOPERATING WITNESS RELATING TO A CRIME; OR (C) REPORTING A CRIME, CRIMINAL ACTIVITY, OR A PLANNED OR ACTUAL ACT OF TERRORISM.

3. (A) NO STATE FUNDING SHALL BE APPROPRIATED OR DISBURSED TO ANY COUNTY, CITY, TOWN OR VILLAGE, OR ANY AGENCY, OFFICE, DEPARTMENT OR AUTHORITY THEREOF, INCLUDING A SHERIFF'S DEPARTMENT, MUNICIPAL POLICE DEPARTMENT OR DISTRICT ATTORNEY'S OFFICE, DETERMINED TO BE IN WILFUL VIOLATION OF THIS SECTION.

(B) THE COMPTROLLER SHALL, PRIOR TO THE DISBURSEMENT OR DELIVERY OF ANY STATE OR FEDERAL FUNDS, TO A COUNTY, CITY, TOWN OR VILLAGE, OR ANY AGENCY, OFFICE, DEPARTMENT OR AUTHORITY THEREOF, REQUIRE THAT THE CHIEF ELECTED OFFICER OF SUCH COUNTY, CITY, TOWN OR VILLAGE PROVIDE VERIFICATION, SIGNED UNDER PENALTIES OF PERJURY BY SUCH CHIEF ELECTED OFFICER, THAT SUCH COUNTY, CITY, TOWN OR VILLAGE IS IN COMPLIANCE WITH THIS SECTION.

4. THIS SECTION SHALL NOT BE DEEMED TO APPLY TO ANY SCHOOL DISTRICT, CHARTER SCHOOL, OR MUNICIPAL HEALTH SERVICE FACILITY.

S 4. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 5. This act shall take effect immediately.

SUBPART J

Section 1. a. Transfer of State Police Civilian Personnel. Notwithstanding any law to the contrary, the current state police civilian personnel assigned to the division of homeland security and emergency services office of counter terrorism prior to the effective date of this act, who perform intelligence and analysis on counter terrorism, shall be transferred, pursuant to section 70 of the civil service law, to the bureau of counter terrorism and intelligence of the division of state police.

b. Transfer of records. Upon the transfer of the current state police civilian personnel, pursuant to subdivision a of this section, the division of homeland security and emergency services shall deliver to the bureau of counter terrorism and intelligence of the division of state police, all pertinent books, papers, records and property.

c. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

d. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect, brought by or against the division of homeland security and emergency services relating to the transfer of the current state police civilian personnel to or devolved upon the division of state police shall be affected by this act, but the same may be prosecuted or defended in the name of the division of state police and upon the application to the court, the division of state police shall be substituted as a party.

e. Completion of unfinished business. Any business or other matter undertaken or commenced by the current state police civilian personnel assigned to the division of homeland security and emergency services transferred to the bureau of counter terrorism and intelligence of the division of state police in accordance with this act, pending on the effective date of this act, may be conducted and completed by the bureau of counter terrorism and intelligence of the division of state police in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the division of homeland security and emergency services.

S 2. This act shall take effect immediately.

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

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

PART E

Section 1. Section 5 of chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, as amended by section 24 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

S 5. This act shall take effect January 1, 1997 and shall expire and be deemed repealed September 1, [2016] 2021; provided that any person who has begun to receive the benefits of this act prior to its expiration and repeal shall be entitled to continue to receive the benefits of this act after its expiration and repeal until completion of a baccalaureate degree or cessation of status as an active member, whichever occurs first.

S 2. This act shall take effect immediately.

PART F

Section 1. Subdivision 5 of section 362 of the chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes and revenues, as amended by section 37 of part L of chapter 55 of the laws of 2012, is amended to read as follows:

5. Sections thirty-one through forty-two of this act shall take effect on the thirtieth day after it shall have become a law and shall be deemed to have been in full force and effect on and after April 1, 1995; provided that section 163 of the state finance law, as added by section thirty-three of this act shall remain in full force and effect until June 30, [2016] 2017 at which time it shall expire and be deemed repealed. Contracts executed prior to the expiration of such section 163 shall remain in full force and effect until the expiration of any such contract notwithstanding the expiration of certain provisions of this act.

S 2. Section 16 of chapter 1 of the laws of 2005, amending the state finance law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, as amended by chapter 62 of the laws of 2014, is amended to read as follows:

S 16. This act shall take effect immediately; provided, however, that sections one, six, eight, nine, ten, eleven and fifteen of this act shall take effect January 1, 2006; and provided, however, the amendments to paragraph f of subdivision 9 of section 163 of the state finance law made by section fifteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith; provided, further, that the amendments to article 1-A of the legislative law, made by this act, shall not affect the repeal of such article pursuant to chapter 2 of the laws of 1999, as amended, and shall be deemed repealed therewith; provided, further, that sections thirteen and fourteen of this act shall take effect January 1, 2006 and shall be deemed repealed July 31, [2016] 2017; provided, further, that effective immediately, the advisory council on procurement lobbying created pursuant to section twelve of this act shall be constituted no later than sixty days following the effective date of this act, provided that effective sixty days following the effective date of this act, the advisory council on procurement lobbying shall be authorized to establish model guidelines and to add, amend and/or repeal any rules or regulations necessary for the implementation of its duties under sections twelve and thirteen of this act, and the advisory council authorized to make and complete such model guidelines on or before the effective date of section thirteen of this act; provided, further, that procurement contracts for which bid solicitations have been issued prior to the effective date of this act shall be awarded pursuant to the provisions of law in effect at the time of issuance.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

PART G

Intentionally Omitted

PART H

Section 1. Section 200 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

S 200. Short title. This article shall be known and may be cited as the "disability benefits law AND THE PAID FAMILY LEAVE BENEFITS LAW."

S 2. Subdivision 14 of section 201 of the workers' compensation law, as added by chapter 600 of the laws of 1949 and as renumbered by chapter 438 of the laws of 1964, is amended and eleven new subdivisions 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 are added to read as follows:

14. "A day of disability" means any day on which the employee was prevented from performing work because of disability, INCLUDING ANY DAY WHICH THE EMPLOYEE USES FOR FAMILY CARE, and for which [he] THE EMPLOYEE has not received his OR HER regular remuneration.

15. "FAMILY LEAVE" SHALL MEAN ANY LEAVE TAKEN BY AN EMPLOYEE FROM WORK TO PARTICIPATE IN PROVIDING CARE, INCLUDING PHYSICAL OR PSYCHOLOGICAL CARE, FOR A FAMILY MEMBER OF THE EMPLOYEE MADE NECESSARY BY A SERIOUS HEALTH CONDITION OF THE FAMILY MEMBER; OR TO BOND WITH THE EMPLOYEE'S CHILD DURING THE FIRST TWELVE MONTHS AFTER THE CHILD'S BIRTH, OR THE FIRST TWELVE MONTHS AFTER THE PLACEMENT OF THE CHILD FOR ADOPTION OR FOSTER CARE WITH THE EMPLOYEE; OR BECAUSE OF ANY QUALIFYING EXIGENCY AS INTERPRETED UNDER THE FAMILY AND MEDICAL LEAVE ACT, 29 U.S.C.S S 2612(A)(1)(E) AND 29 C.F.R. S.825.126(A)(1)-(8), ARISING OUT OF THE FACT THAT THE SPOUSE, DOMESTIC PARTNER, CHILD, OR PARENT OF THE EMPLOYEE IS ON ACTIVE DUTY (OR HAS BEEN NOTIFIED OF AN IMPENDING CALL OR ORDER TO ACTIVE DUTY) IN THE ARMED FORCES OF THE UNITED STATES.

16. "CHILD" MEANS A BIOLOGICAL, ADOPTED, OR FOSTER SON OR DAUGHTER, A STEPSON OR STEPDAUGHTER, A LEGAL WARD, A SON OR DAUGHTER OF A DOMESTIC PARTNER, OR THE PERSON TO WHOM THE EMPLOYEE STANDS IN LOCO PARENTIS.

17. "DOMESTIC PARTNER" HAS THE SAME MEANING AS SET FORTH IN SECTION FOUR OF THIS CHAPTER.

18. "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, INJURY, IMPAIRMENT, OR PHYSICAL OR MENTAL CONDITION THAT INVOLVES INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL HEALTH CARE FACILITY, OR CONTINUING TREATMENT OR CONTINUING SUPERVISION BY A HEALTH CARE PROVIDER AND REQUIRING ASSISTANCE TO PERFORM THE ACTIVITIES OF DAILY LIVING.

19. "PARENT" MEANS A BIOLOGICAL, FOSTER, OR ADOPTIVE PARENT, A PARENT-IN-LAW, A STEPPARENT, A LEGAL GUARDIAN, OR OTHER PERSON WHO STOOD IN LOCO PARENTIS TO THE EMPLOYEE WHEN THE EMPLOYEE WAS A CHILD.

20. "FAMILY MEMBER" MEANS A CHILD, PARENT, GRANDPARENT, GRANDCHILD, SIBLING, SPOUSE, OR DOMESTIC PARTNER AS DEFINED IN THIS SECTION.

21. "GRANDCHILD" MEANS A CHILD OF THE EMPLOYEE'S CHILD.

22. "HEALTH CARE PROVIDER" SHALL MEAN A PERSON LICENSED UNDER ARTICLE ONE HUNDRED THIRTY-ONE, ONE HUNDRED THIRTY-ONE-B, ONE HUNDRED THIRTY-TWO, ONE HUNDRED THIRTY-THREE, ONE HUNDRED THIRTY-SIX, ONE HUNDRED THIRTY-NINE, ONE HUNDRED FORTY-ONE, ONE HUNDRED FORTY-THREE, ONE HUNDRED FORTY-FOUR, ONE HUNDRED FIFTY-THREE, ONE HUNDRED FIFTY-FOUR, ONE HUNDRED FIFTY-SIX OR ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW OR A PERSON LICENSED UNDER THE PUBLIC HEALTH LAW, ARTICLE ONE HUNDRED FORTY OF THE EDUCATION LAW OR ARTICLE ONE HUNDRED SIXTY-THREE OF THE EDUCATION LAW.

23. "GRANDPARENT" MEANS A PARENT OF THE EMPLOYEE'S PARENT.

24. "SIBLING" MEANS A PERSON RELATED TO ANOTHER PERSON BY BLOOD, ADOPTION, OR AFFINITY THROUGH A COMMON LEGAL OR BIOLOGICAL PARENT.

25. "FAMILY CARE" SHALL MEAN ANY LEAVE TAKEN BY AN EMPLOYEE FROM WORK:

(A) TO PARTICIPATE IN PROVIDING CARE, INCLUDING PHYSICAL OR PSYCHOLOGICAL CARE, FOR A FAMILY MEMBER OF THE EMPLOYEE MADE NECESSARY BY A SERIOUS HEALTH CONDITION OF THE FAMILY MEMBER; OR

(B) TO BOND WITH THE EMPLOYEE'S CHILD DURING THE FIRST TWELVE MONTHS AFTER THE CHILD'S BIRTH, OR THE FIRST TWELVE MONTHS AFTER THE PLACEMENT OF THE CHILD FOR ADOPTION OR FOSTER CARE WITH THE EMPLOYEE; OR

(C) BECAUSE OF ANY QUALIFYING EXIGENCY AS INTERPRETED UNDER THE FAMILY AND MEDICAL LEAVE ACT, 29 U.S.C. S 2612(A)(1)(E) AND 29 C.F.R. S 825.126(A)(1)-(8), ARISING OUT OF THE FACT THAT THE SPOUSE, DOMESTIC PARTNER, CHILD, OR PARENT OF THE EMPLOYEE IS ON ACTIVE DUTY OR HAS BEEN NOTIFIED OF AN IMPENDING CALL OR ORDER TO ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES.

S 3. Section 203 of the workers' compensation law, as amended by chapter 436 of the laws of 1986, is amended to read as follows:

S 203. Employees eligible for benefits under section two hundred four OF THIS ARTICLE. Employees in employment of a covered employer for four or more consecutive weeks and employees in employment during the work period usual to and available during such four or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for disability AND FAMILY LEAVE benefits as provided in section two hundred four OF THIS ARTICLE. EVERY SUCH EMPLOYEE SHALL CONTINUE TO BE ELIGIBLE FOR FAMILY LEAVE BENEFITS ONLY DURING EMPLOYMENT WITH A COVERED EMPLOYER. Every such employee shall continue to be eligible FOR DISABILITY BENEFITS during such employment and for a period of four weeks after such employment terminates regardless of whether the employee performs any work for remuneration or profit in non-covered employment. If during such four week period the employee performs any work for remuneration or profit for another covered employer the employee shall become eligible for DISABILITY benefits immediately with respect to that employment. In addition every such employee who HAS PREVIOUSLY COMPLETED FOUR OR MORE CONSECUTIVE WEEKS IN EMPLOYMENT WITH THE COVERED EMPLOYER AND returns to work with the same employer after an agreed and specified unpaid leave of absence or vacation without pay shall become eligible for DISABILITY AND FAMILY LEAVE benefits immediately with respect to such employment. An employee who during a period in which he or she is eligible to receive benefits under subdivision two of section two hundred seven OF THIS ARTICLE returns to employment with a covered employer and an employee who is currently receiving unemployment insurance benefits or benefits under section two hundred seven OF THIS ARTICLE and who returns to employment with a covered employer shall become eligible for DISABILITY benefits immediately with respect to such employment. An employee regularly in the employment of a single employer on a work schedule less than the employer's normal work week shall become eligible for DISABILITY AND FAMILY LEAVE benefits on the twenty-fifth day of such regular employment. An employee who [becomes disabled while] IS eligible for DISABILITY AND FAMILY LEAVE benefits in the employment of a covered employer shall not be deemed, for the purposes of this article, to have such employment terminated during any period he or she is eligible to receive benefits under section two hundred four OF THIS ARTICLE with respect to such employment.

S 4. The workers' compensation law is amended by adding three new sections 203-a, 203-b and 203-c to read as follows:

S 203-A. RETALIATORY ACTION PROHIBITED FOR FAMILY LEAVE. 1. THE PROVISIONS OF SECTION ONE HUNDRED TWENTY OF THIS CHAPTER AND SECTION TWO HUNDRED FORTY-ONE OF THIS ARTICLE SHALL BE APPLICABLE TO FAMILY LEAVE.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO DIMINISH THE RIGHTS, PRIVILEGES, OR REMEDIES OF ANY EMPLOYEE UNDER ANY COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT.

S 203-B. REINSTATEMENT FOLLOWING FAMILY LEAVE. ANY ELIGIBLE EMPLOYEE OF A COVERED EMPLOYER WHO TAKES LEAVE UNDER THIS SECTION SHALL BE ENTITLED, ON RETURN FROM SUCH LEAVE, TO BE RESTORED BY THE EMPLOYER TO THE POSITION OF EMPLOYMENT HELD BY THE EMPLOYEE WHEN THE LEAVE COMMENCED, OR TO BE RESTORED TO A COMPARABLE POSITION WITH COMPARABLE EMPLOYMENT BENEFITS, PAY AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT. THE TAKING OF FAMILY LEAVE SHALL NOT RESULT IN THE LOSS OF ANY EMPLOYMENT BENEFIT ACCRUED PRIOR TO THE DATE ON WHICH THE LEAVE COMMENCED. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ENTITLE ANY RESTORED EMPLOYEE TO THE ACCRUAL OF ANY SENIORITY OR EMPLOYMENT BENEFITS DURING ANY PERIOD OF LEAVE, OR ANY RIGHT, BENEFIT OR POSITION TO WHICH THE EMPLOYEE WOULD HAVE BEEN ENTITLED HAD THE EMPLOYEE NOT TAKEN THE LEAVE.

S 203-C HEALTH INSURANCE DURING FAMILY LEAVE.

IN ACCORDANCE WITH THE FAMILY AND MEDICAL LEAVE ACT (29 U.S.C. SS 2601-2654), DURING ANY PERIOD OF FAMILY LEAVE THE EMPLOYER SHALL MAINTAIN ANY EXISTING HEALTH BENEFITS OF THE EMPLOYEE IN FORCE FOR THE DURATION OF SUCH LEAVE AS IF THE EMPLOYEE HAD CONTINUED TO WORK FROM THE DATE HE OR SHE COMMENCED FAMILY LEAVE UNTIL THE DATE HE OR SHE RETURNS TO EMPLOYMENT.

S 5. Section 204 of the workers' compensation law, as added by chapter 600 of the laws of 1949, subdivision 2 as amended by chapter 38 of the laws of 1989, is amended to read as follows:

S 204. Disability AND FAMILY LEAVE during employment. 1. Disability benefits shall be payable to an eligible employee for disabilities [commencing after June thirtieth, nineteen hundred fifty], beginning with the eighth [consecutive] day of disability and thereafter during the continuance of disability, subject to the limitations as to maximum and minimum amounts and duration and other conditions and limitations in this section and in sections two hundred five and two hundred six OF THIS ARTICLE. FAMILY LEAVE BENEFITS SHALL BE PAYABLE TO AN ELIGIBLE EMPLOYEE FOR THE FIRST FULL DAY WHEN FAMILY LEAVE IS REQUIRED AND THEREAFTER DURING THE CONTINUANCE OF THE NEED FOR FAMILY LEAVE, SUBJECT TO THE LIMITATIONS AS TO MAXIMUM AND MINIMUM AMOUNTS AND DURATION AND OTHER CONDITIONS AND LIMITATIONS IN THIS SECTION AND IN SECTIONS TWO HUNDRED FIVE AND TWO HUNDRED SIX OF THIS ARTICLE. Successive periods of disability OR FAMILY LEAVE caused by the same or related injury or sickness shall be deemed a single period of disability OR FAMILY LEAVE only if separated by less than three months.

2. (A) THE WEEKLY BENEFIT FOR FAMILY LEAVE THAT OCCURS (I) ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN SHALL BE FIFTY PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED FIFTY PERCENT OF THE STATE AVERAGE WEEKLY WAGE, (II) ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN SHALL BE FIFTY-FIVE PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED FIFTY-FIVE PERCENT OF THE STATE AVERAGE WEEKLY WAGE, (III) ON OR AFTER JANUARY FIRST, TWO THOUSAND TWENTY SHALL BE SIXTY PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED SIXTY PERCENT OF THE STATE AVERAGE WEEKLY WAGE, AND (IV) ON OR AFTER JANUARY FIRST OF EACH SUCCEEDING YEAR, SHALL BE SIXTY-SEVEN PERCENT OF

THE EMPLOYEE'S AVERAGE WEEKLY WAGE BUT SHALL NOT EXCEED SIXTY-SEVEN PERCENT OF THE NEW YORK STATE AVERAGE WEEKLY WAGE IN EFFECT. THE WEEKLY BENEFITS FOR FAMILY LEAVE THAT OCCURS ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN SHALL NOT BE LESS THAN ONE HUNDRED DOLLARS PER WEEK EXCEPT THAT IF THE EMPLOYEE'S WAGES AT THE TIME OF FAMILY LEAVE ARE LESS THAN ONE HUNDRED DOLLARS PER WEEK, THE EMPLOYEE SHALL RECEIVE HIS OR HER FULL WAGES. BENEFITS MAY BE PAYABLE TO EMPLOYEES FOR PAID FAMILY LEAVE TAKEN INTERMITTENTLY OR FOR LESS THAN A FULL WORK WEEK IN INCREMENTS OF ONE FULL DAY OR ONE FIFTH OF THE WEEKLY BENEFIT.

(B) The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after May first, nineteen hundred eighty-nine shall be one-half of the employee's weekly wage, but in no case shall such benefit exceed one hundred seventy dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred eighty-four shall be one-half of the employee's weekly wage, but in no case shall such benefit exceed one hundred forty-five dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred eighty-three and prior to July first, nineteen hundred eighty-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed one hundred thirty-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy-four, and prior to July first, nineteen hundred eighty-three, shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed ninety-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy and prior to July first, nineteen hundred seventy-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed seventy-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage. For any period of disability less than a full week, the benefits payable shall be calculated by dividing the weekly benefit by the number of the employee's normal work days per week and multiplying the quotient by the number of normal work days in such period of disability. The weekly benefit for a disabled employee who is concurrently eligible for benefits in the employment of more than one covered employer shall, within the maximum and minimum herein provided, be one-half of the total of the employee's average weekly wages received from all such covered employers, and shall be allocated in the proportion of their respective average weekly wage payments.

S 6. Section 205 of the workers' compensation law, as added by chapter 600 of the laws of 1949, subdivision 1 as amended by chapter 651 of the laws of 1958, subdivision 2 as amended by chapter 270 of the laws of 1990, subdivision 5 as amended by chapter 288 of the laws of 1970, and

subdivisions 3, 4, 5, 6, 7 and 8 as renumbered by chapter 352 of the laws of 1981, is amended to read as follows:

S 205. Disabilities, FAMILY LEAVE and [disability] periods for which benefits are not payable. 1. No employee shall be entitled to DISABILITY benefits under this article:

[1.] (A) For more than twenty-six weeks MINUS ANY DAYS TAKEN FOR FAMILY LEAVE DURING ANY FIFTY-TWO CONSECUTIVE CALENDAR WEEKS during a period of fifty-two consecutive calendar weeks or during any one period of disability, OR FOR MORE THAN TWENTY-SIX WEEKS;

[2.] (B) for any period of disability during which an employee is not under the care of a duly licensed [physician or with respect to disability resulting from a condition of the foot which may lawfully be treated by a duly registered and licensed podiatrist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed chiropractor of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly licensed dentist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed psychologist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly certified nurse midwife, for any period of such disability during which an employee is neither under the care of a physician nor a podiatrist, nor a chiropractor, nor a dentist, nor a psychologist, nor a certified nurse midwife] HEALTH CARE PROVIDER; and for any period of disability during which an employee who adheres to the faith or teachings of any church or denomination and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, is not under the care of a practitioner duly accredited by the church or denomination, and provided such employee shall submit to all physical examinations as required by this chapter.

2. NO EMPLOYEE SHALL BE ENTITLED TO FAMILY LEAVE BENEFITS UNDER THIS ARTICLE:

(A) FOR MORE THAN TWELVE WEEKS DURING A PERIOD OF FIFTY-TWO CONSECUTIVE CALENDAR WEEKS, OR FOR ANY PERIOD IN WHICH THE FAMILY LEAVE COMBINED WITH THE DISABILITY BENEFITS PREVIOUSLY PAID EXCEEDS TWENTY-SIX WEEKS DURING THE SAME FIFTY-TWO CONSECUTIVE CALENDAR WEEKS;

(B) FOR ANY PERIOD OF FAMILY LEAVE WHEREIN THE NOTICE AND MEDICAL CERTIFICATION AS PRESCRIBED BY THE CHAIR HAS NOT BEEN FILED. AT THE DISCRETION OF THE CHAIR OR CHAIR'S DESIGNEE, THE FAMILY MEMBER WHO IS THE RECIPIENT OF CARE MAY BE REQUIRED TO SUBMIT TO A PHYSICAL EXAMINATION BY A QUALIFIED HEALTH CARE PROVIDER. SUCH EXAMINATION SHALL BE PAID FOR BY THE CARRIER.

(C) AS A CONDITION OF AN EMPLOYEE'S INITIAL RECEIPT OF FAMILY LEAVE BENEFITS DURING ANY FIFTY-TWO CONSECUTIVE CALENDAR WEEKS IN WHICH AN EMPLOYEE IS ELIGIBLE FOR THESE BENEFITS, AN EMPLOYER MAY OFFER AN EMPLOYEE WHO HAS ACCRUED BUT UNUSED VACATION TIME OR PERSONAL LEAVE AVAILABLE AT THE TIME OF USE OF AVAILABLE FAMILY LEAVE TO CHOOSE WHETHER TO CHARGE ALL OR PART OF THE FAMILY LEAVE TIME TO ACCRUED BUT UNUSED VACATION OR PERSONAL LEAVE, AND RECEIVE FULL SALARY, OR TO NOT CHARGE TIME TO ACCRUED BUT UNUSED VACATION OR PERSONAL LEAVE, AND RECEIVE THE BENEFIT AS SET FORTH IN SECTION TWO HUNDRED FOUR OF THIS ARTICLE. AN EMPLOYER THAT PAYS FULL SALARY DURING A PERIOD OF FAMILY LEAVE MAY REQUEST REIMBURSEMENT IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-SEVEN OF THIS ARTICLE. WITH THE ELECTION OF EITHER OPTION, THE EMPLOYEE

SHALL RECEIVE THE FULL PROTECTION OF THE REINSTATEMENT PROVISION SET FORTH IN SECTION TWO HUNDRED THREE-B OF THIS ARTICLE, AND SHALL CONCURRENTLY USE AVAILABLE FAMILY MEDICAL LEAVE ACT AND PAID FAMILY LEAVE CREDITS. IN NO EVENT CAN AN EMPLOYEE UTILIZE FAMILY LEAVE BEYOND THE TWELVE WEEKS PER ANY FIFTY-TWO WEEK PERIOD SET FORTH IN THIS ARTICLE. THIS PARAGRAPH MAY NOT BE CONSTRUED IN A MANNER THAT RELIEVES AN EMPLOYER OF ANY DUTY OF COLLECTIVE BARGAINING THE EMPLOYER MAY HAVE WITH RESPECT TO THE SUBJECT MATTER OF THIS PARAGRAPH.

3. NO EMPLOYEE SHALL BE ENTITLED TO DISABILITY OR FAMILY LEAVE BENEFITS UNDER THIS ARTICLE:

(A) for any disability occasioned by the wilful intention of the employee to bring about injury to or the sickness of himself or another, or resulting from any injury or sickness sustained in the perpetration by the employee of an illegal act;

[4.] (B) for any day of disability OR FAMILY LEAVE during which the employee performed work for remuneration or profit;

[5.] (C) for any day of disability OR FAMILY LEAVE for which the employee is entitled to receive from his OR HER employer, or from a fund to which the employer has contributed, remuneration or maintenance in an amount equal to or greater than that to which he OR SHE would be entitled under this article; but any voluntary contribution or aid which an employer may make to an employee or any supplementary benefit paid to an employee pursuant to the provisions of a collective bargaining agreement or from a trust fund to which contributions are made pursuant to the provisions of a collective bargaining agreement shall not be considered as continued remuneration or maintenance for this purpose;

[6.] (D) for any period in respect to which such employee is subject to suspension or disqualification of the accumulation of unemployment insurance benefit rights, or would be subject if he OR SHE were eligible for such benefit rights, except for ineligibility resulting from the employee's disability;

[7.] (E) for any disability due to any act of war, declared or undeclared[, if such act shall occur after June thirtieth, nineteen hundred fifty];

[8.] (F) for any disability OR FAMILY LEAVE commencing before the employee becomes eligible to benefits [hereunder or commencing prior to July first, nineteen hundred fifty, but this shall not preclude benefits for recurrence after July first, nineteen hundred fifty, of a disability commencing prior thereto] UNDER THIS SECTION.

4. AN EMPLOYEE WHO HAS GIVEN BIRTH MAY USE NO MORE THAN A COMBINED TWELVE WEEKS PURSUANT TO SUBDIVISION ONE FOR RECOVERY FROM CHILDBIRTH AND SUBDIVISION TWO FOR BONDING WITH THE CHILD AS PERMITTED UNDER SUBDIVISION FIFTEEN OF SECTION 201, DURING ANY FIFTY-TWO CONSECUTIVE CALENDAR WEEKS. AN EMPLOYEE MAY NOT SEEK BENEFITS CONCURRENTLY UNDER BOTH SUBDIVISIONS ONE AND TWO OF THIS SECTION.

S 7. Section 206 of the workers' compensation law, as amended by chapter 699 of the laws of 1956, paragraph (a) of subdivision 1 as separately amended by chapters 699 and 929 of the laws of 1956 and subdivision 2 as amended by chapter 24 of the laws of 1988, is amended to read as follows:

S 206. Non-duplication of benefits. 1. No DISABILITY benefits shall be payable under section two hundred four or two hundred seven OF THIS ARTICLE:

(a) in a weekly benefit amount which, together with any amount that the employee receives or is entitled to receive for the same period or any part thereof as a permanent disability benefit or annuity under any

governmental system or program, except under a veteran's disability program, or under any permanent disability policy or program of an employer for whom he OR SHE has performed services, would, if apportioned to weekly periods, exceed his OR HER weekly benefit amount [hereunder] UNDER THIS SECTION, provided however, that there shall be no offset against the benefits set forth in this article if the claim for disability benefits is based on a disability other than the permanent disability for which the aforesaid permanent disability benefit or annuity was granted;

(b) with respect to any week for which payments are received under the unemployment insurance law or similar law of this state or of any other state or of the United States;

(c) subject to the provisions of subdivision two of this section, for any period with respect to which benefits, compensation or other allowances (other than [workmen's] WORKERS' compensation benefits for a permanent partial disability occurring prior to the disability for which benefits are claimed hereunder) are paid or payable under this chapter, the volunteer [firemen's] FIREFIGHTERS' benefit law, or any other [workmen's] WORKERS' compensation act, occupational disease act or similar law, or under any employers' liability act or similar law; under any other temporary disability or cash sickness benefits act or similar law; under section six hundred eighty-eight, title forty-six, United States code; under the federal employers' liability act; or under the maritime doctrine of maintenance, wages and cure.

2. If an employee who is eligible for DISABILITY benefits under section two hundred three or two hundred seven OF THIS ARTICLE is disabled and has claimed or subsequently claims workers' compensation benefits under this chapter or benefits under the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law, and such claim is controverted on the ground that the employee's disability was not caused by an accident that arose out of and in the course of his employment or by an occupational disease, or by an injury in line of duty as a volunteer firefighter or volunteer ambulance worker, the employee shall be entitled in the first instance to receive benefits under this article for his OR HER disability. If benefits have been paid under this article in respect to a disability alleged to have arisen out of and in the course of the employment or by reason of an occupational disease, or in line of duty as a volunteer firefighter or a volunteer ambulance worker, the employer or carrier or the chairman making such payment may, at any time before award of workers' compensation benefits, or volunteer firefighters' benefits or volunteer ambulance workers' benefits, is made, file with the board a claim for reimbursement out of the proceeds of such award to the employee for the period for which disability benefits were paid to the employee under this article, and shall have a lien against the award for reimbursement, notwithstanding the provisions of section thirty-three of this chapter or section twenty-three of the volunteer firefighters' benefit law or section twenty-three of the volunteer ambulance workers' benefit law provided the insurance carrier liable for payment of the award receives, before such award is made, a copy of the claim for reimbursement from the employer, carrier or [chairman] CHAIR who paid disability benefits, or provided the board's decision and award directs such reimbursement therefrom.

3. NO FAMILY LEAVE BENEFITS SHALL BE PAYABLE UNDER SECTION TWO HUNDRED FOUR OF THIS ARTICLE:

(A) DURING PERIODS WHEN THE EMPLOYEE IS RECEIVING WORKERS' COMPENSATION LOST WAGE BENEFITS, OR BENEFITS UNDER THE VOLUNTEER FIREFIGHTERS'

BENEFIT LAW OR THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW OR UNDER ANY STATE'S LAW;

(B) TO AN EMPLOYEE WHO IS NOT EMPLOYED OR IS ON ADMINISTRATIVE LEAVE FROM HIS OR HER EMPLOYMENT;

(C) TO AN EMPLOYEE DURING PERIODS WHERE THE EMPLOYEE IS COLLECTING SICK PAY OR PAID TIME OFF FROM THE EMPLOYER; AND

(D) FOR ANY DAY IN WHICH CLAIMANT WORKS AT LEAST PART OF THAT DAY FOR RENUMERATION OR PROFIT.

4. UNLESS OTHERWISE EXPRESSLY PERMITTED BY THE EMPLOYER, BENEFITS AVAILABLE UNDER 29 U.S. CODE CHAPTER 28 (THE FAMILY AND MEDICAL LEAVE ACT) MUST BE USED CONCURRENTLY WITH FAMILY LEAVE BENEFITS. AN EMPLOYER SHALL NOT BE REQUIRED TO PERMIT TWELVE ADDITIONAL WEEKS OF BENEFITS FOLLOWING EXHAUSTION OF THE TWELVE WEEKS OF PAID FAMILY LEAVE BENEFITS.

5. A COVERED EMPLOYER IS NOT REQUIRED TO PERMIT MORE THAN ONE EMPLOYEE TO USE THE SAME PERIOD OF FAMILY LEAVE TO CARE FOR THE SAME FAMILY MEMBER.

S 8. Section 207 of the workers' compensation law is amended by adding a new subdivision 5 to read as follows:

5. THE FOREGOING PROVISIONS OF THIS SECTION SHALL NOT APPLY TO FAMILY LEAVE BENEFITS, AS FAMILY LEAVE BENEFITS ARE NOT AVAILABLE TO EMPLOYEES THAT ARE NOT EMPLOYED AT THE TIME FAMILY LEAVE IS REQUESTED BY FILING THE NOTICE AND MEDICAL CERTIFICATION REQUIRED BY THE CHAIR.

S 9. Section 208 of the workers' compensation law, as added by chapter 600 of the laws of 1949, subdivision 1 as amended by chapter 314 of the laws of 2010, is amended to read as follows:

S 208. Payment of disability AND FAMILY LEAVE benefits. 1. Benefits provided under this article shall be paid periodically and promptly and, except as to a contested period of disability OR FAMILY LEAVE, without any decision by the board, OR DESIGNEE OF THE CHAIR. The first payment of benefits shall be due on the fourteenth day of disability OR FAMILY LEAVE and benefits for that period shall be paid directly to the employee within four business days thereafter or within four business days after the filing of required proof of claim, whichever is the later. Thereafter benefits shall be due and payable bi-weekly in like manner. The [chairman] CHAIR OR CHAIR'S DESIGNEE may determine that benefits may be paid monthly or semi-monthly if wages were so paid, and may authorize deviation from the foregoing requirements to facilitate prompt payment of benefits. Any inquiry which requires the employee's response in order to continue benefits uninterrupted or unmodified shall provide a reasonable time period in which to respond and include a clear and prominent statement of the deadline for responding and consequences of failing to respond.

2. The [chairman] CHAIR AND SUPERINTENDENT OF FINANCIAL SERVICES may, whenever such information is deemed necessary, require any carrier to file in form prescribed by the [chairman] CHAIR a report or reports as to any claim or claims, including (but without limitation) dates of commencement and termination of benefit payments and amount of benefits paid under this article. The [chairman] CHAIR AND SUPERINTENDENT OF FINANCIAL SERVICES may also require annually information in respect to the aggregate of benefits paid, the number of claims allowed and disallowed, the average benefits and duration of benefit periods, the amount of payrolls covered and such other information as the [chairman] CHAIR may deem necessary for the purposes of administering this article. If the carrier is providing benefits in respect to more than one employer, the [chairman] CHAIR AND SUPERINTENDENT OF FINANCIAL SERVICES may require that such information be shown separately as to those employers

who are providing only benefits that are substantially the same as the benefits required in this article. THE CHAIR AND SUPERINTENDENT OF FINANCIAL SERVICES MAY PRESCRIBE THE FORMAT OF SUCH REPORT AND MAY PROMULGATE REGULATIONS TO EFFECTUATE THIS ARTICLE.

S 10. Section 209 of the workers' compensation law, as added by chapter 600 of the laws of 1949, subdivision 3 as amended by chapter 415 of the laws of 1983 and subdivision 4 as amended by chapter 134 of the laws of 1952, is amended to read as follows:

S 209. Contribution of employees for disability AND FAMILY LEAVE benefits. 1. Every employee in the employment of a covered employer shall[, on and after January first, nineteen hundred fifty,] contribute to the cost of providing disability AND AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, FAMILY LEAVE benefits under this article, to the extent and in the manner herein provided.

2. The special contribution of each such employee to the accumulation of funds to provide benefits for disabled unemployed shall be as provided in subdivision one of section two hundred fourteen OF THIS ARTICLE.

3. (A) DISABILITY BENEFITS. The contribution of each such employee to the cost of disability benefits provided by this article shall be one-half of one per centum of the employee's wages paid to him OR HER on and after July first, nineteen hundred fifty, but not in excess of sixty cents per week.

(B) FAMILY LEAVE BENEFITS. ON SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN AND ANNUALLY THEREAFTER THE SUPERINTENDENT OF FINANCIAL SERVICES SHALL SET THE MAXIMUM EMPLOYEE CONTRIBUTION, USING THE REPORTS PROVIDED IN SECTION TWO HUNDRED EIGHT OF THIS ARTICLE, AND CONSISTENT WITH THE PRINCIPLE THAT THE COSTS OF FAMILY LEAVE SHOULD BE FUNDED ONE HUNDRED PERCENT BY EMPLOYEE PAYROLL CONTRIBUTION.

4. Notwithstanding any other provision of law, the employer is authorized to collect from his OR HER employees, except as otherwise provided in any plan or agreement under the provisions of subdivisions four or five of section two hundred eleven OF THIS ARTICLE, the contribution provided under subdivisions two and three OF THIS SECTION, through payroll deductions. If the employer shall not make deduction for any payroll period he OR SHE may thereafter, but not later than one month after payment of wages, collect such contribution through payroll deduction.

5. In collecting employee contributions through payroll deductions, the employer shall act as the agent of his OR HER employees and shall use the contributions only to provide disability AND FAMILY LEAVE benefits as required by this article. IN NO EVENT MAY THE EMPLOYEE'S ANNUAL CONTRIBUTION FOR FAMILY LEAVE EXCEED HIS OR HER PRO RATA SHARE OF THE ACTUAL ANNUAL PREMIUM CHARGED FOR THE SAME YEAR AND MUST BE DETERMINED CONSISTENT WITH THE PRINCIPLE THAT EMPLOYEES SHOULD PAY THE TOTAL COSTS OF FAMILY LEAVE PREMIUM. IN NO EVENT MAY THE EMPLOYEE'S WEEKLY CONTRIBUTION FOR DISABILITY PREMIUM EXCEED ONE-HALF OF ONE PER CENTUM OF THE EMPLOYEE'S WAGES PAID TO HIM OR HER, BUT NOT IN EXCESS OF SIXTY CENTS PER WEEK. After June thirtieth, nineteen hundred fifty, if the employer is not providing, or to the extent that he OR SHE is not then providing, for the payment of disability benefits to his OR HER employees by insuring with the state fund or with another insurance carrier, he OR SHE shall keep the contributions of his OR HER employees as trust funds separate and apart from all other funds of the employer. The payment of such contributions by the employer to a carrier providing for the

payment of such benefits shall discharge the employer from responsibility with respect to such contributions.

S 11. Section 210 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

S 210. Employer contributions. 1. Every covered employer shall, on and after January first, nineteen hundred fifty, contribute the cost of providing disability AND FAMILY LEAVE benefits in excess of the contributions collected from his OR HER employees, to the extent and in the manner provided in this article.

2. The special contribution of each covered employer to the accumulation of funds to provide benefits for disabled unemployed shall be as provided in subdivision one of section two hundred fourteen OF THIS ARTICLE.

3. The contribution of every covered employer to the cost of providing disability benefits after June thirtieth, nineteen hundred fifty, AND PROVIDING DISABILITY AND FAMILY LEAVE BENEFITS AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, shall be the excess of such cost over the amount of the contributions of his OR HER employees.

4. No profit shall be derived by any employer or association of employers or of employees from providing payment of disability AND FAMILY LEAVE benefits under this article. All funds representing contributions of employers and employees, and increments thereon, held by employers or associations of employers or of employees authorized or permitted to pay benefits under the provisions of this article, and by trustees paying benefits under plans or agreements meeting the requirements of section two hundred eleven OF THIS ARTICLE, shall be trust funds and shall be expended only to provide for the payment of benefits to employees and for the costs of administering this article and for the support of the fund established under section two hundred fourteen OF THIS ARTICLE.

S 12. The opening paragraph and subdivisions 3, 4 and 5 of section 211 of the workers' compensation law, the opening paragraph as added by chapter 600 of the laws of 1949, subdivision 3 as amended by chapter 207 of the laws of 1992, and subdivisions 4 and 5 as amended by chapter 197 of the laws of 1960, are amended, and new subdivisions 7 and 8 are added to read as follows:

A covered employer shall, with his OR HER own contributions and the contributions of his employees, provide disability AND AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, FAMILY LEAVE benefits to his OR HER employees in one or more of the following ways:

3. by furnishing satisfactory proof to the chair of the employers financial ability to pay such benefits, in which case the chair shall require the deposit of such securities as the chair may deem necessary [of the kind prescribed in subdivisions one, two, three, four and five and paragraph a of subdivision seven of section two hundred thirty-five of the banking law or the deposit of cash or the filing of irrevocable letters of credit issued by a qualified banking institution as defined by rules promulgated by the chair or the filing of the bond of a surety company authorized to do business in this state, conditioned on the payment by the employer of its obligations under this article and in form approved by the chair, or the posting and filing of a combination of such securities, cash, irrevocable letters of credit and surety bonds in an amount to be determined by the chair, to secure his or her liability to pay the compensation provided in this chapter. The amount of deposit or of the penal sum of the bond shall be determined by the chair and shall not be less than one-half the estimated contributions of the

employees of the employer for the ensuing year or one-half of the contributions of the employees which would have been paid by the employees during the preceding year, whichever is the greater, or if such amount is more than fifty thousand dollars an amount not less than fifty thousand dollars. The chair shall have authority to deny an application to provide benefits pursuant to this subdivision or to revoke approval at any time for good cause shown. In the case of an employer who maintains a deposit of securities, irrevocable letters of credit or cash in accordance with subdivision three of section fifty of this chapter, the chair may reduce the amount of the deposit or of the penal sum of the bond, provided the securities, irrevocable letters of credit or cash deposited by or for such employer under subdivision three of section fifty of this chapter are, by agreement satisfactory to the chair, made available for the payment of unpaid benefits under this article with respect to obligations incurred for disabilities commencing prior to the effective date of such revocation] CONSISTENT WITH THE PROVISIONS OF SUBDIVISION THREE OF SECTION FIFTY OF THIS CHAPTER. An association of employers or employees authorized to pay benefits under this article or the trustee or trustees paying benefits under a plan or agreement authorized under subdivisions four and five of this section, may with the approval of the chair furnish such proof and otherwise comply with the provisions of this section to provide disability AND FAMILY LEAVE benefits to employees under such plan or agreement.

4. by a plan in existence on the effective date of this article. If on the effective date of this article the employees of a covered employer or any class or classes of such employees are entitled to receive disability AND FAMILY LEAVE benefits under a plan or agreement which remains in effect on July first, nineteen hundred fifty, the employer, subject to the requirements of this section, shall be relieved of responsibility for making provision for benefit payments required under this article until the earliest date, determined by the [chairman] CHAIR for the purposes of this article, upon which the employer shall have the right to discontinue the provisions thereof or to discontinue his contributions towards the cost. Any such plan or agreement may be extended, with or without modification, by agreement or collective bargaining between an employer or employers or association of employers and an association of employees, in which event the period for which the employer is relieved of such responsibility shall include such period of extension. Any other plan or agreement in existence on the effective date of this article which the employer may, by his OR HER sole act, terminate at any time, or with respect to which he OR SHE is not obligated to continue for any period to make contributions, may be accepted by the [chairman] CHAIR as satisfying the obligation to provide for the payment of benefits under this article if such plan or agreement provides benefits at least as favorable as the disability AND FAMILY LEAVE benefits provided by this article and does not require contributions of any employee or of any class or classes of employees in excess of the statutory amount provided in SUBDIVISION THREE OF section two hundred nine OF THIS ARTICLE, subdivision three, except by agreement and provided the contribution is reasonably related to the value of the benefits as determined by the CHAIR [chairman]. The [chairman] CHAIR may require that the employer shall enter into an agreement in writing with the [chairman] CHAIR that he OR SHE will pay the assessments set forth in sections two hundred fourteen and two hundred twenty-eight and that until he OR SHE shall have filed written notice with the CHAIR [chairman] of his OR HER election to terminate such plan or agreement or to

discontinue making necessary contributions to its cost, he OR SHE will continue to provide for the payment of the disability AND FAMILY LEAVE benefits under such plan or agreement.

During any period in which any plan or agreement or extension thereof authorized under this subdivision provides for payment of benefits under this article, the responsibility of the employer and the obligations and benefits of the employees shall be as provided in said plan or agreement rather than as provided under this article, other than the benefits provided in section two hundred seven, and provided the employer or carrier has agreed to pay the assessments described in sections two hundred fourteen and two hundred twenty-eight.

Any such plan or agreement may be extended with or without modification, provided the benefits under such plan or agreement, as extended or modified, shall be found by the [chairman] CHAIR to be at least as favorable as the benefits provided by this article.

5. by a new plan or agreement. After the effective date of this article, a new plan or agreement with a carrier may be accepted by the CHAIR [chairman] as satisfying the obligation to provide for the payment of benefits under this article if such plan or agreement shall provide benefits at least as favorable as the disability AND FAMILY LEAVE benefits provided by this article and does not require contributions of any employee or of any class or classes of employees in excess of the statutory amount provided in section two hundred nine, subdivision three, except by agreement and provided the contribution is reasonably related to the value of the benefits as determined by the [chairman] CHAIR. Any such plan or agreement shall continue until written notice filed with the [chairman] CHAIR of intention to terminate such plan or agreement, and any modification of such plan or agreement shall be subject to the written approval of the [chairman] CHAIR.

During any period in which any plan or agreement or extension thereof authorized under this subdivision provides for payment of benefits under this article, the responsibility of the employer and the obligations and benefits of the employees shall be as provided in said plan or agreement rather than as provided under this article, other than the benefits provided in section two hundred seven, and provided the employer or carrier has agreed to pay the assessments described in sections two hundred fourteen and two hundred twenty-eight.

7. PREMIUMS FOR POLICIES PROVIDING DISABILITY OR FAMILY LEAVE BENEFITS IN ACCORDANCE WITH THIS ARTICLE SHALL BE CALCULATED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF THE INSURANCE LAW, INCLUDING SUBSECTION (N) OF SECTION FOUR THOUSAND TWO HUNDRED AND THIRTY-FIVE OF SUCH LAW.

8. AN EMPLOYER PROVIDING DISABILITY BENEFITS COVERAGE PURSUANT TO SUBDIVISION THREE OF THIS SECTION MAY OBTAIN COVERAGE FOR FAMILY LEAVE BENEFITS SEPARATELY PURSUANT TO SUBDIVISION ONE OR SUBDIVISION TWO OF THIS SECTION.

S 13. Subdivisions 1, 2, 4 and 5 of section 212 of the workers' compensation law, subdivision 1 as amended by chapter 740 of the laws of 1960, subdivision 2 as amended by chapter 120 of the laws of 1969, subdivision 4 as amended by chapter 205 of the laws of 1993, and subdivision 5 as added by chapter 593 of the laws of 1992, are amended to read as follows:

1. Any employer not required by this article to provide for the payment of disability OR FAMILY LEAVE benefits to his employees, or to any class or classes thereof, may become a covered employer or bring within the provisions of this article such employees or class or classes thereof by voluntarily electing to provide for payment of such benefits

in one or more of the ways set forth in section two hundred eleven OF THIS ARTICLE; but such election shall be subject to the approval of the [chairman] CHAIR, and if the employees are required to contribute to the cost of such benefits the assent within thirty days before such approval is granted, of more than one-half of such employees shall be evidenced to the satisfaction of the [chairman] CHAIR. On approval by the [chairman] CHAIR of such election to provide benefits, all the provisions of this article shall become and continue applicable as if the employer were a covered employer as defined in this article. The obligation to continue as a covered employer with respect to employees for whom provision of benefits is not required under this article, may be discontinued by such employer on ninety days notice to the [chairman] CHAIR in writing and to his OR HER employees, after he OR SHE has provided for payment of benefits for not less than one year and with such provision for payment of obligations incurred on and prior to the termination date as the [chairman] CHAIR may approve.

2. Notwithstanding the definition of "employer" and "employment" in section two hundred one of this article, a public authority, a municipal corporation or a fire district or other political subdivision may become a covered employer FOR THE PURPOSE OF PROVIDING DISABILITY BENEFITS under this article by complying with the provisions of subdivision one of this section and may discontinue such status only as provided in that subdivision.

4. (A) An executive officer of a corporation who at all times during the period involved owns all of the issued and outstanding stock of the corporation and holds all of the offices pursuant to paragraph (e) of section seven hundred fifteen of the business corporation law or two executive officers of a corporation who at all times during the period involved between them own all of the issued and outstanding stock of such corporation and hold all such offices provided, however, that each officer must own at least one share of stock and who is the executive officer or who are the executive officers of a corporation having other persons who are employees required to be covered under this article, shall be deemed to be included in the corporation's disability AND FAMILY LEAVE benefits insurance contract or covered by a certificate of self-insurance or a plan under section two hundred eleven of this article, unless the officer or officers elect to be excluded from the coverage of this article. Such election shall be made by any such corporation filing with the insurance carrier, or the chair of the workers' compensation board in the case of self-insurance, upon a form prescribed by the [chairman] CHAIR, a notice that the corporation elects to exclude the executive officer or officers of such corporation named in the notice from the coverage of this article. Such election shall be effective with respect to all policies issued to such corporation by such insurance carrier as long as it shall continuously insure the corporation. Such election shall be final and binding upon the executive officer or officers named in the notice until revoked by the corporation.

(B) NOTWITHSTANDING THE DEFINITION OF "EMPLOYER" IN SECTION TWO HUNDRED ONE OF THIS ARTICLE, A SOLE PROPRIETOR, MEMBER OF A LIMITED LIABILITY COMPANY OR LIMITED LIABILITY PARTNERSHIP, OR OTHER SELF-EMPLOYED PERSON MAY BECOME A COVERED EMPLOYER UNDER THIS ARTICLE BY COMPLYING WITH THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION.

5. A spouse who is an employee of a covered employer shall be deemed to be included in the employer's disability AND FAMILY LEAVE benefits insurance contract or covered by a certificate of self-insurance or a

plan under section two hundred eleven of this article, unless the employer elects to exclude such spouse from the coverage of this article. Such election shall be made by any such employer filing with the insurance carrier, or the chair of the workers' compensation board in the case of self-insurance, upon a form prescribed by the chair, a notice that the employer elects to exclude such spouse named in the notice from the coverage of this article. Such election shall be effective with respect to all policies issued to such employer by such insurance carrier as long as it shall continuously insure the employer. Such election shall be final and binding upon the spouse named in the notice until revoked by the employer.

S 14. The workers' compensation law is amended by adding new sections 212-a and 212-b to read as follows:

S 212-A. NOTWITHSTANDING THE DEFINITION OF "EMPLOYER" AND "EMPLOYMENT" SET FORTH IN SECTION TWO HUNDRED ONE OF THIS ARTICLE AND THE REQUIREMENT FOR INSURANCE POLICIES TO OFFER BOTH DISABILITY AND FAMILY LEAVE COVERAGE SET FORTH IN TWO HUNDRED TWENTY SIX OF THIS ARTICLE, THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY OR ANY OTHER GOVERNMENTAL AGENCY OR INSTRUMENTALITY, MAY ELECT TO BECOME A COVERED EMPLOYER SOLELY FOR THE PURPOSE OF FAMILY LEAVE BENEFITS. COVERAGE FOR FAMILY LEAVE BENEFITS MAY BE SECURED BY A PUBLIC EMPLOYER, AS THAT TERM IS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED TWELVE-B OF THIS ARTICLE, AS PERMITTED BY THIS ARTICLE, INCLUDING AS APPLICABLE SECTION TWO HUNDRED ELEVEN, SUBDIVISION FOUR OF SECTION FIFTY, OR SECTION EIGHTY-EIGHT-C. THE PROVIDER OF FAMILY LEAVE COVERAGE FOR SUCH PUBLIC EMPLOYEES SHALL BE EXEMPT FROM THE REQUIREMENT THAT INSURANCE POLICIES OFFER BOTH DISABILITY AND FAMILY LEAVE BENEFITS IN SECTION TWO HUNDRED TWENTY-SIX OF THIS ARTICLE.

S 212-B. PUBLIC EMPLOYEES; PUBLIC EMPLOYEES REPRESENTED BY AN EMPLOYEE ORGANIZATION; EMPLOYEE OPT IN.

1. FOR PURPOSES OF THIS SECTION, "PUBLIC EMPLOYEE" MEANS ANY EMPLOYEE OF THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY OR ANY OTHER GOVERNMENTAL AGENCY OR INSTRUMENTALITY. "PUBLIC EMPLOYER" MEANS THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY OR ANY OTHER GOVERNMENTAL AGENCY OR INSTRUMENTALITY THEREOF. "EMPLOYEE ORGANIZATION" SHALL HAVE THE SAME MEANING SET FORTH IN SECTION TWO HUNDRED ONE OF THE CIVIL SERVICE LAW.

2. PUBLIC EMPLOYERS SHALL PROVIDE BENEFITS FOR FAMILY LEAVE TO PUBLIC EMPLOYEES IN ACCORDANCE WITH THE PROCEDURES AND TERMS SET FORTH IN SUBDIVISION THREE OF THIS SECTION.

3. (A) AN EMPLOYEE ORGANIZATION MAY, PURSUANT TO COLLECTIVE BARGAINING, OPT IN TO PAID FAMILY LEAVE BENEFITS ON BEHALF OF THOSE PUBLIC EMPLOYEES IT IS EITHER CERTIFIED OR RECOGNIZED, WITHIN THE MEANING OF ARTICLE 14 OF THE CIVIL SERVICE LAW, TO REPRESENT AT ANY TIME THAT IS MUTUALLY AGREED UPON BETWEEN THE EMPLOYEE ORGANIZATION AND ANY PUBLIC EMPLOYER. AN EMPLOYEE ORGANIZATION THAT HAS OPTED IN TO PAID FAMILY LEAVE BENEFITS MAY, PURSUANT TO COLLECTIVE BARGAINING, OPT OUT OF IT AS IS MUTUALLY AGREED UPON BETWEEN THE EMPLOYEE ORGANIZATION AND ANY PUBLIC EMPLOYER.

B. FOR PUBLIC EMPLOYEES WHO ARE NOT REPRESENTED BY AN EMPLOYEE ORGANIZATION, THE PUBLIC EMPLOYER MAY OPT-IN TO PAID FAMILY LEAVE BENEFITS WITHIN NINETY DAYS NOTICE TO SUCH PUBLIC EMPLOYEES. FOLLOWING OPT-IN BY A PUBLIC EMPLOYER FOR PUBLIC EMPLOYEES NOT REPRESENTED BY AN EMPLOYEE ORGANIZATION, THE PUBLIC EMPLOYER MAY OPT-OUT OF PAID FAMILY LEAVE BENEFITS WITH TWELVE MONTHS NOTICE TO THOSE PUBLIC EMPLOYEES.

4. IN THE ABSENCE OF ANY CONTRARY STATEMENT IN A COLLECTIVELY NEGOTIATED AGREEMENT UNDER ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, A PUBLIC EMPLOYER MAY REQUIRE PUBLIC EMPLOYEES WHO OPT IN UNDER THIS SECTION TO PROVIDE THE MAXIMUM EMPLOYEE CONTRIBUTION, AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION TWO HUNDRED NINE OF THIS ARTICLE.

S 15. Subdivision 1 of section 213 of the workers' compensation law, as amended by chapter 784 of the laws of 1980, is amended and a new subdivision 3 is added to read as follows:

1. Whenever a covered employer does not comply with this article by providing for the payment of disability AND FAMILY LEAVE benefits to his OR HER employees in one or more of the ways provided in section two hundred eleven OF THIS ARTICLE or whenever a carrier fails to pay the benefits required by this article to employees of a covered employer, then such employer shall be fully and directly liable to each of his OR HER employees for the payment of benefits provided by this article. The amount of the benefits to which employees of such employers are entitled under this article and attendance fees of [their] ANY attending [physicians or attending podiatrists] HEALTH CARE PROVIDER fixed pursuant to subdivision two of section two hundred thirty-two OF THIS ARTICLE shall, on order of the [chairman] CHAIR, be paid out of the fund established under section two hundred fourteen OF THIS ARTICLE. In case of non-compliance of the employer, such employer shall forthwith pay to the [chairman] CHAIR, for credit to the fund, the sum so expended or one [per cent] PERCENT of his OR HER payroll for his OR HER employees in employment during the period of non-compliance, whichever is greater; provided, however, that if it shall appear to the satisfaction of the [chairman] CHAIR that the default in payment of benefits or the non-compliance of the employer otherwise with his OR HER obligation under this article was inadvertent, the [chairman] CHAIR may fix the sum payable in such case for non-compliance or default at the amount paid out of the fund and a sum less than one [per cent] PERCENT of such payroll, and in addition the penalties for non-compliance imposed under this article. In case of failure of the carrier to pay benefits, the employer shall forthwith pay to the [chairman] CHAIR, for credit to the fund, the sum so expended.

3. THE PROVISIONS OF SECTION ONE HUNDRED FORTY-ONE-B OF THIS CHAPTER SHALL NOT APPLY TO VIOLATIONS OF THIS SECTION AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN AND BEFORE JANUARY FIRST, TWO THOUSAND TWENTY. THEREAFTER, IN THE EVENT AN EMPLOYER IS SUBJECT TO DEBARMENT SOLELY DUE TO A PENALTY FOR VIOLATION OF THIS SECTION, THE CHAIR MAY, IN THE INTERESTS OF JUSTICE, RESTORE THE EMPLOYER'S ELIGIBILITY TO SUBMIT A BID ON OR BE AWARDED ANY PUBLIC WORK CONTRACT OR SUBCONTRACT. THE CHAIR MAY EXERCISE THIS AUTHORITY ONLY IF IT IS THE EMPLOYER'S FIRST TIME VIOLATION OF SECTION ONE HUNDRED FORTY-ONE-B OF THIS CHAPTER; THE EMPLOYER IS NOT LIABLE FOR ANY OUTSTANDING WORKERS' COMPENSATION, DISABILITY OR FAMILY LEAVE CLAIMS AS A RESULT OF THE LACK OF COVERAGE; AND THE EMPLOYER HAS PAID ALL FINES, ASSESSMENTS, AND PENALTIES ASSOCIATED WITH THE LACK OF COVERAGE.

S 16. Section 217 of the workers' compensation law, as added by chapter 600 of the laws of 1949, subdivision 1 as amended by chapter 167 of the laws of 1999, subdivisions 2 and 3 as amended by chapter 270 of the laws of 1990, and subdivision 6 as amended by chapter 344 of the laws of 1994, is amended to read as follows:

S 217. Notice and proof of claim. 1. Written notice and proof of disability OR PROOF OF NEED FOR FAMILY LEAVE shall be furnished to the employer by or on behalf of the employee claiming benefits or, in the

case of a claimant under section two hundred seven of this article, to the chair, within thirty days after commencement of the period of disability. Additional proof shall be furnished thereafter from time to time as the employer or carrier or chair may require but not more often than once each week. Such proof shall include a statement of disability by the employee's [attending physician or attending podiatrist or attending chiropractor or attending dentist or attending psychologist or attending certified nurse midwife] OR FAMILY LEAVE CARE RECIPIENT'S HEALTH CARE PROVIDER, or in the case of an employee who adheres to the faith or teachings of any church or denomination, and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, by an accredited practitioner, containing facts and opinions as to such disability in compliance with regulations of the chair. Failure to furnish notice or proof within the time and in the manner above provided shall not invalidate the claim but no benefits shall be required to be paid for any period more than two weeks prior to the date on which the required proof is furnished unless it shall be shown to the satisfaction of the chair not to have been reasonably possible to furnish such notice or proof and that such notice or proof was furnished as soon as possible; provided, however, that no benefits shall be paid unless the required proof of disability is furnished within [twenty-six weeks after commencement of the period of disability] THE PERIOD OF ACTUAL DISABILITY OR FAMILY LEAVE THAT DOES NOT EXCEED THE STATUTORY MAXIMUM PERIOD PERMITTED UNDER SECTION TWO HUNDRED FIVE OF THIS ARTICLE. No limitation of time provided in this section shall run as against any [person] DISABLED EMPLOYEE who is mentally incompetent, or physically incapable of providing such notice as a result of a serious medical condition, or a minor so long as such person has no guardian of the person and/or property.

2. An employee claiming DISABILITY benefits shall, as requested by the employer or carrier, submit himself or herself at intervals, but not more than once a week, for examination by [a physician or podiatrist or chiropractor or dentist or psychologist or certified nurse midwife] AN ACCREDITED HEALTH CARE PROVIDER designated by the employer or carrier. All such examinations shall be without cost to the employee and shall be held at a reasonable time and place.

3. The chair OR CHAIR'S DESIGNEE may direct the claimant OR FAMILY LEAVE CARE RECIPIENT to submit to examination by a [physician or podiatrist or chiropractor or dentist or psychologist] HEALTH CARE PROVIDER designated by him or her in any case in which the claim to disability OR FAMILY LEAVE benefits is contested and in claims arising under section two hundred seven OF THIS ARTICLE, and in other cases as the chair or board may require.

4. Refusal of the claimant OR FAMILY LEAVE CARE RECIPIENT without good cause to submit to any such examination shall disqualify [him] THE CLAIMANT OR EMPLOYEE from all benefits hereunder for the period of such refusal, except as to benefits already paid.

5. If benefits required to be paid by this article have been paid to an employee, further payments for the same disability OR FAMILY LEAVE shall not be barred solely because of failure to give notice or to file proof of disability for the period or periods for which such benefits have been paid.

6. In the event that a claim for benefits is rejected, the carrier or employer shall send by first class mail written notice of rejection to the [claimant] EMPLOYEE within forty-five days of receipt of proof of disability. Failure to mail such written notice of rejection within the

time provided, shall bar the employer or carrier from contesting entitlement to benefits for any period of disability prior to such notice but such failure may be excused by the [chairman] CHAIR if it can be shown to the satisfaction of the [chairman] CHAIR not to have been reasonably possible to mail such notice and that such notice was mailed as soon as possible. Such notice shall include a statement, in a form prescribed by the [chairman] CHAIR, to the effect that the [claimant] EMPLOYEE may, for the purpose of review [by the board], file [with the chairman] notice that his or her claim has not been paid AS SET FORTH IN SECTION TWO HUNDRED TWENTY-ONE OF THIS ARTICLE.

S 17. Section 219 of the workers' compensation law, as amended by chapter 688 of the laws of 1953, is amended to read as follows:

S 219. Enforcement of payment in default. In case of a default in the payment of any benefits, assessments or penalties payable under this article by an employer who has failed to comply with the provisions of section two hundred eleven of this [chapter] ARTICLE or refusal of such employer to reimburse the fund under section two hundred fourteen OF THIS ARTICLE for the expenditures made therefrom pursuant to section two hundred thirteen OF THIS ARTICLE or to deposit within ten days after demand the estimated value of benefits not presently payable, the [chairman] CHAIR may file with the county clerk for the county in which the employer has his principal place of business (1) a certified copy of the decision of the board, OR ALTERNATIVE DISPUTE RESOLUTION ASSOCIATION DESIGNATED BY THE CHAIR PURSUANT TO SECTION TWO HUNDRED TWENTY-ONE OF THIS ARTICLE, or order of the [chairman] CHAIR, or (2) a certified copy of the demand for deposit of security, and thereupon judgment must be entered in the supreme court by the clerk of such county in conformity therewith immediately upon such filing.

S 18. Section 220 of the workers' compensation law, as added by chapter 600 of the laws of 1949, subdivision 1 as amended by chapter 387 of the laws of 1984, subdivision 2 as amended by chapter 626 of the laws of 1979, subdivision 3 as amended by chapter 415 of the laws of 1983, subdivision 4 as amended by chapter 645 of the laws of 1981, subdivision 5 as amended by chapter 940 of the laws of 1973, subdivision 7 as amended by chapter 61 of the laws of 1989 and subdivision 8 as amended by chapter 213 of the laws of 1993, is amended to read as follows:

S 220. Penalties. 1. Any employer who fails to make provision for payment of disability OR FAMILY LEAVE benefits as required by section two hundred eleven of this article within ten days following the date on which such employer becomes a covered employer as defined in section two hundred two OF THIS ARTICLE shall be guilty of a misdemeanor and upon conviction be punishable by a fine of not less than one hundred nor more than five hundred dollars or imprisonment for not more than one year or both, except that where any person has previously been convicted of a failure to make provisions for payment of disability OR FAMILY LEAVE benefits within the preceding five years, upon conviction for a second violation such person shall be fined not less than two hundred fifty nor more than one thousand two hundred fifty dollars in addition to any other penalties including fines otherwise provided by law, and upon conviction for a third or subsequent violation such person may be fined up to two thousand five hundred dollars in addition to any other penalties including fines otherwise provided by law. Where the employer is a corporation, the president, secretary, treasurer, or officers exercising corresponding functions, shall each be liable under this section.

2. The [chairman] CHAIR or any officer of the board designated by him OR HER, upon finding that an employer has failed to make provision for

the payment of disability OR FAMILY LEAVE benefits, shall impose upon such employer a penalty not in excess of a sum equal to one-half of one per centum of his OR HER weekly payroll for the period of such failure and a further sum not in excess of five hundred dollars, which sums shall be paid into the fund created under section two hundred fourteen OF THIS ARTICLE.

3. If for the purpose of obtaining any benefit or payment under the provisions of this article, or for the purpose of influencing any determination regarding any benefit payment, either for himself OR HERSELF or any other person, any person, employee, employer or carrier wilfully makes a false statement or representation or fails to disclose a material fact, he OR SHE shall be guilty of a misdemeanor.

4. Whenever a carrier shall fail to make prompt payment of disability OR FAMILY LEAVE benefits payable under this article and after [hearing before an officer designated by the chairman] A DETERMINATION BY THE CHAIR'S DESIGNEE for that purpose, the [chairman] CHAIR OR DESIGNEE shall determine that failure to make such prompt payment was without just cause, the [chairman] CHAIR OR DESIGNEE shall collect from the carrier a sum not in excess of twenty-five per centum of the amount of the benefits as to which the carrier failed to make payment, which sum shall be credited to the special fund for disability benefits. In addition, the [chairman] CHAIR OR DESIGNEE may collect and pay over to the employee the sum of ten dollars in respect to each week, or fraction thereof, for which benefits have not been promptly paid.

5. In addition to other penalties herein provided, the [chairman] CHAIR OR DESIGNEE shall remove from the list of [physicians] HEALTH CARE PROVIDERS authorized to render medical care under the provisions [of articles one to eight, inclusive,] of this chapter [and from the list of podiatrists authorized to render podiatric care under section thirteen-k of this chapter, and from the list of chiropractors authorized to render chiropractic care under section thirteen-l of this chapter the name of any physician or podiatrist or chiropractor] whom [he] THE CHAIR OR DESIGNEE shall find, after reasonable investigation, has submitted to the employer or carrier or [chairman] CHAIR in connection with any claim for disability benefits under this article, a statement of disability that is not truthful and complete.

6. In addition to other penalties herein provided, any person who for the purpose of obtaining any benefit or payment under this article or for the purpose of influencing any determination regarding any benefit payment, knowingly makes a false statement with regard to a material fact, shall not be entitled to receive benefits with respect to the disability claimed or any disability benefits during the period of twelve calendar months thereafter; but this penalty shall not be applied more than once with respect to each such offense.

7. All fines imposed under subdivisions one and three OF THIS SECTION, except as herein otherwise provided, shall be paid directly and immediately by the officer collecting the same to the chair, and be paid into the state treasury, provided, however, that all such fines collected by justices of the peace of towns and police justices of villages shall be paid to the state comptroller in accordance with the provisions of section twenty-seven of the town law [and section one hundred eighty-five of the village law, respectively].

8. (a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general

or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits AND AFTER JANUARY FIRST, TWO THOUSAND TWENTY-ONE, THE PAYMENT OF FAMILY LEAVE BENEFITS for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits AND AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, THE PAYMENT OF FAMILY LEAVE BENEFITS for all employees has been secured as provided by this article.

S 19. Section 221 of the workers' compensation law, as separately amended by chapters 425 and 500 of the laws of 1985, is amended to read as follows:

S 221. Determination of contested claims for disability AND FAMILY LEAVE benefits. [Within twenty-six weeks] IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE CHAIR, WITHIN TWENTY-SIX WEEKS of written notice of rejection of claim, the employee may file with the [chairman] CHAIR a notice that his or her claim for disability OR FAMILY LEAVE benefits has not been paid, and the employee shall submit proof of disability OR ENTITLEMENT TO FAMILY LEAVE and of his or her employment, wages and other facts reasonably necessary for determination of the employee's right to such benefits. Failure to file such notice within the time provided, may be excused [by the chairman] if it can be shown [to the satisfaction of the chairman] not to have been reasonably possible to furnish such notice and that such notice was furnished as soon as possible. On demand [of the chairman] the employer or carrier shall forthwith deliver to the [chairman] BOARD the original or a true copy of the [attending physician's or attending podiatrist's or accredited practitioner's statement] HEALTH CARE PROVIDER'S REPORT, wage and employment data and all other papers in the possession of the employer or carrier with respect to such claim.

The [board] CHAIR OR DESIGNEE shall have full power and authority to determine all issues in relation to every such claim for disability OR FAMILY LEAVE benefits required or provided under this article[, and shall file its decision in the office of the chairman. Upon such filing, the chairman shall send to the parties a copy of the decision. Either party may present evidence and be represented by counsel at any hearing on such claim. The decision of the board shall be final as to all questions of fact and, except as provided in section twenty-three of this chapter, as to all questions of law]. Every decision [of the board] shall be complied with in accordance with its terms within ten days thereafter except [in case of appeal] AS PERMITTED BY LAW UPON THE FILING OF A REQUEST FOR REVIEW, and any payments due under such decision shall draw simple interest from thirty days after the making thereof at the rate provided in section five thousand four of the civil practice law and rules. THE CHAIR SHALL ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ARTICLE INCLUDING BUT NOT LIMITED TO RESOLUTION

OF CONTESTED CLAIMS AND REQUESTS FOR REVIEW THEREOF, AND PAYMENT OF COSTS FOR RESOLUTION OF DISPUTED CLAIMS BY CARRIERS. THE CHAIR SHALL HAVE AUTHORITY TO PROVIDE FOR ALTERNATIVE DISPUTE RESOLUTION PROCEDURES FOR CLAIMS ARISING UNDER THIS ARTICLE INCLUDING BUT NOT LIMITED TO REFERRAL AND SUBMISSION OF DISPUTED CLAIMS TO MANDATORY ARBITRATION WITH PRIVATE ARBITRATION ASSOCIATIONS, AND ANY DETERMINATION MADE BY ALTERNATIVE DISPUTE RESOLUTION SHALL NOT BE REVIEWABLE BY THE BOARD AND THE VENUE FOR ANY APPEAL SHALL BE TO A COURT OF COMPETENT JURISDICTION.

S 20. Section 222 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

S 222. Technical rules of evidence or procedure not required. The [chairman or] CHAIR, the board OR THE CHAIR'S DESIGNEE, in making an investigation or inquiry or conducting a hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by this chapter; but may make such investigation or inquiry or conduct such hearing in such manner as to ascertain the substantial rights of the parties.

S 21. Sections 223 and 224 of the workers' compensation law are REPEALED.

S 22. Section 225 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

S 225. Fees for representing employees. Claims of attorneys and counsellors-at-law for services in connection with any contested claim arising under this article shall not be enforceable unless approved by the board. If so approved, such fee or fees shall become a lien upon the benefits ordered, but shall be paid therefrom only in the manner fixed by the board OR THE ALTERNATIVE DISPUTE RESOLUTION ASSOCIATION. Any other person, firm, corporation, organization, or other association who shall exact or receive any fee or gratuity for any services rendered on behalf of an employee except in an amount SO determined [by the board] shall be guilty of a misdemeanor. Any person, firm, corporation, organization, or association who shall solicit the business [of appearing before the board on behalf] of an employee claiming benefits under this article, or who shall make it a business to solicit employment for a lawyer in connection with any claim for disability OR FAMILY LEAVE benefits under this article, or who shall exact or receive any fee or gratuity or other charge with respect to the collection of any uncontested claim for disability OR FAMILY LEAVE benefits, shall be guilty of a misdemeanor.

S 23. Subdivision 5 of section 226 of the workers' compensation law, as amended by chapter 211 of the laws of 1983, is amended and three new subdivisions 7, 8 and 9 are added to read as follows:

5. No contract of insurance issued by an insurance carrier providing the benefits to be paid under this article shall be cancelled within the time limited in such contract for its expiration unless notice is given as required by this section. When cancellation is due to non-payment of premiums such cancellation shall not be effective until at least ten days after a notice of cancellation of such contract, on a date specified in such notice, shall be filed in the office of the [chairman] CHAIR and also served on the employer. When cancellation is due to any reason other than non-payment of premiums such cancellation shall not be effective until at least thirty days after a notice of cancellation of such contract, on a date specified in such notice, shall be filed in the office of the [chairman] CHAIR and also served on the employer; provided, however, in either case that if insurance with another insurance carrier has been obtained which becomes effective prior to the

expiration of the time stated in such notice, the cancellation shall be effective as of the date of such other coverage. Such notice shall be served on the employer [by] AS PRESCRIBED BY THE CHAIR, INCLUDING delivering it to him [or by sending it by certified or registered mail, return receipt requested, addressed to the employer at his or its last known place of business] OR HER BY ELECTRONIC MEANS; provided that, if the employer be a partnership, then such notice may be given to any one of the partners, and if the employer be a corporation then the notice may be given to any agent or officer of the corporation upon whom legal process may be served, provided, however, the right to cancellation of a policy of insurance in the state fund shall be exercised only for nonpayment of premiums or as provided in section ninety-four of this chapter.

7. THE CHAIR MAY REQUIRE BY REGULATION THAT EVERY POLICY OF INSURANCE CONTAIN A PROVISION REQUIRING THAT ALL DISPUTES BE RESOLVED BY MANDATORY ARBITRATION, IN ACCORDANCE WITH SUCH REGULATIONS.

8. PREMIUMS FOR POLICIES PROVIDING DISABILITY OR FAMILY LEAVE BENEFITS IN ACCORDANCE WITH THIS ARTICLE SHALL BE CALCULATED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF THE INSURANCE LAW, INCLUDING SUBSECTION (N) OF SECTION FOUR THOUSAND TWO HUNDRED THIRTY-FIVE OF SUCH LAW.

9. EXCEPT AS SET FORTH IN SUBDIVISION EIGHT OF SECTION TWO HUNDRED ELEVEN OF THIS ARTICLE, EVERY POLICY OF INSURANCE ISSUED PURSUANT TO THIS ARTICLE MUST OFFER COVERAGE FOR BOTH DISABILITY AND FAMILY LEAVE BENEFITS.

S 24. The section heading of section 227 of the workers' compensation law, as amended by chapter 805 of the laws of 1984, is amended to read as follows:

Actionable injuries IN CLAIMS FOR DISABILITY BENEFITS; subrogation.

S 25. Subdivision 1 of section 228 of the workers' compensation law, as added by section 27 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

1. The estimated annual expenses necessary for the workers' compensation board OR DEPARTMENT OF FINANCIAL SERVICES to administer the provisions of the disability AND FAMILY LEAVE benefits law shall be borne by all affected employers and included as part of the assessment rate generated pursuant to subdivision two of section one hundred fifty-one of this chapter.

S 26. Section 229 of the workers' compensation law, as amended by chapter 271 of the laws of 1985, is amended to read as follows:

S 229. Posting of notice and providing of notice of rights. 1. Each covered employer shall post and maintain in a conspicuous place or places in and about the employer's place or places of business typewritten or printed notices in form prescribed by the [chairman] CHAIR, stating that the employer has provided for the payment of disability AND FAMILY LEAVE benefits as required by this article. The [chairman] CHAIR may require any covered employer to furnish a written statement at any time showing the carrier insuring the payment of benefits under this article or the manner in which such employer has complied with section two hundred eleven OF THIS ARTICLE or any other provision of this article. Failure for a period of ten days to furnish such written statement shall constitute presumptive evidence that such employer has neglected or failed in respect of any of the matters so required.

2. Whenever an employee of a covered employer who is eligible for benefits under section two hundred four of this article shall be absent from work due to a disability OR TO PROVIDE FAMILY CARE as defined in subdivision nine AND SUBDIVISION TWENTY-FIVE RESPECTIVELY, of section

two hundred one of this article for more than seven consecutive days, the employer shall provide the employee with a written statement of the employee's rights under this article in a form prescribed by the [chairman] CHAIR. The statement shall be provided to the employee within five business days after the employee's seventh consecutive day of absence due to disability OR FAMILY LEAVE or within five business days after the employer [knows or should know] HAS RECEIVED NOTICE that the employee's absence is due to disability OR FAMILY LEAVE, whichever is later.

S 27. Section 232 of the workers' compensation law, as amended by chapter 270 of the laws of 1990, is amended to read as follows:

S 232. Fees FOR TESTIMONY of [physicians, podiatrists, chiropractors, dentists and psychologists] HEALTH CARE PROVIDERS. Whenever his or her attendance at a hearing, DEPOSITION OR ARBITRATION before the board or [its referees] THE CHAIR'S DESIGNEE is required, the attending [physician or attending podiatrist or attending chiropractor or attending dentist or attending psychologist or attending certified nurse midwife of the disabled employee, except such physicians as are disqualified from testifying pursuant to subdivision one of section thirteen-b, or section nineteen-a of this chapter, and except such podiatrists as are disqualified from testifying under the provisions of section thirteen-k, and except such chiropractors as are disqualified from testifying under the provisions of section thirteen-l, and except such psychologists as are disqualified from testifying under the provisions of section thirteen-m,] HEALTH CARE PROVIDER shall be entitled to receive a fee [from the carrier or the fund established under section two hundred fourteen, in an amount as directed and fixed by the board, or its referees, and such fee shall be in addition to any witness fee] IN ACCORDANCE WITH REGULATIONS OF THE CHAIR.

S 28. Section 237 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

S 237. Reimbursement for advance payments by employers. If an employer has made advance payments of benefits or has made payments to an employee in like manner as wages during any period of disability OR FAMILY LEAVE for which such employee is entitled to the benefits provided by this article, he OR SHE shall be entitled to be reimbursed by the carrier out of any benefits due or to become due for the existing disability OR FAMILY LEAVE, if THE claim for reimbursement is filed with the carrier prior to payment of the benefits BY THE CARRIER.

S 29. Section 238 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

S 238. Payments to minors. Minors shall be deemed to be sui juris for the purpose of [receiving] payment of benefits under this article.

S 30. Section 239 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

S 239. Representation before the board. Any person, firm, or corporation licensed by the board under section twenty-four-a OF THIS ARTICLE or subdivision three-b of section fifty OF THIS CHAPTER shall be deemed to be authorized to appear in behalf of claimants or self insured employers, as the case may be, in contested disability OR FAMILY LEAVE claims under this article.

S 31. The section heading and the opening paragraph of section 120 of the workers' compensation law, as amended by chapter 61 of the laws of 1989, are amended to read as follows:

Discrimination against employees [who bring proceedings]. It shall be unlawful for any employer or his or her duly authorized agent to discharge OR FAIL TO REINSTATE PURSUANT TO SECTION TWO HUNDRED THREE-B

OF THIS CHAPTER, or in any other manner discriminate against an employee as to his or her employment because such employee has claimed or attempted to claim compensation from such employer, OR CLAIMED OR ATTEMPTED TO CLAIM ANY BENEFITS PROVIDED UNDER THIS CHAPTER or because he or she has testified or is about to testify in a proceeding under this chapter and no other valid reason is shown to exist for such action by the employer.

S 32. Subdivision 2 of section 76 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

2. The purposes of the state insurance fund herein created are hereby enlarged to provide [for the] insurance [by the state insurance fund of] FOR the payment of the benefits required by section two hundred four of this chapter INCLUDING BENEFITS FOR FAMILY CARE. A separate fund is hereby created within the state insurance fund, which shall be known as the "disability benefits fund", and which shall consist of all premiums received and paid into said fund on account of such insurance, all securities acquired by and through the use of moneys belonging to said fund and of interest earned upon moneys belonging to said fund and deposited or invested as herein provided. Said disability benefits fund shall be applicable to the payment of benefits, expenses and assessments on account of insurance written pursuant to article nine of this chapter. PREMIUMS FOR POLICIES PROVIDING DISABILITY AND FAMILY LEAVE BENEFITS IN ACCORDANCE WITH THIS ARTICLE SHALL BE CALCULATED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF THE INSURANCE LAW, INCLUDING SUBSECTION (N) OF SECTION FOUR THOUSAND TWO HUNDRED THIRTY-FIVE OF SUCH LAW. THE STATE INSURANCE FUND SHALL HAVE AUTHORITY TO DISCOUNT OR SURCHARGE ON ESTABLISHED PREMIUM RATES BASED ON SOUND ACTUARIAL PRINCIPLES.

S 33. Section 88-c of the workers' compensation law, as added by chapter 103 of the laws of 1981, is amended to read as follows:

S 88-c. Coverage of state employees. Notwithstanding any other provisions of law to the contrary AND EXCEPT AS SET FORTH IN SECTION TWO HUNDRED AND TWELVE-A OF THIS CHAPTER, the liability of the state for the payment of compensation under this chapter heretofore existing or hereinafter arising shall be secured by an insuring agreement to be entered into between the department of civil service and the state insurance fund wherein the state, from moneys appropriated therefor, shall pay in advance to the fund on a periodic basis the actual costs to the fund for the meeting and paying, as the same become due and payable, all obligations incurred under this chapter by the state as an employer. Notwithstanding any law to the contrary, the fund may on an actuarially sound basis provide to the state insurance for any portion of the obligations of the state as employer under this chapter with respect to injuries or deaths resulting from accidents arising out of and in the course of employment on or after April first, nineteen hundred eighty-one. All such payments made by the state and paid into the state fund shall constitute a separate account in the fund to be used solely for the purpose of discharging all compensation obligations of the state pursuant to the provisions of this chapter and in accordance with the insuring agreement as provided in this section. Any portion of the account may be invested in the same manner as the assets of the fund as provided in section eighty-seven of this article. The liability of the fund for the payment of any claims or the meeting of any obligations of the state as an employer as provided in this chapter shall not exceed the moneys paid into such separate account and any increments or diminutions thereof. The agreement shall further provide that the fund shall render all services and make all reasonable expenditures necessary or

required for the processing, defense and payment of all claims under this chapter, including the protection of liens, subrogation, credit and other rights of the state as an employer or the fund as an insurer, in situations where the employees' injuries or deaths were caused by culpability of third parties. Except to the extent that the state obtains insurance on an actuarially sound basis pursuant to the provisions of this section, the provisions of section eighty-six of this chapter with respect to the maintenance of reserves for the purpose of meeting anticipated compensation losses, shall not in any manner be applicable to claims of employees of the state with respect to injuries or deaths resulting from accidents arising out of and in the course of employment prior to April first, nineteen hundred eighty-one, or to an insuring agreement entered into between the state insurance fund and the department of civil service in accordance with the provisions of this section.

S 34. Subdivision 1 of section 141-a of the workers' compensation law, as added by chapter 6 of the laws of 2007, is amended to read as follows:

1. To investigate violations of sections fifty-two [and], one hundred thirty-one AND TWO HUNDRED THIRTEEN of this chapter, the chair or his or her designees shall have the power to:

(a) Enter and inspect any place of business at any reasonable time for the purpose of investigating employer compliance.

(b) Examine and copy business records.

(c) Administer oaths and affirmations.

(d) Issue and serve subpoenas for attendance of witnesses or production of business records, books, papers, correspondence, memoranda, and other records. Such subpoenas may be served without the state on any defendant over whom a New York court would have personal jurisdiction under the civil practice law and rules as to the subject matter under investigation, provided the information or testimony sought bears a reasonable relationship to the subject matter under investigation.

S 35. Section 318 of the workers' compensation law, as added by chapter 788 of the laws of 1951, is amended to read as follows:

S 318. Rules of evidence; modification of board decisions or orders; appeals. The provisions of [sections] SECTION two hundred twenty-two [, two hundred twenty-three and two hundred twenty-four] OF THIS CHAPTER are made applicable to claims for compensation under this article.

S 36. Paragraph 3 of subsection (a) of section 1113 of the insurance law is amended to read as follows:

(3) "Accident and health insurance," means (i) insurance against death or personal injury by accident or by any specified kind or kinds of accident and insurance against sickness, ailment or bodily injury, including insurance providing disability AND FAMILY LEAVE benefits pursuant to article nine of the workers' compensation law, except as specified in item (ii) hereof; and (ii) non-cancellable disability insurance, meaning insurance against disability resulting from sickness, ailment or bodily injury (but excluding insurance solely against accidental injury) under any contract which does not give the insurer the option to cancel or otherwise terminate the contract at or after one year from its effective date or renewal date.

S 37. Paragraphs 1 and 4 of subsection (h) of section 4235 of the insurance law are amended and a new subsection (n) is to added read as follows:

(1) Each domestic insurer and each foreign or alien insurer doing business in this state shall file with the superintendent its schedules of premium rates, rules and classification of risks for use in

connection with the issuance of its policies of group accident, group health or group accident and health insurance, and of its rates of commissions, compensation or other fees or allowances to agents and brokers pertaining to the solicitation or sale of such insurance and of such fees or allowances, exclusive of amounts payable to persons who are in the regular employ of the insurer, other than as agent or broker to any individuals, firms or corporations pertaining to such class of business, whether transacted within or without the state. A GROUP ACCIDENT AND HEALTH INSURANCE POLICY PROVIDING DISABILITY AND FAMILY LEAVE BENEFITS PURSUANT TO ARTICLE NINE OF THE WORKERS' COMPENSATION LAW SHALL BE SUBJECT TO THE REQUIREMENTS OF SUBSECTION (N) OF THIS SECTION.

(4) Nothing herein shall prohibit the state insurance fund from taking into account peculiar hazards of individual risks in establishing higher premium rates to be charged for insurance providing for the payment of disability [or] AND FAMILY LEAVE benefits in accordance with article nine of the workers' compensation law.

(N)(1) ON OR BEFORE JUNE FIRST, TWO THOUSAND SEVENTEEN, THE SUPERINTENDENT OF FINANCIAL SERVICES BY REGULATION, IN CONSULTATION WITH THE CHAIR OF THE WORKERS' COMPENSATION BOARD OF THIS STATE, SHALL DETERMINE WHETHER A GROUP ACCIDENT AND HEALTH INSURANCE POLICY PROVIDING DISABILITY OR FAMILY LEAVE BENEFITS PURSUANT TO ARTICLE 9 OF THE WORKERS' COMPENSATION LAW, INCLUDING POLICIES ISSUED BY THE STATE INSURANCE FUND, SHALL BE EXPERIENCE RATED OR COMMUNITY RATED, WHICH MAY INCLUDE SUBJECTING THE POLICY TO A RISK ADJUSTMENT MECHANISM.

(2) IF THE POLICY IS SUBJECTED TO A RISK ADJUSTMENT MECHANISM, THE SUPERINTENDENT OF FINANCIAL SERVICES SHALL PROMULGATE REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SUBSECTION IN CONSULTATION WITH THE CHAIR OF THE WORKERS' COMPENSATION BOARD OF THIS STATE. ANY SUCH RISK ADJUSTMENT MECHANISM SHALL BE ADMINISTERED DIRECTLY BY THE SUPERINTENDENT OF FINANCIAL SERVICES OF THIS STATE, IN CONSULTATION WITH THE CHAIR OF THE WORKERS' COMPENSATION BOARD OF THIS STATE, OR BY A THIRD PARTY VENDOR SELECTED BY THE SUPERINTENDENT OF FINANCIAL SERVICES IN CONSULTATION WITH THE CHAIR OF THE WORKERS' COMPENSATION BOARD.

(3) "RISK ADJUSTMENT MECHANISM" AS USED IN THIS SUBSECTION MEANS THE PROCESS USED TO EQUALIZE THE PER MEMBER PER MONTH CLAIM AMOUNTS AMONG INSURERS IN ORDER TO PROTECT INSURERS FROM DISPROPORTIONATE ADVERSE RISKS.

S 38. Subdivision (c) of section 1108 of the insurance law, as amended by chapter 838 of the laws of 1985, is amended to read as follows:

(c) The state insurance fund of this state, except as to the provisions of subsection (d) of section two thousand three hundred thirty-nine, section three thousand one hundred ten, subsection (a), paragraph one of subsection (b), paragraph three of subsection (c) and subsection (d) of section three thousand two hundred one, sections three thousand two hundred two, three thousand two hundred four, subsections (a) through (d) of section three thousand two hundred twenty-one, subsections (b) and (c) of section four thousand two hundred twenty-four, section four thousand two hundred twenty-six and subsections (a) and (b) [and], (g) through (j), AND (N) of section four thousand two hundred thirty-five of this chapter and except as otherwise specifically provided by the laws of this state.

S 39. Section 242 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

S 242. Separability of provisions; FEDERAL LAW; REGULATIONS. 1. If any provision of this [act] ARTICLE or the application thereof to any person or circumstances is held invalid, the remainder of this [act]

ARTICLE and the application of such provision to other persons or circumstances shall not be affected thereby.

2. NOTHING IN THIS ARTICLE SHALL BE INTERPRETED OR APPLIED SO AS TO CREATE A CONFLICT WITH FEDERAL LAW.

3. THE CHAIR SHALL HAVE AUTHORITY TO ADOPT REGULATIONS TO EFFECTUATE ANY OF THE PROVISIONS OF THIS ARTICLE.

S 40. This act shall take effect April 1, 2016 and shall apply to all policies or contracts issued, renewed, modified, altered or amended on or after such effective date; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART I

Intentionally Omitted

PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

Section 1. Paragraph (d) of subdivision 4 of section 209 of the civil service law, as amended by chapter 67 of the laws of 2013, is amended to read as follows:

(d) The provisions of this subdivision shall expire [thirty-nine years from July first, nineteen hundred seventy-seven, and hereafter may be renewed every four years] JULY FIRST, TWO THOUSAND NINETEEN.

S 2. Paragraph (f) of subdivision 6 of section 209 of the civil service law, as added by chapter 67 of the laws of 2013, is amended to read as follows:

(f) The provisions of this subdivision shall expire [three years from] July first, two thousand [thirteen] NINETEEN.

S 3. This act shall take effect immediately.

PART M

Section 1. The opening paragraph of subdivision 3 of section 93-b of the state finance law, as added by section 1 of part H of chapter 60 of the laws of 2015, is amended to read as follows:

Notwithstanding any other provisions of law to the contrary, for the state fiscal year commencing on April first, two thousand [fifteen] SIXTEEN, the comptroller is hereby authorized to transfer monies from the dedicated infrastructure investment fund to the general fund, and from the general fund to the dedicated infrastructure investment fund, in an amount determined by the director of the budget to the extent moneys are available in the fund; provided, however, that the comptroller is only authorized to transfer monies from the dedicated infrastructure investment fund to the general fund in the event of an economic downturn as described in paragraph (a) of this subdivision; and/or to

fulfill disallowances and/or settlements related to over-payments of federal medicare and medicaid revenues in excess of one hundred million dollars from anticipated levels, as determined by the director of the budget and described in paragraph (b) of this subdivision.

S 2. This act shall take effect immediately.

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Intentionally omitted

PART Q

Section 1. Section 1000 of the retirement and social security law, as added by chapter 548 of the laws of 2000, subdivision 9 as added by chapter 547 of the laws of 2002 and subdivision 10 as added by chapter 18 of the laws of 2012, is amended to read as follows:

S 1000. Military service credit. Notwithstanding any law to the contrary, a member of a public retirement system of the state, as defined in subdivision twenty-three of section five hundred one of this chapter, shall be eligible for credit for military service as hereinafter provided:

1. A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years of military duty, as defined in section two hundred forty-three of the military law, if the member was honorably discharged from the military [and all or part of such military service was rendered during the following periods: (a) commencing December seventh, nineteen hundred forty-one and terminating December thirty-first, nineteen hundred forty-six; (b) commencing June twenty-seventh, nineteen hundred fifty and terminating January thirty-first, nineteen hundred fifty-five; or (c) commencing February twenty-eighth, nineteen hundred sixty-one and terminating May seventh, nineteen hundred seventy-five;

2. A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years of military duty, as defined in section two hundred forty-three of the military law, if honorably discharged therefrom, if all or part of such services was rendered in the military conflicts referenced below, as follows:

(a) hostilities participated in by the military forces of the United States in Lebanon, from the first day of June, nineteen hundred eighty-three to the first day of December, nineteen hundred eighty-seven, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal;

(b) hostilities participated in by the military forces of the United States in Grenada, from the twenty-third day of October, nineteen hundred eighty-three to the twenty-first day of November, nineteen hundred eighty-three, as established by receipt of the armed forces

expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal;

(c) hostilities participated in by the military forces of the United States in Panama, from the twentieth day of December, nineteen hundred eighty-nine to the thirty-first day of January, nineteen hundred ninety, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal; or

(d) hostilities participated in by the military forces of the United States, from the second day of August, nineteen hundred ninety, to the end of such hostilities in case of a veteran who served in the theater of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Red Sea, and the airspace above these locations].

[3] 2. A member must have at least five years of credited service (not including service granted hereunder) to be eligible to receive credit under this section.

[4] 3. To obtain such credit, a member shall pay such retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of military service being claimed and three percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member made application for credit pursuant to this section. If permitted by rule or regulation of the applicable retirement system, the member may pay such member costs by payroll deduction for a period which shall not exceed the time period of military service to be credited pursuant to this section. In the event the member leaves the employer payroll prior to completion of payment, he or she shall forward all remaining required payments to the appropriate retirement system prior to the effective date of retirement. If the full amount of such member costs is not paid to the appropriate retirement system prior to the member's retirement, the amount of service credited shall be proportional to the total amount of the payments made prior to retirement.

[5] 4. In no event shall the credit granted pursuant to this section, when added to credit granted for military service with any retirement system of this state pursuant to this or any other provision of law, exceed a total of three years.

[6] 5. To be eligible to receive credit for military service under this section, a member must make application for such credit before the effective date of retirement. [Notwithstanding the foregoing provisions of this subdivision, an individual who retired on or after December twenty-first, nineteen hundred ninety-eight and before the effective date of this section may make application for credit pursuant to this section within one year following the effective date of this section, in which event, the cost to the retiree would be based on the twelve month period immediately preceding retirement.]

[7] 6. All costs for service credited to a member pursuant to this section, other than the member costs set forth in subdivision three of this section, shall be paid by the state and all employers which participate in the retirement system in which such member is granted credit.

[8] 7. A member who has purchased military service credit pursuant to section two hundred forty-four-a of the military law shall be entitled to a refund of the difference between the amount paid by the member for such purchase and the amount that would be payable if service had been purchased pursuant to this section.

[9] 8. Notwithstanding any other provision of law, in the event of death prior to retirement, amounts paid by the member for the purchase of military service credit pursuant to this section shall be refunded, with interest, to the extent the military service purchased with such amounts does not produce a greater death benefit than would have been payable had the member not purchased such credit.

Notwithstanding any other provision of law, in the event of retirement, amounts paid by the member for the purchase of military service credit pursuant to this section shall be refunded, with interest, to the extent the military service purchased with such amounts does not produce a greater retirement allowance than would have been payable had the member not purchased such credit.

[10.] 9. Anything to the contrary in subdivision [four] THREE of this section notwithstanding, to obtain such credit, a member who first joins a public retirement system of the state on or after April first, two thousand twelve shall pay such retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of military service being claimed and six percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member made application for credit pursuant to this section.

S 2. The sum of twenty-four million eight hundred thousand dollars ($24,800,000), or so much thereof as may be necessary, is hereby appropriated to the department of audit and control out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the head of the appropriate public retirement system in the manner prescribed by law.

S 3. This act shall take effect immediately.

FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

This bill would allow up to three (3) years of service credit for military duty by removing all existing requirements that such military service be performed during certain war periods, during certain hostilities while in the theater of operations or upon receipt of an expeditionary medal. However, the total service credit granted for active and peacetime military service shall not exceed three (3) years. Members must have at least five years of credited service (not including military service). Tier 1-5 members would be required to make a payment of three percent of their most recent compensation per year of additional service credit granted by this bill. Tier 6 members would be required to make a payment of six percent of their most recent compensation per year of additional service credit.

If this bill is enacted, insofar as this proposal affects the New York State and Local Employees' Retirement System (ERS), it is estimated that the past service cost will average approximately 15% (12% for Tier 6) of an affected members' compensation for each year of additional service credit that is purchased.

Insofar as this proposal affects the New York State and Local Police and Fire Retirement System (PFRS), it is estimated that the past service cost will average approximately 19% (16% for Tier 6) of an affected members' compensation for each year of additional service that is purchased.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

ERS costs would be borne entirely by the State of New York. Since a member can apply for this service credit at any time prior to retirement, a precise cost can't be determined until each member, as well as future members, applies for the service credit. Every year a cost will be determined (and billed to the state) based on those benefiting from this provision.

PFRS costs would be shared by the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2015 actuarial valuation. Distributions and other statistics can be found in the 2015 Report of the Actuary and the 2015 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2015 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 14, 2016 and intended for use only during the 2016 Legislative Session, is Fiscal Note No. 2016-25, prepared by the Actuary for the New York State and Local Retirement System.

FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

With respect to certain New York City Retirement Systems (NYCRS), this proposed legislation would amend New York State Retirement and Social Security Law (RSSL) Section 1000 to provide certain members of the New York City Employees' Retirement System (NYCERS), the New York City Teachers' Retirement System (NYCTRS), the New York City Board of Education Retirement System (BERS), the New York City Police Pension Fund (POLICE) and the New York Fire Department Pension Fund (FIRE), collectively, the New York City Retirement Systems (NYCRS), the opportunity to obtain additional retirement service credits for certain Military Service.

This proposed legislation would permit any NYCRS member, prior to the effective date of retirement, to make application for these additional service credits.

To obtain such Military Service credits, members would be required to pay to the appropriate NYCRS, for each year of Military Service purchased, a sum equal to 3.0% (6.0% for members who first join on and after April 1, 2012) of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member makes application for credit.

MEMBERS IMPACTED: Insofar as this proposed legislation relates to the NYCRS, the number of members who could potentially benefit from this proposed legislation cannot be readily determined.

IMPACT ON BENEFITS: With respect to the NYCRS, a member who served in the U.S. military and received an honorable discharge would be permitted, after completing five years of credited service (exclusive of the service credit that could be purchased under this proposed legislation), to purchase a maximum of three years of Military Service (inclusive of any prior purchases of Military Service credit).

In order to purchase the Military Service credits provided in this proposed legislation, a member must have been honorably discharged

following a period of "military duty" as defined in New York State Military Law Section 243.

If a member's Military Service meets these conditions, then that member would be permitted to purchase a maximum of three years of Military Service (inclusive of any previously-received Military Service credit) attributable to any period of the member's military career.

For purposes of the respective NYCRS, each year of Military Service credit purchased would apply toward providing the member with a year of benefit accrual under the particular benefit formula covering the member.

In certain circumstances, the member also may be entitled to utilize such Military Service as qualifying service for benefit eligibility purposes.

For purposes of this Fiscal Note, it has been assumed that members who purchase Military Service in accordance with this proposed legislation would generally be entitled to count such service for benefit accrual purposes and for the purpose of qualifying for benefits.

FINANCIAL IMPACT - OVERVIEW: With respect to an individual member, the additional cost of this proposed legislation would depend on the length of all New York City service, age, salary history and Plan in which the member participates, as well as the number of years of service credit purchased.

With respect to employers participating in the NYCRS, the ultimate employer cost of this proposed legislation would be determined by the increase in benefits to be paid, the impact of certain benefits commencing earlier and the reduction in certain future member contributions.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES: The additional Actuarial Present Value (APV) of benefits would depend on the number, salaries, ages and lengths of Military Service purchased by members who would be affected by this proposed legislation.

With respect to the NYCRS and based on the census data and assumptions herein, the enactment of this proposed legislation would increase the Actuarial Present Value (APV) of benefits (APVB) by approximately $147.1 million of June 30, 2016.

In addition, with respect to the NYCRS, the APV of future member contributions (primarily attributable to the payments by members of 3.0% (6.0% for members who first join on and after April 1, 2012) of salary per year of Military Service purchased) would increase by approximately $22.2 million when measured as of June 30, 2016.

Consequently, with respect to the NYCRS, the APV of net future employer contributions would increase by approximately $124.9 million as of June 30, 2016.

FINANCIAL IMPACT - ANNUAL EMPLOYER COSTS: The ultimate cost of a pension plan is the benefits it pays. With respect to the NYCRS, the financing of that ultimate cost depends upon the census data used and the actuarial assumptions and methods employed. Assuming that all eligible members were to purchase the eligible Military Service during Fiscal Year 2016 and based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2015, the enactment of this proposed legislation would increase annual employer costs by approximately $14.8 million per year.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: The impact of the proposed legislation on employer contributions would be a function of the census data (i.e., age/service/salary, etc.) reported to the Actuary and of the timing of the members electing to buy back their Military Service.

With respect to the NYCRS, based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2015, the enactment of this proposed legislation would ultimately increase employer contributions by approximately the estimated additional annual employer costs.

If applications for buying back Military Service were completed during Fiscal Year 2016 and the NYCRS census data were updated to reflect this information by June 30, 2016, then employer contributions would first be impacted for Fiscal Year 2018.

If the Military Service buybacks were completed after Fiscal Year 2016, then the increase in employer contributions would first occur after Fiscal Year 2018.

FINANCIAL IMPACT - SUMMARY: The following table summarizes the estimated financial impact of this proposed legislation on the NYCRS.

Estimated Financial Impact to Allow Members of the NYCRS
To Purchase up to Three Years of Military Service Credit
($ Millions)

Retirement System	Additional APV of Benefits	Additional APV of Future Employer Contributions{1}	Estimated First Year Additional Employer Costs{2}
NYCERS	$51.0	$42.9	$5.1
NYCTRS	15.6	12.8	1.5
BERS	2.2	1.9	0.2
POLICE	61.8	53.0	6.3
FIRE	16.5	14.3	1.7
TOTAL	$147.1	124.9	$14.8

{1} Equals increase in APVB minus increase in APV of future member contributions.

{2} Estimated Additional Employer Costs are determined without regard to the funded status of the Retirement Systems and represent the best estimates of the ultimate annual financial burden of the proposed legislation. Estimated Additional Employer Contributions would ultimately approximate Estimated Additional Employer Costs.

ADDITIONAL EMPLOYER COSTS - GENERAL: In general, the real cost of the enactment of this proposed legislation would be the additional benefits paid.

This Fiscal Note does not include analyses of the impact of this proposed legislation on the expected increases in administrative costs or costs for Other Post-Employment Benefits (OPEB).

CENSUS DATA: The census data used for estimates of APV of benefits and employer contributions presented herein are the active members included in the June 30, 2015 (Lag) actuarial valuations of NYCERS, NYCTRS, BERS, POLICE and FIRE used to determine the Preliminary Fiscal Year 2017 employer contributions.

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APV of benefits, of member contributions and of employer contributions have been estimated as of June 30, 2017 using various approximating techniques and assumptions by the Actuary, including, but not limited to:

* A certain percentage of Veterans being honorably discharged.

* A certain percentage of honorably discharged Veterans being disabled.

* Different percentages of members by NYCERS having prior Military Service.

* Each eligible member purchasing an average of 2.5 years of the Military Service.

Changes in employer contributions have been estimated assuming the increase in the APV of Future Employer Contributions would be financed over a time period comparable to that used for actuarial losses under the Entry Age Actuarial Cost Method. Using this approach, the Additional APV of Future Employer Contributions would be amortized over a closed 15-year period (14 payments under One-Year Lag Methodology) using level dollar payments.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for the New York City Retirement Systems. I am an Associate of the Society of Actuaries, a Fellow of the Conference of Consulting Actuaries, and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2016 Legislative Session. It is Fiscal Note 2016-04, dated March 1, 2016, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New York City Police Pension Fund and the New York Fire Department Pension Fund.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill would amend Section 1000 of the Retirement and Social Security Law to allow active members of public retirement systems of New York State to claim service credit for up to three years of military service, regardless of when or where it was performed. Currently, active members can receive service credit for military service performed, but only during specified periods of war. A member must have at least five years of credited service to be eligible and make application for such credit before the effective date of retirement. To obtain such credit, a member must make payments as required in Section 1000 of the Retirement and Social Security Law. Tier 1, 2, 3, 4 and 5 members are required to pay three percent of salary earned during the twelve months of credited service immediately preceding the year in which a claim is made for each year of military service. Tier 6 members are required to pay six percent of salary earned during the twelve months of credited service immediately preceding the year in which a claim is made for each year of military service.

It is not possible to determine the total annual cost of this bill since the total amount of service credit which would be claimed under this bill cannot be estimated. Pursuant to Section 25 of the Retirement and Social Security Law, the cost to the New York State Teachers' Retirement System (NYSTRS) would be borne by the State of New York and would require an itemized appropriation adequate to pay the cost of this bill. The cost to the State of New York is estimated to be $19,700 per year of service credited for Tier 1, 2, 3, 4 and 5 members and $15,200 per year of service credited for Tier 6 members if this bill is enacted. Each year a cost will be computed and billed to the State of New York for those members of NYSTRS receiving a benefit under this bill.

Employee data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2016-8 dated February 3, 2016 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2016 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

PART R

Section 1. The correction law is amended by adding a new section 23-a to read as follows:

S 23-A. TRANSFER OF PAROLE VIOLATORS. 1. IF ANY PERSON PRESUMPTIVELY RELEASED, PAROLED, CONDITIONALLY RELEASED, RELEASED TO POST-RELEASE SUPERVISION, OR RECEIVED UNDER THE UNIFORM ACT FOR OUT-OF-STATE PAROLEE SUPERVISION SHALL HAVE BEEN ARRESTED FOR VIOLATING ONE OR MORE CONDITIONS OF HIS OR HER PRESUMPTIVE RELEASE, PAROLE, CONDITIONAL RELEASE OR POST-RELEASE SUPERVISION, SUCH PERSON, AFTER TEN BUSINESS DAYS IN ANY LOCAL CORRECTIONAL FACILITY, SHALL EITHER BE:

A. TRANSFERRED TO A STATE CORRECTIONAL FACILITY, WITH THE COSTS AND RESPONSIBILITIES ASSOCIATED WITH SUCH TRANSFER BORNE BY THE DEPARTMENT PURSUANT TO SECTION SIX HUNDRED TWO OF THIS CHAPTER; OR

B. KEPT IN SUCH LOCAL CORRECTIONAL FACILITY, WITH THE COUNTY'S COSTS OF SUCH TEMPORARY DETAINMENT REIMBURSED BY THE DEPARTMENT WHERE SUCH PERSON HAS BEEN CONVICTED OF A PAROLE VIOLATION AND A SENTENCE HAS BEEN PRONOUNCED WHICH REQUIRES THAT HE OR SHE BE COMMITTED TO THE CUSTODY OF THE COMMISSIONER.

2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY IN ANY CITY HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, OR IF THE APPROPRIATE COURT GRANTS AN EXTENSION AUTHORIZING THE DETAINEE TO REMAIN IN THE LOCAL CORRECTIONAL FACILITY FOR UP TO TWENTY DAYS PER EXTENSION.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.

PART S

Section 1. Section 10 of the correction law is amended by adding a new subdivision 5 to read as follows:

5. DUTIES TO BE PERFORMED EXCLUSIVELY BY GRADE TWENTY-ONE PAROLE OFFICERS SHALL INCLUDE, BUT NOT BE LIMITED TO: EXECUTING PAROLE WARRANTS, TRANSPORTING PAROLEES, CONDUCTING SUBSTANCE ABUSE TESTING OF PAROLEES, CONDUCTING HOME OR FIELD VISITS WITH PAROLEES, CONDUCTING ANY INVESTIGATION RELATING TO PAROLEES VIOLATING THE TERMS AND CONDITIONS OF THEIR RELEASE, OR ANY MATTER SPECIFICALLY RELATED TO PAROLEE SUPERVISION.

S 2. This act shall take effect immediately.

PART T

Section 1. Subparagraph (iv) of paragraph (c) of subdivision 1 and subparagraph (v) of paragraph (b) of subdivision 3 of section 270.00 of the penal law, as added by chapter 477 of the laws of 2014, are amended to read as follows:

(iv) except in cities with a population of one million or more, [in those counties and cities that opt by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter,] "fireworks" and "dangerous fireworks" shall not be deemed to include "sparkling devices" as defined in subparagraph (vi) of paragraph (a) of this subdivision.

(v) except in cities with a population of one million or more, possession of sparkling devices lawfully obtained in [a jurisdiction that did opt by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks", for the purpose of lawful use in another jurisdiction that did opt by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks". The superintendent of state police shall annually publish a list of those jurisdictions that have opted by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks"] ANOTHER JURISDICTION WITHIN THE STATE.

S 2. Paragraph (b) of subdivision 5 of section 405.00 of the penal law, as added by chapter 477 of the laws of 2014, is amended to read as follows:

(b) [Further, no city or county shall be bound to include "sparkling device" in the definitions of "fireworks" and "dangerous fireworks" in section 270.00 of this chapter, if such city or county shall so authorize the exemption of "sparkling device" by law. If any such city or county so elects, it] A CITY OR COUNTY and such other local jurisdictions that lie within its geographical boundaries shall not enact any [other] local law that is inconsistent with the provisions of subparagraph (iv) of paragraph (c) of subdivision one of section 270.00 of this chapter, nor [to] regulate sparkling devices in a manner that is in conflict with the provisions of NFPA 1124, 2006 edition.

S 3. This act shall take effect immediately.

PART U

Section 1. Section 10.00 of the penal law is amended by adding a new subdivision 22 to read as follows:

22. "MEMBER OF THE MILITARY OR RESERVES" MEANS (A) A MEMBER OF THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINES, COAST GUARD, ARMY NATIONAL GUARD, AIR NATIONAL GUARD AND/OR RESERVES THEREOF OR (B) A MEMBER OF THE NEW YORK GUARD OR THE NEW YORK NAVAL MILITIA.

S 2. Section 120.08 of the penal law, as added by chapter 632 of the laws of 1996, is amended to read as follows:

S 120.08 Assault on a peace officer, police officer, fireman [or], emergency medical services professional OR A MEMBER OF THE MILITARY OR RESERVES.

A person is guilty of assault on a peace officer, police officer, fireman [or], emergency medical services professional OR A MEMBER OF THE MILITARY OR RESERVES when, with intent to prevent a peace officer, police officer, a fireman, including a fireman acting as a paramedic or emergency medical technician administering first aid in the course of performance of duty as such fireman, [or] an emergency medical service paramedic or emergency medical service technician, OR A MEMBER OF THE MILITARY OR RESERVES, from performing a lawful duty, he causes serious

physical injury to such peace officer, police officer, fireman, paramedic [or], technician OR A MEMBER OF THE MILITARY OR RESERVES.

Assault on a peace officer, police officer, fireman [or], emergency medical services professional OR A MEMBER OF THE MILITARY OR RESERVES is a class C felony.

S 3. Section 125.27 of the penal law, as added by chapter 367 of the laws of 1974, subdivision 1 as amended by chapter 1 of the laws of 1995, subparagraph (ii-a) of paragraph (a) of subdivision 1 as added by chapter 1 of the laws of 2013, subparagraph (vii) of paragraph (a) of subdivision 1 as amended by chapter 264 of the laws of 2003, subparagraph (xii) of paragraph (a) of subdivision 1 as amended and subparagraph (xiii) of paragraph (a) of subdivision 1 as added by chapter 300 of the laws of 2001, is amended to read as follows:

S 125.27 Murder in the first degree.

A person is guilty of murder in the first degree when:

1. With intent to cause the death of another person, he OR SHE causes the death of such person or of a third person; and

(a) Either:

(i) the intended victim was a police officer as defined in subdivision [34] THIRTY-FOUR of section 1.20 of the criminal procedure law who was at the time of the killing engaged in the course of performing his OR HER official duties, and the defendant knew or reasonably should have known that the intended victim was a police officer; or

(ii) the intended victim was a peace officer as defined in paragraph a of subdivision twenty-one, subdivision twenty-three, twenty-four or sixty-two (employees of the division for youth) of section 2.10 of the criminal procedure law who was at the time of the killing engaged in the course of performing his OR HER official duties, and the defendant knew or reasonably should have known that the intended victim was such a uniformed court officer, parole officer, probation officer, or employee of the division for youth; or

(ii-a) the intended victim was a firefighter, emergency medical technician, ambulance driver, paramedic, physician or registered nurse involved in a first response team, or any other individual who, in the course of official duties, performs emergency response activities and was engaged in such activities at the time of killing and the defendant knew or reasonably should have known that the intended victim was such firefighter, emergency medical technician, ambulance driver, paramedic, physician or registered nurse; or

(iii) the intended victim was an employee of a state correctional institution or was an employee of a local correctional facility as defined in subdivision two of section forty of the correction law, who was at the time of the killing engaged in the course of performing his OR HER official duties, and the defendant knew or reasonably should have known that the intended victim was an employee of a state correctional institution or a local correctional facility; or

(iv) at the time of the commission of the killing, the defendant was confined in a state correctional institution or was otherwise in custody upon a sentence for the term of his OR HER natural life, or upon a sentence commuted to one of natural life, or upon a sentence for an indeterminate term the minimum of which was at least fifteen years and the maximum of which was natural life, or at the time of the commission of the killing, the defendant had escaped from such confinement or custody while serving such a sentence and had not yet been returned to such confinement or custody; or

(v) the intended victim was a witness to a crime committed on a prior occasion and the death was caused for the purpose of preventing the intended victim's testimony in any criminal action or proceeding whether or not such action or proceeding had been commenced, or the intended victim had previously testified in a criminal action or proceeding and the killing was committed for the purpose of exacting retribution for such prior testimony, or the intended victim was an immediate family member of a witness to a crime committed on a prior occasion and the killing was committed for the purpose of preventing or influencing the testimony of such witness, or the intended victim was an immediate family member of a witness who had previously testified in a criminal action or proceeding and the killing was committed for the purpose of exacting retribution upon such witness for such prior testimony. As used in this subparagraph "immediate family member" means a husband, wife, father, mother, daughter, son, brother, sister, stepparent, grandparent, stepchild or grandchild; or

(vi) the defendant committed the killing or procured commission of the killing pursuant to an agreement with a person other than the intended victim to commit the same for the receipt, or in expectation of the receipt, of anything of pecuniary value from a party to the agreement or from a person other than the intended victim acting at the direction of a party to such agreement; or

(vii) the victim was killed while the defendant was in the course of committing or attempting to commit and in furtherance of robbery, burglary in the first degree or second degree, kidnapping in the first degree, arson in the first degree or second degree, rape in the first degree, criminal sexual act in the first degree, sexual abuse in the first degree, aggravated sexual abuse in the first degree or escape in the first degree, or in the course of and furtherance of immediate flight after committing or attempting to commit any such crime or in the course of and furtherance of immediate flight after attempting to commit the crime of murder in the second degree; provided however, the victim is not a participant in one of the aforementioned crimes and, provided further that, unless the defendant's criminal liability under this subparagraph is based upon the defendant having commanded another person to cause the death of the victim or intended victim pursuant to section 20.00 of this chapter, this subparagraph shall not apply where the defendant's criminal liability is based upon the conduct of another pursuant to section 20.00 of this chapter; or

(viii) as part of the same criminal transaction, the defendant, with intent to cause serious physical injury to or the death of an additional person or persons, causes the death of an additional person or persons; provided, however, the victim is not a participant in the criminal transaction; or

(ix) prior to committing the killing, the defendant had been convicted of murder as defined in this section or section 125.25 of this article, or had been convicted in another jurisdiction of an offense which, if committed in this state, would constitute a violation of either of such sections; or

(x) the defendant acted in an especially cruel and wanton manner pursuant to a course of conduct intended to inflict and inflicting torture upon the victim prior to the victim's death. As used in this subparagraph, "torture" means the intentional and depraved infliction of extreme physical pain; "depraved" means the defendant relished the infliction of extreme physical pain upon the victim evidencing debase-

ment or perversion or that the defendant evidenced a sense of pleasure in the infliction of extreme physical pain; or

(xi) the defendant intentionally caused the death of two or more additional persons within the state in separate criminal transactions within a period of twenty-four months when committed in a similar fashion or pursuant to a common scheme or plan; or

(xii) the intended victim was a judge as defined in subdivision twenty-three of section 1.20 of the criminal procedure law and the defendant killed such victim because such victim was, at the time of the killing, a judge; or

(xiii) the victim was killed in furtherance of an act of terrorism, as defined in paragraph (b) of subdivision one of section 490.05 of this chapter; [and] OR

(XIV) THE INTENDED VICTIM WAS A MEMBER OF THE NEW YORK GUARD OR THE NEW YORK NAVAL MILITIA WHO WAS AT THE TIME OF THE KILLING ENGAGED IN THE COURSE OF PERFORMING HIS OR HER OFFICIAL DUTIES, AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS A MEMBER OF THE NEW YORK GUARD OR THE NEW YORK NAVAL MILITIA; AND

(b) The defendant was more than eighteen years old at the time of the commission of the crime.

2. In any prosecution under subdivision one, it is an affirmative defense that:

(a) The defendant acted under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the first degree or any other crime except murder in the second degree; or

(b) The defendant's conduct consisted of causing or aiding, without the use of duress or deception, another person to commit suicide. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the second degree or any other crime except murder in the second degree.

Murder in the first degree is a class A-I felony.

S 4. This act shall take effect immediately.

PART V

Section 1. This act shall be known and may be cited as "Brittany's law".

S 2. The penal law is amended by adding two new sections 195.03 and 195.04 to read as follows:

S 195.03 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE SECOND DEGREE.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE SECOND DEGREE WHEN, BEING A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER OR VERIFY PURSUANT TO ARTICLE SIX-B OF THE CORRECTION LAW, HE OR SHE FAILS TO REGISTER OR VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN SUCH ARTICLE.

FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE SECOND DEGREE IS A CLASS E FELONY.

S 195.04 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE FIRST DEGREE.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE SECOND DEGREE AND HAS PREVIOUSLY BEEN CONVICTED OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE SECOND DEGREE AS DEFINED IN SECTION 195.03 OF THIS ARTICLE.

FAILURE TO REGISTER OR VERIFY AS A DOMESTIC VIOLENCE OFFENDER IN THE FIRST DEGREE IS A CLASS D FELONY.

S 3. The correction law is amended by adding a new article 6-B to read as follows:

ARTICLE 6-B

DOMESTIC VIOLENCE REGISTRATION ACT

SECTION 165. DEFINITIONS.
165-A. DUTIES OF THE DIVISION; REGISTRATION INFORMATION.
165-B. DOMESTIC VIOLENCE OFFENDER; RELOCATION; NOTIFICATION.
165-C. DUTIES OF THE COURT.
165-D. DISCHARGE OF DOMESTIC VIOLENCE OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE.
165-E. DUTY TO REGISTER AND TO VERIFY.
165-F. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.
165-G. DURATION OF REGISTRATION AND VERIFICATION.
165-H. REGISTRATION AND VERIFICATION REQUIREMENTS.
165-I. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS.
165-J. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE.
165-K. SPECIAL TELEPHONE NUMBER.
165-L. IMMUNITY FROM LIABILITY.
165-M. ANNUAL REPORT.
165-N. FAILURE TO REGISTER; PENALTY.
165-O. UNAUTHORIZED RELEASE OF INFORMATION.

S 165. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS APPLY:

1. "DOMESTIC VIOLENCE OFFENDER" INCLUDES ANY PERSON WHO IS CONVICTED OF ANY OF THE DOMESTIC VIOLENCE OFFENSES SET FORTH IN SUBDIVISION TWO OF THIS SECTION. CONVICTIONS THAT RESULT FROM OR ARE CONNECTED WITH THE SAME ACT, OR RESULT FROM OFFENSES COMMITTED AT THE SAME TIME, SHALL BE COUNTED FOR THE PURPOSE OF THIS ARTICLE AS ONE CONVICTION. ANY CONVICTION SET ASIDE PURSUANT TO LAW IS NOT A CONVICTION FOR PURPOSES OF THIS ARTICLE.

2. "DOMESTIC VIOLENCE OFFENSE" MEANS THE CONVICTION OF ANY FELONY OFFENSE DEFINED IN THE PENAL LAW WHEN THE VICTIM OF SUCH CRIME OR OFFENSE IS A FAMILY OR HOUSEHOLD MEMBER.

3. "FAMILY OR HOUSEHOLD MEMBERS" MEANS THE FOLLOWING INDIVIDUALS:

(A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

(B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

(C) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER THEY STILL RESIDE IN THE SAME HOUSEHOLD;

(D) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER SUCH PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME; OR

(E) UNRELATED PERSONS WHO ARE CONTINUALLY OR AT REGULAR INTERVALS LIVING IN THE SAME HOUSEHOLD OR WHO HAVE IN THE PAST CONTINUALLY OR AT REGULAR INTERVALS LIVED IN THE SAME HOUSEHOLD.

4. "PARENT" MEANS A NATURAL OR ADOPTIVE PARENT OR ANY INDIVIDUAL LAWFULLY CHARGED WITH A MINOR CHILD'S CARE OR CUSTODY.

5. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES AS DEFINED BY SECTION EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW.

6. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

(A) (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE; OR

(II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH THE OFFENDER EXPECTS TO RESIDE; OR

(III) IF THERE BE NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE; AND

(B) IN THE CASE OF A DOMESTIC VIOLENCE OFFENDER WHO IS OR EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AT AN INSTITUTION OF HIGHER EDUCATION, (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH SUCH INSTITUTION IS LOCATED; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH SUCH INSTITUTION IS LOCATED; OR (III) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE; AND (IV) IF SUCH INSTITUTION OPERATES OR EMPLOYS A CAMPUS LAW ENFORCEMENT OR SECURITY AGENCY, THE CHIEF OF SUCH AGENCY; AND

(C) IN THE CASE OF A DOMESTIC VIOLENCE OFFENDER WHO EXPECTS TO RESIDE WITHIN A STATE PARK OR ON OTHER LAND UNDER THE JURISDICTION OF THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE STATE REGIONAL PARK POLICE.

S 165-A. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE DIVISION SHALL ESTABLISH AND MAINTAIN A FILE OF INDIVIDUALS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHICH SHALL INCLUDE THE FOLLOWING INFORMATION OF EACH REGISTRANT:

(A) THE DOMESTIC VIOLENCE OFFENDER'S NAME, ALL ALIASES USED, DATE OF BIRTH, SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER, HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE, ANY INTERNET ACCOUNTS WITH INTERNET ACCESS PROVIDERS BELONGING TO SUCH OFFENDER AND INTERNET IDENTIFIERS THAT SUCH OFFENDER USES.

(B) A PHOTOGRAPH AND SET OF FINGERPRINTS. THE DIVISION SHALL, DURING THE PERIOD OF REGISTRATION, UPDATE SUCH PHOTOGRAPH ONCE EVERY THREE YEARS. THE DIVISION SHALL NOTIFY THE DOMESTIC VIOLENCE OFFENDER BY MAIL OF THE DUTY TO APPEAR AND BE PHOTOGRAPHED AT THE SPECIFIED LAW ENFORCEMENT AGENCY HAVING JURISDICTION. SUCH NOTIFICATION SHALL BE MAILED AT LEAST THIRTY DAYS AND NOT MORE THAN SIXTY DAYS BEFORE THE PHOTOGRAPH IS REQUIRED TO BE TAKEN PURSUANT TO THIS ARTICLE.

(C) A DESCRIPTION OF THE OFFENSE FOR WHICH THE DOMESTIC VIOLENCE OFFENDER WAS CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED.

(D) THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT WHICH THE DOMESTIC VIOLENCE OFFENDER IS OR EXPECTS TO BE ENROLLED, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER SUCH OFFENDER RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION.

(E) THE EMPLOYMENT ADDRESS AND/OR EXPECTED PLACE OF EMPLOYMENT OF THE DOMESTIC VIOLENCE OFFENDER.

(F) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

2. (A) THE DIVISION IS AUTHORIZED TO MAKE THE REGISTRY AVAILABLE TO ANY REGIONAL OR NATIONAL REGISTRY OF DOMESTIC VIOLENCE OFFENDERS FOR THE PURPOSE OF SHARING INFORMATION. THE DIVISION SHALL ACCEPT FILES FROM ANY REGIONAL OR NATIONAL REGISTRY OF DOMESTIC VIOLENCE OFFENDERS AND SHALL

MAKE SUCH FILES AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

(B) NO OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY, WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DECISION OR ACTION MADE IN THE ORDINARY COURSE OF BUSINESS OF THAT OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY PURSUANT TO THIS ARTICLE, PROVIDED THAT SUCH OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY ACTED REASONABLY AND IN GOOD FAITH WITH RESPECT TO SUCH REGISTRY INFORMATION.

(C) THE DIVISION SHALL REQUIRE THAT NO INFORMATION INCLUDED IN THE REGISTRY SHALL BE MADE AVAILABLE EXCEPT IN THE FURTHERANCE OF THE PROVISIONS OF THIS ARTICLE.

3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE MADE AVAILABLE TO THE APPROPRIATE AUTHORITIES AND PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION. SUCH FORM SHALL BE WRITTEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE DOMESTIC VIOLENCE OFFENDER OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE.

4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE LAST REPORTED ADDRESS OF THE DOMESTIC VIOLENCE OFFENDER FOR ANNUAL VERIFICATION REQUIREMENTS.

5. THE DIVISION SHALL ALSO ESTABLISH AND OPERATE A TELEPHONE NUMBER AS PROVIDED FOR IN SECTION ONE HUNDRED SIXTY-FIVE-K OF THIS ARTICLE.

6. THE DIVISION SHALL ALSO ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO ADVISE THE PUBLIC OF THE PROVISIONS OF THIS ARTICLE.

7. THE DIVISION SHALL CHARGE A FEE OF TEN DOLLARS EACH TIME A DOMESTIC VIOLENCE OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION AS REQUIRED BY THIS ARTICLE. THE FEE SHALL BE PAID TO THE DIVISION BY THE DOMESTIC VIOLENCE OFFENDER. THE STATE COMPTROLLER IS HEREBY AUTHORIZED TO DEPOSIT SUCH FEES INTO THE DOMESTIC VIOLENCE AWARENESS FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-YYY OF THE STATE FINANCE LAW AS ADDED BY CHAPTER SIX HUNDRED THIRTY-FOUR OF THE LAWS OF TWO THOUSAND TWO.

8. THE DIVISION SHALL, UPON THE REQUEST OF ANY CHILDREN'S CAMP OPERATOR, RELEASE TO SUCH PERSON ANY INFORMATION IN THE REGISTRY RELATING TO A PROSPECTIVE EMPLOYEE OF ANY SUCH PERSON OR ENTITY IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS RELATING TO PROCEDURES FOR THE RELEASE OF INFORMATION IN THE REGISTRY TO SUCH PERSONS.

9. THE DIVISION SHALL, UPON THE REQUEST OF ANY AUTHORIZED INTERNET ENTITY, RELEASE TO SUCH ENTITY INTERNET IDENTIFIERS THAT WOULD ENABLE SUCH ENTITY TO PRESCREEN OR REMOVE DOMESTIC VIOLENCE OFFENDERS FROM ITS SERVICES OR, IN CONFORMITY WITH STATE AND FEDERAL LAW, ADVISE LAW ENFORCEMENT AND/OR OTHER GOVERNMENTAL ENTITIES OF POTENTIAL VIOLATIONS OF LAW AND/OR THREATS TO PUBLIC SAFETY. BEFORE RELEASING ANY INFORMATION THE DIVISION SHALL REQUIRE AN AUTHORIZED INTERNET ENTITY THAT REQUESTS INFORMATION FROM THE REGISTRY TO SUBMIT TO THE DIVISION THE NAME, ADDRESS AND TELEPHONE NUMBER OF SUCH ENTITY AND THE SPECIFIC LEGAL NATURE AND CORPORATE STATUS OF SUCH ENTITY. EXCEPT FOR THE PURPOSES SPECIFIED IN THIS SUBDIVISION, AN AUTHORIZED INTERNET ENTITY SHALL NOT PUBLISH OR IN ANY WAY DISCLOSE OR REDISCLOSE ANY INFORMATION PROVIDED TO IT BY THE DIVISION PURSUANT TO THIS SUBDIVISION. THE DIVISION MAY CHARGE AN AUTHORIZED INTERNET ENTITY A FEE FOR ACCESS TO REGISTERED INTERNET IDENTIFIERS REQUESTED BY SUCH ENTITY PURSUANT TO THIS SUBDIVISION. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS RELATING TO PROCEDURES

FOR THE RELEASE OF INFORMATION IN THE REGISTRY, INCLUDING BUT NOT LIMITED TO, THE DISCLOSURE AND REDISCLOSURE OF SUCH INFORMATION, AND THE IMPOSITION OF ANY FEES.

S 165-B. DOMESTIC VIOLENCE OFFENDER; RELOCATION; NOTIFICATION. 1. IN THE CASE OF ANY DOMESTIC VIOLENCE OFFENDER, IT SHALL BE THE DUTY OF THE DEPARTMENT, HOSPITAL OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALENDAR DAYS PRIOR TO THE RELEASE OR DISCHARGE OF ANY DOMESTIC VIOLENCE OFFENDER FROM A CORRECTIONAL FACILITY, HOSPITAL OR LOCAL CORRECTIONAL FACILITY TO NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH DOMESTIC VIOLENCE OFFENDER, INFORMING THE DIVISION IN WRITING ON A FORM PROVIDED BY THE DIVISION INDICATING THE ADDRESS AT WHICH HE OR SHE PROPOSES TO RESIDE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT WHICH HE OR SHE EXPECTS TO BE ENROLLED, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION. IF SUCH DOMESTIC VIOLENCE OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE DOMESTIC VIOLENCE OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC VIOLENCE OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY THE DOMESTIC VIOLENCE OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

2. IN THE CASE OF ANY DOMESTIC VIOLENCE OFFENDER ON PROBATION, IT SHALL BE THE DUTY OF THE DOMESTIC VIOLENCE OFFENDER'S PROBATION OFFICER TO NOTIFY THE DIVISION WITHIN FORTY-EIGHT HOURS OF THE NEW PLACE OF RESIDENCE ON A FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC VIOLENCE OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PROBATION, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY THE DOMESTIC VIOLENCE OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

3. IN THE CASE IN WHICH ANY DOMESTIC VIOLENCE OFFENDER ESCAPES FROM A STATE OR LOCAL CORRECTIONAL FACILITY OR HOSPITAL, THE DESIGNATED OFFICIAL OF THE FACILITY OR HOSPITAL WHERE THE PERSON WAS CONFINED SHALL NOTIFY WITHIN TWENTY-FOUR HOURS THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, INFORMING SUCH LAW ENFORCEMENT AGENCY OF THE NAME AND ALIASES OF THE PERSON, AND THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED, IF ANY, ON THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH DOMESTIC VIOLENCE OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD.

4. THE DIVISION SHALL PROVIDE GENERAL INFORMATION, IN REGISTRATION MATERIALS AND ANNUAL CORRESPONDENCE, TO REGISTRANTS CONCERNING NOTIFICATION AND REGISTRATION PROCEDURES THAT MAY APPLY IF THE REGISTRANT IS AUTHORIZED TO RELOCATE AND RELOCATES TO ANOTHER STATE OR UNITED STATES POSSESSION, OR COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATION INSTITUTION IN ANOTHER STATE OR UNITED STATES POSSESSION. SUCH INFORMATION SHALL INCLUDE ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES FROM WHICH ADDITIONAL INFORMATION MAY BE OBTAINED.

S 165-C. DUTIES OF THE COURT. 1. UPON CONVICTION OF ANY OF THE OFFENSES SET FORTH IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-FIVE OF THIS ARTICLE THE COURT SHALL CERTIFY THAT THE PERSON IS A DOMESTIC

VIOLENCE OFFENDER AND SHALL INCLUDE THE CERTIFICATION IN THE ORDER OF COMMITMENT, IF ANY, AND JUDGMENT OF CONVICTION. THE COURT SHALL ALSO ADVISE THE DOMESTIC VIOLENCE OFFENDER OF HIS OR HER DUTIES UNDER THIS ARTICLE. FAILURE TO INCLUDE THE CERTIFICATION IN THE ORDER OF COMMITMENT OR THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A DOMESTIC VIOLENCE OFFENDER OF THE OBLIGATIONS IMPOSED BY THIS ARTICLE.

2. ANY DOMESTIC VIOLENCE OFFENDER, WHO IS RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED. AT THE TIME SENTENCE IS IMPOSED, SUCH DOMESTIC VIOLENCE OFFENDER SHALL REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION. THE COURT SHALL REQUIRE THE DOMESTIC VIOLENCE OFFENDER TO READ AND SIGN SUCH FORM AND TO COMPLETE THE REGISTRATION PORTION OF SUCH FORM. THE COURT SHALL ON SUCH FORM OBTAIN THE ADDRESS WHERE THE DOMESTIC VIOLENCE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE COURT SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC VIOLENCE OFFENDER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. WHERE THE COURT ORDERS A DOMESTIC VIOLENCE OFFENDER RELEASED ON PROBATION, SUCH ORDER MUST INCLUDE A PROVISION REQUIRING THAT HE OR SHE COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. WHERE SUCH DOMESTIC VIOLENCE OFFENDER VIOLATES SUCH PROVISION, PROBATION MAY BE IMMEDIATELY REVOKED IN THE MANNER PROVIDED BY ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW.

S 165-D. DISCHARGE OF DOMESTIC VIOLENCE OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE. ANY DOMESTIC VIOLENCE OFFENDER, TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS CONFINED OR COMMITTED, SHALL AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE, BY THE FACILITY IN WHICH HE OR SHE WAS CONFINED OR COMMITTED. THE FACILITY SHALL REQUIRE THE DOMESTIC VIOLENCE OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER AND TO COMPLETE THE REGISTRATION PORTION OF SUCH FORM. THE FACILITY SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE DOMESTIC VIOLENCE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE FACILITY SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC VIOLENCE OFFENDER, RETAIN ONE COPY AND SHALL SEND ONE COPY TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. THE FACILITY SHALL GIVE THE DOMESTIC VIOLENCE OFFENDER A FORM PREPARED BY THE DIVISION, TO REGISTER WITH THE DIVISION AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO RELEASE AND SUCH FORM SHALL BE COMPLETED, SIGNED BY THE DOMESTIC VIOLENCE OFFENDER AND SENT TO THE DIVISION BY THE FACILITY AT LEAST TEN DAYS PRIOR TO THE DOMESTIC VIOLENCE OFFENDER'S RELEASE OR DISCHARGE.

S 165-E. DUTY TO REGISTER AND TO VERIFY. 1. ANY DOMESTIC VIOLENCE OFFENDER SHALL, (A) AT LEAST TEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR RELEASE FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS CONFINED OR COMMITTED, OR, (B) AT THE TIME SENTENCE IS IMPOSED FOR ANY DOMESTIC VIOLENCE OFFENDER RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION.

2. FOR A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE ON EACH ANNIVERSARY OF THE DOMESTIC VIOLENCE OFFENDER'S INITIAL REGISTRATION DATE DURING THE PERIOD IN WHICH HE OR SHE IS REQUIRED TO REGISTER UNDER THIS SECTION THE FOLLOWING APPLIES:

(A) THE DOMESTIC VIOLENCE OFFENDER SHALL MAIL THE VERIFICATION FORM TO THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE FORM.

(B) THE VERIFICATION FORM SHALL BE SIGNED BY THE DOMESTIC VIOLENCE OFFENDER, AND STATE THAT HE OR SHE STILL RESIDES AT THE ADDRESS LAST REPORTED TO THE DIVISION.

(C) IF THE DOMESTIC VIOLENCE OFFENDER FAILS TO MAIL THE SIGNED VERIFICATION FORM TO THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE FORM, HE OR SHE SHALL BE IN VIOLATION OF THIS SECTION UNLESS HE OR SHE PROVES THAT HE OR SHE HAS NOT CHANGED HIS OR HER RESIDENCE ADDRESS.

(D) IF THE DOMESTIC VIOLENCE OFFENDER, TO WHOM A NOTICE HAS BEEN MAILED AT THE LAST REPORTED ADDRESS PURSUANT TO THIS ARTICLE, FAILS TO PERSONALLY APPEAR AT THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN TWENTY DAYS OF THE ANNIVERSARY OF THE DOMESTIC VIOLENCE OFFENDER'S INITIAL REGISTRATION, OR AN ALTERNATE LATER DATE SCHEDULED BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, HE OR SHE SHALL BE IN VIOLATION OF THIS SECTION. THE DUTY TO PERSONALLY APPEAR FOR SUCH UPDATED PHOTOGRAPH SHALL BE TEMPORARILY SUSPENDED DURING ANY PERIOD IN WHICH THE DOMESTIC VIOLENCE OFFENDER IS CONFINED IN ANY HOSPITAL OR INSTITUTION, AND SUCH DOMESTIC VIOLENCE OFFENDER SHALL PERSONALLY APPEAR FOR SUCH UPDATED PHOTOGRAPH NO LATER THAN NINETY DAYS AFTER RELEASE FROM SUCH HOSPITAL OR INSTITUTION, OR AN ALTERNATE LATER DATE SCHEDULED BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION.

3. ANY DOMESTIC VIOLENCE OFFENDER SHALL REGISTER WITH THE DIVISION NO LATER THAN TEN CALENDAR DAYS AFTER ANY CHANGE OF ADDRESS, INTERNET ACCOUNTS WITH INTERNET ACCESS PROVIDERS BELONGING TO SUCH OFFENDER, INTERNET IDENTIFIERS THAT SUCH OFFENDER USES, OR HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION. A FEE OF TEN DOLLARS, AS AUTHORIZED BY SUBDIVISION SEVEN OF SECTION ONE HUNDRED SIXTY-FIVE-A OF THIS ARTICLE, SHALL BE SUBMITTED BY THE DOMESTIC VIOLENCE OFFENDER EACH TIME SUCH OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OR ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION. ANY FAILURE OR OMISSION TO SUBMIT THE REQUIRED FEE SHALL NOT AFFECT THE ACCEPTANCE BY THE DIVISION OF THE CHANGE OF ADDRESS OR CHANGE OF STATUS.

4. THE DUTY TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO ANY DOMESTIC VIOLENCE OFFENDER WHOSE CONVICTION WAS REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR.

5. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT, AS DEFINED IN SUBDIVISIONS FOURTEEN AND FIFTEEN OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS CHAPTER, SHALL REGISTER HIS OR HER CURRENT ADDRESS AND THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED WITH THE DIVISION WITHIN TEN CALENDAR DAYS AFTER SUCH NONRESIDENT WORKER OR NONRESIDENT STUDENT COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCA-

TIONAL INSTITUTION IN THE STATE. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS NO LATER THAN TEN DAYS AFTER SUCH CHANGE. THE DIVISION SHALL NOTIFY THE LAW ENFORCEMENT AGENCY WHERE THE NONRESIDENT WORKER IS EMPLOYED OR THE EDUCATIONAL INSTITUTION IS LOCATED THAT A NONRESIDENT WORKER OR NONRESIDENT STUDENT IS PRESENT IN THAT AGENCY'S JURISDICTION.

S 165-F. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. THE DEPARTMENT OF PAROLE OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES IN ACCORDANCE WITH RISK FACTORS PURSUANT TO THIS ARTICLE SHALL DETERMINE THE DURATION OF REGISTRATION AND NOTIFICATION FOR EVERY DOMESTIC VIOLENCE OFFENDER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS THEN ON PAROLE OR PROBATION FOR AN OFFENSE PROVIDED FOR IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-FIVE OF THIS ARTICLE.

2. EVERY DOMESTIC VIOLENCE OFFENDER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS THEN ON PAROLE OR PROBATION FOR AN OFFENSE PROVIDED FOR IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-FIVE OF THIS ARTICLE SHALL WITHIN TEN CALENDAR DAYS OF SUCH DETERMINATION REGISTER WITH HIS OR HER PAROLE OR PROBATION OFFICER. ON EACH ANNIVERSARY OF THE DOMESTIC VIOLENCE OFFENDER'S INITIAL REGISTRATION DATE THEREAFTER, THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-FIVE-E OF THIS ARTICLE SHALL APPLY. ANY DOMESTIC VIOLENCE OFFENDER WHO FAILS OR REFUSES TO SO COMPLY SHALL BE SUBJECT TO THE SAME PENALTIES AS OTHERWISE PROVIDED FOR IN THIS ARTICLE WHICH WOULD BE IMPOSED UPON A DOMESTIC VIOLENCE OFFENDER WHO FAILS OR REFUSES TO SO COMPLY WITH THE PROVISIONS OF THIS ARTICLE ON OR AFTER SUCH EFFECTIVE DATE.

3. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM AND REGISTER SUCH DOMESTIC VIOLENCE OFFENDER ACCORDING TO THE REQUIREMENTS IMPOSED BY THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC VIOLENCE OFFENDER AND SHALL, WITHIN THREE CALENDAR DAYS, SEND TWO COPIES ELECTRONICALLY OR OTHERWISE TO THE DIVISION WHICH SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE DOMESTIC VIOLENCE OFFENDER RESIDES UPON HIS OR HER PAROLE, PROBATION, OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE.

4. A PETITION FOR RELIEF FROM THIS SECTION IS PERMITTED TO ANY DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER WHILE RELEASED ON PAROLE OR PROBATION PURSUANT TO SECTION ONE HUNDRED SIXTY-FIVE-N OF THIS ARTICLE.

S 165-G. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF REGISTRATION AND VERIFICATION FOR A DOMESTIC VIOLENCE OFFENDER SHALL BE ANNUALLY FOR A PERIOD OF TWENTY YEARS FROM THE INITIAL DATE OF REGISTRATION.

S 165-H. REGISTRATION AND VERIFICATION REQUIREMENTS. REGISTRATION AND VERIFICATION AS REQUIRED BY THIS ARTICLE SHALL CONSIST OF A STATEMENT IN WRITING SIGNED BY THE DOMESTIC VIOLENCE OFFENDER GIVING THE INFORMATION THAT IS REQUIRED BY THE DIVISION AND THE DIVISION SHALL ENTER THE INFORMATION INTO AN APPROPRIATE ELECTRONIC DATA BASE OR FILE.

S 165-I. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE AND THE LOCAL LAW ENFORCEMENT AGENCY WHERE THE DOMESTIC VIOLENCE OFFENDER LAST RESIDED OF THE NEW PLACE OF RESIDENCE.

2. UPON RECEIPT OF CHANGE OF ADDRESS INFORMATION, THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE SHALL ADHERE TO THE NOTIFICATION PROVISIONS SET FORTH IN THIS ARTICLE.

3. THE DIVISION SHALL, IF THE DOMESTIC VIOLENCE OFFENDER CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE OF THE NEW PLACE OF RESIDENCE.

4. UPON RECEIPT OF A CHANGE IN THE STATUS OF THE ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT AN INSTITUTION OF HIGHER EDUCATION BY A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL NOTIFY EACH LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHICH IS AFFECTED BY SUCH CHANGE.

5. UPON RECEIPT OF CHANGE IN THE STATUS OF THE ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT AN INSTITUTION OF HIGHER EDUCATION BY A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, EACH LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL ADHERE TO THE NOTIFICATION PROVISIONS SET FORTH IN THIS ARTICLE.

S 165-J. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE. 1. A DOMESTIC VIOLENCE OFFENDER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH REQUIRES REGISTRATION UNDER THIS ARTICLE SHALL NOTIFY THE DIVISION OF THE NEW ADDRESS NO LATER THAN TEN CALENDAR DAYS AFTER SUCH DOMESTIC VIOLENCE OFFENDER ESTABLISHES RESIDENCE IN THIS STATE.

2. IF THE DIVISION DETERMINES THAT THE DOMESTIC VIOLENCE OFFENDER IS REQUIRED TO REGISTER, THE DIVISION SHALL NOTIFY THE DOMESTIC VIOLENCE OFFENDER OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE AND SHALL REQUIRE THE DOMESTIC VIOLENCE OFFENDER TO SIGN A FORM AS MAY BE REQUIRED BY THE DIVISION ACKNOWLEDGING THAT THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO THE DOMESTIC VIOLENCE OFFENDER. THE DIVISION SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE DOMESTIC VIOLENCE OFFENDER EXPECTS TO RESIDE WITHIN THE STATE AND THE DOMESTIC VIOLENCE OFFENDER SHALL RETAIN ONE COPY OF THE FORM AND SEND TWO COPIES TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE DOMESTIC VIOLENCE OFFENDER EXPECTS TO RESIDE WITHIN THIS STATE.

3. THE DIVISION SHALL UNDERTAKE AN INFORMATION CAMPAIGN DESIGNED TO PROVIDE INFORMATION TO OFFICIALS AND APPROPRIATE INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS CONCERNING THE NOTIFICATION PROCEDURES REQUIRED BY THIS ARTICLE. SUCH INFORMATION CAMPAIGN SHALL BE ONGOING, AND SHALL INCLUDE, BUT NOT BE LIMITED TO, LETTERS, NOTICE FORMS AND SIMILAR MATERIALS PROVIDING RELEVANT INFORMATION ABOUT THIS ARTICLE AND THE SPECIFIC PROCEDURES REQUIRED TO EFFECT NOTIFICATION. SUCH MATERIALS SHALL INCLUDE AN ADDRESS AND TELEPHONE NUMBER WHICH SUCH OFFICIALS AND INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS MAY USE TO OBTAIN ADDITIONAL INFORMATION.

S 165-K. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED SIXTY-FIVE-A OF THIS ARTICLE, THE DIVISION SHALL ALSO OPERATE A TELEPHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF CHARGE AND INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE IS LISTED. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASONABLY APPEARS TO BE A PERSON SO LISTED. THE DIVISION SHALL DECIDE WHETHER THE NAMED PERSON REASONABLY APPEARS TO BE A PERSON LISTED, BASED UPON INFORMATION FROM THE CALLER PROVIDING INFORMATION THAT SHALL INCLUDE (A) AN EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, DRIVER'S LICENSE NUMBER OR BIRTH DATE, ALONG WITH ADDITIONAL INFORMATION THAT MAY INCLUDE SOCIAL SECURITY NUMBER, HAIR COLOR, EYE COLOR, HEIGHT, WEIGHT, DISTINCTIVE MARKINGS, ETHNICITY; OR (B) ANY COMBINATION OF THE ABOVE LISTED CHARACTERISTICS IF AN EXACT BIRTH DATE OR ADDRESS IS NOT AVAILABLE. IF THREE OF THE CHARACTERISTICS PROVIDED INCLUDE ETHNICITY, HAIR COLOR, AND EYE COLOR, OTHER IDENTIFYING CHARACTERISTICS SHALL BE PROVIDED. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE,

ADDRESS OR RELATION TO THE PERSON LISTED BY THE DIVISION SHALL BE EXCLUDED BY THE DIVISION.

2. WHEN THE TELEPHONE NUMBER IS CALLED, A PREAMBLE SHALL BE PLAYED WHICH SHALL PROVIDE THE FOLLOWING INFORMATION:

(A) NOTICE THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;

(B) THAT THERE IS NO CHARGE FOR USE OF THE TELEPHONE NUMBER;

(C) NOTICE THAT THE CALLER IS REQUIRED TO IDENTIFY HIMSELF OR HERSELF TO THE OPERATOR AND PROVIDE CURRENT ADDRESS AND SHALL BE MAINTAINED IN A WRITTEN RECORD;

(D) NOTICE THAT THE CALLER IS REQUIRED TO BE EIGHTEEN YEARS OF AGE OR OLDER;

(E) A WARNING THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH THE TELEPHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON LISTED OR TO ENGAGE IN ILLEGAL DISCRIMINATION OR HARASSMENT AGAINST SUCH PERSON;

(F) NOTICE THAT THE CALLER IS REQUIRED TO HAVE THE BIRTH DATE, DRIVER'S LICENSE OR IDENTIFICATION NUMBER, OR ADDRESS OR OTHER IDENTIFYING INFORMATION REGARDING THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IN ORDER TO ACHIEVE A POSITIVE IDENTIFICATION OF THAT PERSON;

(G) A STATEMENT THAT THE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY SUSPECTED CRIMINAL ACTIVITY SHOULD BE REPORTED TO LOCAL AUTHORITIES;

(H) A STATEMENT THAT AN INFORMATION PACKAGE WHICH WILL INCLUDE A DESCRIPTION OF THE LAW AND DOMESTIC VIOLENCE PREVENTION MATERIALS IS AVAILABLE UPON REQUEST FROM THE DIVISION. SUCH INFORMATION PACKAGE SHALL INCLUDE QUESTIONS AND ANSWERS REGARDING THE MOST COMMONLY ASKED QUESTIONS ABOUT THE DOMESTIC VIOLENCE OFFENDER REGISTRATION ACT, AND CURRENT DOMESTIC VIOLENCE PREVENTION MATERIAL.

3. (A) THE DIVISION SHALL ESTABLISH A PROGRAM ALLOWING NON-PROFIT AND NOT-FOR-PROFIT YOUTH SERVICES ORGANIZATIONS TO PRE-REGISTER WITH THE DIVISION FOR USE OF THE TELEPHONE NUMBER. PRE-REGISTRATION SHALL INCLUDE THE IDENTIFICATION OF UP TO TWO OFFICIALS OF THE ORGANIZATION WHO MAY CALL THE TELEPHONE NUMBER AND OBTAIN INFORMATION ON BEHALF OF THE ORGANIZATION. A PRE-REGISTERED CERTIFICATE ISSUED UNDER THIS SUBDIVISION SHALL BE VALID FOR TWO YEARS, UNLESS EARLIER REVOKED BY THE DIVISION FOR GOOD CAUSE SHOWN. NO FEE SHALL BE CHARGED TO AN APPLICANT FOR THE ISSUANCE OF A PRE-REGISTERED CERTIFICATE PURSUANT TO THIS SUBDIVISION.

(B) AN ORGANIZATION GRANTED A PRE-REGISTERED CERTIFICATE PURSUANT TO THIS SUBDIVISION MAY, UPON CALLING THE TELEPHONE NUMBER, INQUIRE WHETHER MULTIPLE NAMED INDIVIDUALS ARE LISTED ON THE DOMESTIC VIOLENCE OFFENDER REGISTRY. NOTWITHSTANDING ANY PER CALL LIMITATION THE DIVISION MAY PLACE ON CALLS BY PRIVATE INDIVIDUALS, THE DIVISION SHALL ALLOW SUCH PRE-REGISTERED ORGANIZATIONS TO INQUIRE ABOUT UP TO TWENTY PROSPECTIVE COACHES, LEADERS OR VOLUNTEERS IN EACH CALL TO THE TELEPHONE NUMBER.

(C) FOR PURPOSES OF THIS SUBDIVISION, "YOUTH SERVICES ORGANIZATION" SHALL MEAN A FORMALIZED PROGRAM OPERATED BY A CORPORATION PURSUANT TO SUBPARAGRAPH FIVE OF PARAGRAPH (A) OF SECTION ONE HUNDRED TWO OF THE NOT-FOR-PROFIT CORPORATION LAW THAT FUNCTIONS PRIMARILY TO: (I) PROVIDE CHILDREN THE OPPORTUNITY TO PARTICIPATE IN ADULT-SUPERVISED SPORTING ACTIVITIES; OR (II) MATCH CHILDREN OR GROUPS OF CHILDREN WITH ADULT VOLUNTEERS FOR THE PURPOSE OF PROVIDING CHILDREN WITH POSITIVE ROLE MODELS TO ENHANCE THEIR DEVELOPMENT.

4. WHENEVER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OF MISUSE OF THE TELEPHONE NUMBER, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY PERSON AGGRIEVED BY THE MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION,

RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR THE PATTERN OR PRACTICE OF MISUSE. THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW. SUCH PERSON OR GROUP OF PERSONS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS.

5. THE DIVISION SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT ON THE OPERATION OF THE TELEPHONE NUMBER. THE ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

(A) NUMBER OF CALLS RECEIVED;

(B) A DETAILED OUTLINE OF THE AMOUNT OF MONEY EXPENDED AND THE MANNER IN WHICH IT WAS EXPENDED FOR PURPOSES OF THIS SECTION;

(C) NUMBER OF CALLS THAT RESULTED IN AN AFFIRMATIVE RESPONSE AND THE NUMBER OF CALLS THAT RESULTED IN A NEGATIVE RESPONSE WITH REGARD TO WHETHER A NAMED INDIVIDUAL WAS LISTED;

(D) NUMBER OF PERSONS LISTED; AND

(E) A SUMMARY OF THE SUCCESS OF THE TELEPHONE NUMBER PROGRAM BASED UPON SELECTED FACTORS.

S 165-L. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT AND NECESSARY INFORMATION PURSUANT TO THIS SECTION IF THAT OFFICIAL, EMPLOYEE OR AGENCY ACTED REASONABLY AND IN GOOD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE RELEASE OF RELEVANT INFORMATION TO OTHER EMPLOYEES OR OFFICIALS OR TO THE GENERAL PUBLIC.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION IF THAT OFFICIAL, EMPLOYEE OR AGENCY ACTED REASONABLY AND IN GOOD FAITH.

S 165-M. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE FEBRUARY FIRST IN EACH YEAR FILE A REPORT WITH THE GOVERNOR, AND THE LEGISLATURE DETAILING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND EFFECTIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY RECOMMENDATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

S 165-N. FAILURE TO REGISTER; PENALTY. ANY PERSON REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE SHALL BE GUILTY OF A CLASS E FELONY FOR THE FIRST OFFENSE, AND FOR A SECOND OR SUBSEQUENT OFFENSE SHALL BE GUILTY OF A CLASS D FELONY RESPECTIVELY IN ACCORDANCE WITH SECTIONS 195.03 AND 195.04 OF THE PENAL LAW. ANY SUCH FAILURE TO REGISTER MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW WHICH SHALL BE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

S 165-O. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEANOR.

S 4. If any clause, sentence, paragraph, section or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 5. This act shall take effect immediately; provided, however, that section two of this act shall take effect on the first of November next succeeding the date on which it shall have become a law.

PART W

Section 1. The penal law is amended by adding two new sections 195.03 and 195.04 to read as follows:

S 195.03 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE SECOND DEGREE.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE SECOND DEGREE WHEN, BEING A DOMESTIC ABUSE OFFENDER REQUIRED TO REGISTER OR VERIFY PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, HE OR SHE FAILS TO REGISTER OR VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN SUCH ARTICLE.

FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE SECOND DEGREE IS A CLASS E FELONY.

S 195.04 FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE FIRST DEGREE.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE SECOND DEGREE AND HAS PREVIOUSLY BEEN CONVICTED OF FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE SECOND DEGREE AS DEFINED IN SECTION 195.03 OF THIS ARTICLE.

FAILURE TO REGISTER OR VERIFY AS A DOMESTIC ABUSE OFFENDER IN THE FIRST DEGREE IS A CLASS D FELONY.

S 2. The correction law is amended by adding a new article 6-D to read as follows:

ARTICLE 6-D

DANIELLE DIMEDICI, JESSICA TUSH AND BRITTANY PASSALACQUA'S LAW

SECTION 169. SHORT TITLE.
169-A. DEFINITIONS.
169-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION.
169-C. DOMESTIC ABUSE OFFENDER; RELOCATION; NOTIFICATION.
169-D. DUTIES OF THE COURT.
169-E. DISCHARGE OF DOMESTIC ABUSE OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE.
169-F. DUTY TO REGISTER AND TO VERIFY.
169-G. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.
169-H. DURATION OF REGISTRATION AND VERIFICATION.
169-I. REGISTRATION AND VERIFICATION REQUIREMENTS.
169-J. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS.
169-K. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE.
169-L. PETITION FOR RELIEF OR MODIFICATION.
169-M. SPECIAL TELEPHONE NUMBER.
169-N. DIRECTORY; INTERNET POSTING.
169-O. IMMUNITY FROM LIABILITY.
169-P. ANNUAL REPORT.
169-Q. FAILURE TO REGISTER; PENALTY.
169-R. UNAUTHORIZED RELEASE OF INFORMATION.
169-S. SEPARABILITY.

S 169. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS "DANIELLE DIMEDICI, JESSICA TUSH AND BRITTANY PASSALACQUA'S LAW".

S 169-A. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS APPLY:

1. "DOMESTIC ABUSE OFFENDER" INCLUDES ANY PERSON WHO (A) IS CONVICTED OF ANY OF THE OFFENSES SET FORTH IN SUBDIVISION TWO OF THIS SECTION. CONVICTIONS THAT RESULT FROM OR ARE CONNECTED WITH THE SAME ACT, OR

RESULT FROM OFFENSES COMMITTED AT THE SAME TIME, SHALL BE COUNTED FOR THE PURPOSE OF THIS ARTICLE AS ONE CONVICTION. ANY CONVICTION SET ASIDE PURSUANT TO LAW IS NOT A CONVICTION FOR PURPOSES OF THIS ARTICLE; OR (B) HAS BEEN DETERMINED BY THE COURT TO BE A DOMESTIC ABUSE OFFENDER BY A COURT PURSUANT TO SECTION 530.15 OR PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION 530.12 OF THE CRIMINAL PROCEDURE LAW.

2. "DOMESTIC ABUSE OFFENSE" MEANS:

(A) DISORDERLY CONDUCT, CRIMINAL OBSTRUCTION OF BREATHING OR BLOOD CIRCULATION, STRANGULATION IN THE FIRST DEGREE, STRANGULATION IN THE SECOND DEGREE, HARASSMENT IN THE FIRST DEGREE, HARASSMENT IN THE SECOND DEGREE, AGGRAVATED HARASSMENT IN THE SECOND DEGREE, STALKING IN THE FIRST DEGREE, STALKING IN THE SECOND DEGREE, STALKING IN THE THIRD DEGREE, STALKING IN THE FOURTH DEGREE, CRIMINAL MISCHIEF, MENACING IN THE SECOND DEGREE, MENACING IN THE THIRD DEGREE, RECKLESS ENDANGERMENT, ASSAULT IN THE SECOND DEGREE, ASSAULT IN THE THIRD DEGREE OR AN ATTEMPTED ASSAULT BETWEEN SPOUSES OR FORMER SPOUSES, OR BETWEEN PARENT AND CHILD OR BETWEEN MEMBERS OF THE SAME FAMILY OR HOUSEHOLD EXCEPT THAT IF THE RESPONDENT WOULD NOT BE CRIMINALLY RESPONSIBLE BY REASON OF AGE PURSUANT TO SECTION 30.00 OF THE PENAL LAW. FOR PURPOSES OF THIS SECTION, "DISORDERLY CONDUCT" INCLUDES DISORDERLY CONDUCT NOT IN A PUBLIC PLACE; OR

(B) A CONVICTION OF (I) AN OFFENSE IN ANY OTHER JURISDICTION WHICH INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY SUCH CRIME PROVIDED FOR IN PARAGRAPH (A) OF THIS SUBDIVISION OR (II) A FELONY IN ANY OTHER JURISDICTION FOR WHICH THE OFFENDER IS REQUIRED TO REGISTER AS A DOMESTIC ABUSE OFFENDER IN THE JURISDICTION IN WHICH THE CONVICTION OCCURRED, PROVIDED THAT THE ELEMENTS OF SUCH CRIME OF CONVICTION ARE SUBSTANTIALLY THE SAME AS THOSE WHICH ARE A PART OF SUCH OFFENSE AS OF THE DATE ON WHICH THIS SECTION TAKES EFFECT.

3. FOR PURPOSES OF THIS SECTION, "MEMBERS OF THE SAME FAMILY OR HOUSEHOLD" WITH RESPECT TO A PROCEEDING IN THE CRIMINAL COURTS SHALL MEAN THE FOLLOWING:

(A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

(B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

(C) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER THEY STILL RESIDE IN THE SAME HOUSEHOLD;

(D) PERSONS WHO HAVE A CHILD IN COMMON, REGARDLESS OF WHETHER SUCH PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME;

(E) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH PERSONS HAVE LIVED TOGETHER AT ANY TIME. FACTORS THE COURT MAY CONSIDER IN DETERMINING WHETHER A RELATIONSHIP IS AN "INTIMATE RELATIONSHIP" INCLUDE BUT ARE NOT LIMITED TO: THE NATURE OR TYPE OF RELATIONSHIP, REGARDLESS OF WHETHER THE RELATIONSHIP IS SEXUAL IN NATURE; THE FREQUENCY OF INTERACTION BETWEEN THE PERSONS; AND THE DURATION OF THE RELATIONSHIP. NEITHER A CASUAL ACQUAINTANCE NOR ORDINARY FRATERNIZATION BETWEEN TWO INDIVIDUALS IN BUSINESS OR SOCIAL CONTEXTS SHALL BE DEEMED TO CONSTITUTE AN "INTIMATE RELATIONSHIP"; AND

(F) PERSONS RESIDING TOGETHER CONTINUALLY OR AT REGULAR INTERVALS, CURRENTLY OR IN THE PAST.

4. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

(A) (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE DOMESTIC ABUSE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE

CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH THE OFFENDER EXPECTS TO RESIDE; OR (III) IF THERE BE NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE; AND

(B) IN THE CASE OF A DOMESTIC ABUSE OFFENDER WHO IS OR EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AT AN INSTITUTION OF HIGHER EDUCATION: (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH SUCH INSTITUTION IS LOCATED; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH SUCH INSTITUTION IS LOCATED; OR (III) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE; AND (IV) IF SUCH INSTITUTION OPERATES OR EMPLOYS A CAMPUS LAW ENFORCEMENT OR SECURITY AGENCY, THE CHIEF OF SUCH AGENCY.

5. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES AS DEFINED BY SECTION EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW.

6. "LOCAL CORRECTIONAL FACILITY" MEANS A LOCAL CORRECTIONAL FACILITY AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS CHAPTER.

7. "PROBATION" MEANS A SENTENCE OF PROBATION IMPOSED PURSUANT TO ARTICLE SIXTY-FIVE OF THE PENAL LAW AND SHALL INCLUDE A SENTENCE OF IMPRISONMENT IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION.

8. "NONRESIDENT WORKER" MEANS ANY PERSON REQUIRED TO REGISTER AS A DOMESTIC ABUSE OFFENDER IN ANOTHER JURISDICTION WHO IS EMPLOYED OR CARRIES ON A VOCATION IN THIS STATE, ON EITHER A FULL-TIME OR A PART-TIME BASIS, WITH OR WITHOUT COMPENSATION, FOR MORE THAN FOURTEEN CONSECUTIVE DAYS, OR FOR AN AGGREGATE PERIOD EXCEEDING THIRTY DAYS IN A CALENDAR YEAR.

9. "NONRESIDENT STUDENT" MEANS A PERSON REQUIRED TO REGISTER AS A DOMESTIC ABUSE OFFENDER IN ANOTHER JURISDICTION WHO IS ENROLLED ON A FULL-TIME OR PART-TIME BASIS IN ANY PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION IN THIS STATE INCLUDING ANY SECONDARY SCHOOL, TRADE OR PROFESSIONAL INSTITUTION OR INSTITUTION OF HIGHER EDUCATION.

S 169-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE DIVISION SHALL ESTABLISH AND MAINTAIN A FILE OF INDIVIDUALS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHICH SHALL INCLUDE THE FOLLOWING INFORMATION OF EACH REGISTRANT:

(A) THE DOMESTIC ABUSE OFFENDER'S NAME, ALL ALIASES USED, DATE OF BIRTH, SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER, AND HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE.

(B) A PHOTOGRAPH AND SET OF FINGERPRINTS.

(C) A DESCRIPTION OF THE OFFENSE FOR WHICH THE DOMESTIC ABUSE OFFENDER WAS CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED.

(D) THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT WHICH THE DOMESTIC ABUSE OFFENDER IS OR EXPECTS TO BE ENROLLED, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER SUCH DOMESTIC ABUSE OFFENDER RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION.

(E) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

2. (A) THE DIVISION IS AUTHORIZED TO MAKE THE REGISTRY AVAILABLE TO ANY REGIONAL OR NATIONAL REGISTRY OF DOMESTIC ABUSE OFFENDERS FOR THE PURPOSE OF SHARING INFORMATION. THE DIVISION SHALL ACCEPT FILES FROM ANY REGIONAL OR NATIONAL REGISTRY OF DOMESTIC ABUSE OFFENDERS AND SHALL MAKE SUCH FILES AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

(B) THE DIVISION SHALL REQUIRE THAT NO INFORMATION INCLUDED IN THE REGISTRY SHALL BE MADE AVAILABLE EXCEPT IN THE FURTHERANCE OF THE PROVISIONS OF THIS ARTICLE.

3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE MADE AVAILABLE TO THE APPROPRIATE AUTHORITIES AND PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION. SUCH FORM SHALL BE WRITTEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE DOMESTIC ABUSE OFFENDER OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE.

4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE LAST REPORTED ADDRESS OF THE PERSON FOR ANNUAL VERIFICATION REQUIREMENTS.

5. THE DIVISION SHALL ESTABLISH AND OPERATE A TELEPHONE NUMBER AS PROVIDED FOR IN SECTION ONE HUNDRED SIXTY-NINE-M OF THIS ARTICLE.

6. THE DIVISION SHALL ESTABLISH A DIRECTORY PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-N OF THIS ARTICLE.

7. THE DIVISION SHALL ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO ADVISE THE PUBLIC OF THE PROVISIONS OF THIS ARTICLE.

8. (A) THE DIVISION SHALL CHARGE AN ADMINISTRATIVE FEE TO A DOMESTIC ABUSE OFFENDER TO COVER THE COST OF INCLUSION ON THE REGISTRY. SUCH FEE SHALL BE SET AT A REASONABLE RATE TO BE DETERMINED PERIODICALLY BY THE DIVISION.

(B) THE DIVISION SHALL CHARGE A FEE OF TEN DOLLARS EACH TIME A DOMESTIC ABUSE OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION AS REQUIRED BY SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE. THE FEE SHALL BE PAID TO THE DIVISION BY THE DOMESTIC ABUSE OFFENDER. THE STATE COMPTROLLER IS HEREBY AUTHORIZED TO DEPOSIT SUCH FEES INTO THE GENERAL FUND.

S 169-C. DOMESTIC ABUSE OFFENDER; RELOCATION; NOTIFICATION. 1. IN THE CASE OF ANY DOMESTIC ABUSE OFFENDER, IT SHALL BE THE DUTY OF THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALENDAR DAYS PRIOR TO THE RELEASE OR DISCHARGE OF ANY DOMESTIC ABUSE OFFENDER FROM A CORRECTIONAL FACILITY OR LOCAL CORRECTIONAL FACILITY TO NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH DOMESTIC ABUSE OFFENDER, INFORMING THE DIVISION IN WRITING ON A FORM PROVIDED BY THE DIVISION INDICATING THE ADDRESS AT WHICH HE OR SHE PROPOSES TO RESIDE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT WHICH HE OR SHE EXPECTS TO BE ENROLLED, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION. IF SUCH DOMESTIC ABUSE OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE DOMESTIC ABUSE OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC ABUSE OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY THE DOMESTIC ABUSE OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

2. IN THE CASE OF ANY DOMESTIC ABUSE OFFENDER ON PROBATION, IT SHALL BE THE DUTY OF THE DOMESTIC ABUSE OFFENDER'S PROBATION OFFICER TO NOTIFY THE DIVISION WITHIN FORTY-EIGHT HOURS OF THE NEW PLACE OF RESIDENCE ON A FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC ABUSE OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PROBATION, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY THE DOMESTIC ABUSE

OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

3. IN THE CASE IN WHICH ANY DOMESTIC ABUSE OFFENDER ESCAPES FROM A STATE OR LOCAL CORRECTIONAL FACILITY, THE DESIGNATED OFFICIAL OF THE FACILITY WHERE THE DOMESTIC ABUSE OFFENDER WAS CONFINED SHALL NOTIFY WITHIN TWENTY-FOUR HOURS THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, INFORMING SUCH LAW ENFORCEMENT AGENCY OF THE NAME AND ALIASES OF THE DOMESTIC ABUSE OFFENDER, AND THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED, IF ANY, ON THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH DOMESTIC ABUSE OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD.

4. THE DIVISION SHALL PROVIDE GENERAL INFORMATION, IN REGISTRATION MATERIALS AND ANNUAL CORRESPONDENCE, TO REGISTRANTS CONCERNING NOTIFICATION AND REGISTRATION PROCEDURES THAT MAY APPLY IF THE REGISTRANT IS AUTHORIZED TO RELOCATE AND RELOCATES TO ANOTHER STATE OR UNITED STATES POSSESSION, OR COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL INSTITUTION IN ANOTHER STATE OR UNITED STATES POSSESSION. SUCH INFORMATION SHALL INCLUDE ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES FROM WHICH ADDITIONAL INFORMATION MAY BE OBTAINED.

S 169-D. DUTIES OF THE COURT. 1. UPON CONVICTION OF ANY OF THE OFFENSES SET FORTH IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE THE COURT SHALL CERTIFY THAT THE PERSON IS A DOMESTIC ABUSE OFFENDER AND SHALL INCLUDE THE CERTIFICATION IN THE JUDGMENT OF CONVICTION. THE COURT SHALL ALSO ADVISE THE DOMESTIC ABUSE OFFENDER OF HIS OR HER DUTIES UNDER THIS ARTICLE. FAILURE TO INCLUDE THE CERTIFICATION IN THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A DOMESTIC ABUSE OFFENDER OF THE OBLIGATIONS IMPOSED BY THIS ARTICLE.

2. ANY DOMESTIC ABUSE OFFENDER WHO HAS BEEN CONVICTED OF A VIOLENT FELONY OR TWO OR MORE MISDEMEANORS AGAINST A PERSON WHO IS A MEMBER OF SUCH OFFENDER'S FAMILY OR HOUSEHOLD AS DEFINED IN SECTION 530.12 OF THE CRIMINAL PROCEDURE LAW, WHO IS RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED. AT THE TIME SENTENCE IS IMPOSED, SUCH DOMESTIC ABUSE OFFENDER SHALL REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION. THE COURT SHALL REQUIRE THE DOMESTIC ABUSE OFFENDER TO READ AND SIGN SUCH FORM AND TO COMPLETE THE REGISTRATION PORTION OF SUCH FORM. THE COURT SHALL ON SUCH FORM OBTAIN THE ADDRESS WHERE THE DOMESTIC ABUSE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE COURT SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC ABUSE OFFENDER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. WHERE THE COURT ORDERS A DOMESTIC ABUSE OFFENDER RELEASED ON PROBATION, SUCH ORDER MUST INCLUDE A PROVISION REQUIRING THAT HE OR SHE COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. WHERE SUCH DOMESTIC ABUSE OFFENDER VIOLATES SUCH PROVISION, PROBATION MAY BE IMMEDIATELY REVOKED IN THE MANNER PROVIDED BY ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IT SHALL BE IN THE COURTS DISCRETION TO REQUIRE AN OFFENDER TO REGISTER PURSUANT TO THIS ARTICLE. IN DETERMINING WHETHER AN OFFENDER SHOULD BE ON THE REGISTRY, A JUDGE SHALL CONSIDER, AMONG OTHER THINGS, WHETHER THE OFFENDER IS A VICTIM WHO WAS DEFENDING HIMSELF OR HERSELF AND THE OFFENDER'S HISTORY OF AND PROPENSITY FOR VIOLENCE. IN ADDITION, A JUDGE MAY REQUIRE A THREAT ASSESSMENT OF FUTURE RISK, UTILIZING METHODS SUCH AS A DOMESTIC VIOLENCE MOSAIC, A DANGER ASSESSMENT, A DOMESTIC VIOLENCE SCREENING INSTRUMENT OR A KINGSTON SCREENING INSTRUMENT FOR DOMESTIC VIOLENCE OR OTHER THREAT ASSESSMENT AS THE COURT MAY DEEM APPROPRIATE.

4. THE COURT SHALL PROVIDE REASONABLE OPPORTUNITY TO A VICTIM TO OBJECT TO AN OFFENDER'S INCLUSION IN THE REGISTRY AND SHALL TAKE SUCH INFORMATION INTO ACCOUNT WHILE DETERMINING THE OFFENDER'S INCLUSION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

S 169-E. DISCHARGE OF DOMESTIC ABUSE OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE. 1. ANY DOMESTIC ABUSE OFFENDER, TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, SHALL AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE, BY THE FACILITY IN WHICH HE OR SHE WAS CONFINED. THE FACILITY SHALL REQUIRE THE DOMESTIC ABUSE OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER AND TO COMPLETE THE REGISTRATION PORTION OF SUCH FORM. THE FACILITY SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE DOMESTIC ABUSE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE FACILITY SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC ABUSE OFFENDER, RETAIN ONE COPY AND SHALL SEND ONE COPY TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. THE FACILITY SHALL GIVE THE DOMESTIC ABUSE OFFENDER A FORM PREPARED BY THE DIVISION, TO REGISTER WITH THE DIVISION AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO RELEASE AND SUCH FORM SHALL BE COMPLETED, SIGNED BY THE DOMESTIC ABUSE OFFENDER AND SENT TO THE DIVISION BY THE FACILITY AT LEAST TEN DAYS PRIOR TO THE DOMESTIC ABUSE OFFENDER'S RELEASE OR DISCHARGE.

2. THE DIVISION SHALL ALSO IMMEDIATELY TRANSMIT THE CONVICTION DATA AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION IF NOT ALREADY OBTAINED.

S 169-F. DUTY TO REGISTER AND TO VERIFY. 1. ANY DOMESTIC ABUSE OFFENDER SHALL (A) AT LEAST TEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR RELEASE FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY WHERE HE OR SHE WAS CONFINED, OR (B) IF RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, AT THE TIME SENTENCE IS IMPOSED, REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION.

2. ANY DOMESTIC ABUSE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE SHALL ON OR BEFORE EACH ANNIVERSARY OF THE DOMESTIC ABUSE OFFENDER'S INITIAL REGISTRATION DATE DURING THE PERIOD IN WHICH HE OR SHE IS REQUIRED TO REGISTER VERIFY THAT HE OR SHE STILL RESIDES AT THE ADDRESS LAST REPORTED TO THE DIVISION.

3. ANY DOMESTIC ABUSE OFFENDER SHALL REGISTER WITH THE DIVISION NO LATER THAN TEN CALENDAR DAYS AFTER ANY CHANGE OF ADDRESS OR ANY CHANGE

OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION. A FEE OF TEN DOLLARS, AS AUTHORIZED BY SUBDIVISION EIGHT OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, SHALL BE SUBMITTED BY THE DOMESTIC ABUSE OFFENDER EACH TIME SUCH DOMESTIC ABUSE OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION. ANY FAILURE OR OMISSION TO SUBMIT THE REQUIRED FEE SHALL NOT AFFECT THE ACCEPTANCE BY THE DIVISION OF THE CHANGE OF ADDRESS OR CHANGE OF STATUS.

4. THE DUTY TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO ANY DOMESTIC ABUSE OFFENDER WHOSE CONVICTION WAS REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR.

5. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT, AS DEFINED IN SUBDIVISIONS EIGHT AND NINE OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE, SHALL REGISTER HIS OR HER CURRENT ADDRESS AND THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED WITH THE DIVISION WITHIN TEN CALENDAR DAYS AFTER SUCH NONRESIDENT WORKER OR NONRESIDENT STUDENT COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL INSTITUTION IN THE STATE. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS NO LATER THAN TEN DAYS AFTER SUCH CHANGE. THE DIVISION SHALL NOTIFY THE LAW ENFORCEMENT AGENCY WHERE THE NONRESIDENT WORKER IS EMPLOYED OR THE EDUCATIONAL INSTITUTION IS LOCATED THAT A NONRESIDENT WORKER OR NONRESIDENT STUDENT IS PRESENT IN THAT AGENCY'S JURISDICTION.

S 169-G. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. EVERY DOMESTIC ABUSE OFFENDER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS THEN ON PAROLE OR PROBATION FOR AN OFFENSE PROVIDED FOR IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE SHALL WITHIN THIRTY CALENDAR DAYS OF SUCH EFFECTIVE DATE REGISTER WITH HIS OR HER PAROLE OR PROBATION OFFICER. ANY DOMESTIC ABUSE OFFENDER WHO FAILS OR REFUSES TO SO COMPLY SHALL BE SUBJECT TO THE SAME PENALTIES AS OTHERWISE PROVIDED FOR IN THIS ARTICLE WHICH WOULD BE IMPOSED UPON A DOMESTIC ABUSE OFFENDER WHO FAILS OR REFUSES TO SO COMPLY WITH THE PROVISIONS OF THIS ARTICLE ON OR AFTER SUCH EFFECTIVE DATE.

2. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM AND REGISTER SUCH DOMESTIC ABUSE OFFENDER ACCORDING TO THE REQUIREMENTS IMPOSED BY THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC ABUSE OFFENDER AND SHALL, WITHIN THREE CALENDAR DAYS, SEND TWO COPIES ELECTRONICALLY OR OTHERWISE TO THE DIVISION WHICH SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE DOMESTIC ABUSE OFFENDER RESIDES UPON HIS OR HER PAROLE, PROBATION, OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE.

S 169-H. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF REGISTRATION AND VERIFICATION FOR A DOMESTIC ABUSE OFFENDER SHALL BE FOR A PERIOD OF FIVE TO TEN YEARS FROM THE INITIAL DATE OF REGISTRATION, AS DETERMINED BY THE COURT, OR WHILE A PERMANENT ORDER OF PROTECTION EXISTS AGAINST THE DOMESTIC ABUSE OFFENDER WHICHEVER IS LONGER.

S 169-I. REGISTRATION AND VERIFICATION REQUIREMENTS. REGISTRATION AND VERIFICATION AS REQUIRED BY THIS ARTICLE SHALL CONSIST OF A STATEMENT IN WRITING SIGNED BY THE DOMESTIC ABUSE OFFENDER GIVING THE INFORMATION THAT IS REQUIRED BY THE DIVISION AND THE DIVISION SHALL ENTER THE INFORMATION INTO AN APPROPRIATE ELECTRONIC DATA BASE OR FILE.

S 169-J. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A DOMESTIC ABUSE

OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE AND THE LOCAL LAW ENFORCEMENT AGENCY WHERE THE DOMESTIC ABUSE OFFENDER LAST RESIDED OF THE NEW PLACE OF RESIDENCE.

2. THE DIVISION SHALL, IF THE DOMESTIC ABUSE OFFENDER CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE OF THE NEW PLACE OF RESIDENCE.

3. UPON RECEIPT OF A CHANGE IN THE STATUS OF THE ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT AN INSTITUTION OF HIGHER EDUCATION BY A DOMESTIC ABUSE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL NOTIFY EACH LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHICH IS AFFECTED BY SUCH CHANGE.

S 169-K. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE. 1. A DOMESTIC ABUSE OFFENDER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH REQUIRES REGISTRATION UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE SHALL NOTIFY THE DIVISION OF THE NEW ADDRESS NO LATER THAN TEN CALENDAR DAYS AFTER SUCH DOMESTIC ABUSE OFFENDER ESTABLISHES RESIDENCE IN THIS STATE.

2. THE DIVISION SHALL UNDERTAKE AN INFORMATION CAMPAIGN DESIGNED TO PROVIDE INFORMATION TO OFFICIALS AND APPROPRIATE INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS CONCERNING THE NOTIFICATION PROCEDURES REQUIRED BY THIS ARTICLE. SUCH INFORMATION CAMPAIGN SHALL BE ONGOING, AND SHALL INCLUDE, BUT NOT BE LIMITED TO, LETTERS, NOTICE FORMS AND SIMILAR MATERIALS PROVIDING RELEVANT INFORMATION ABOUT THIS ARTICLE AND THE SPECIFIC PROCEDURES REQUIRED TO EFFECT NOTIFICATION. SUCH MATERIALS SHALL INCLUDE AN ADDRESS AND TELEPHONE NUMBER WHICH SUCH OFFICIALS AND INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS MAY USE TO OBTAIN ADDITIONAL INFORMATION.

S 169-L. PETITION FOR RELIEF OR MODIFICATION. ANY DOMESTIC ABUSE OFFENDER WHO IS REQUIRED TO REGISTER OR VERIFY PURSUANT TO THIS ARTICLE AND WHO HAS BEEN REGISTERED FOR A MINIMUM PERIOD OF TEN YEARS MAY BE RELIEVED OF ANY FURTHER DUTY TO REGISTER UPON THE GRANTING OF A PETITION FOR RELIEF BY THE SENTENCING COURT OR BY THE COURT WHICH MADE THE DETERMINATION REGARDING DURATION OF REGISTRATION AND LEVEL OF NOTIFICATION. THE OFFENDER SHALL BEAR THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT HIS OR HER RISK OF REPEAT OFFENSE AND THREAT TO PUBLIC SAFETY IS SUCH THAT REGISTRATION OR VERIFICATION IS NO LONGER NECESSARY. SUCH PETITION, IF GRANTED, SHALL NOT RELIEVE THE PETITIONER OF THE DUTY TO REGISTER PURSUANT TO THIS ARTICLE UPON CONVICTION OF ANY OFFENSE REQUIRING REGISTRATION IN THE FUTURE. SUCH A PETITION SHALL NOT BE CONSIDERED MORE THAN ONCE EVERY TWO YEARS. IN THE EVENT THAT THE DOMESTIC ABUSE OFFENDER'S PETITION FOR RELIEF IS GRANTED, THE DISTRICT ATTORNEY MAY APPEAL AS OF RIGHT FROM THE ORDER PURSUANT TO THE PROVISIONS OF ARTICLES FIFTY-FIVE, FIFTY-SIX AND FIFTY-SEVEN OF THE CIVIL PRACTICE LAW AND RULES. WHERE COUNSEL HAS BEEN ASSIGNED TO REPRESENT THE DOMESTIC ABUSE OFFENDER UPON THE GROUND THAT THE DOMESTIC ABUSE OFFENDER IS FINANCIALLY UNABLE TO RETAIN COUNSEL, THAT ASSIGNMENT SHALL BE CONTINUED THROUGHOUT THE PENDENCY OF THE APPEAL, AND THE PERSON MAY APPEAL AS A POOR PERSON PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

S 169-M. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, THE DIVISION SHALL OPERATE A TELEPHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF CHARGE AND INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE IS LISTED. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASONABLY APPEARS TO BE A PERSON SO LISTED AND PROVIDE THE CALLER WITH THE RELEVANT INFORMATION. THE DIVISION SHALL DECIDE WHETHER THE NAMED PERSON

REASONABLY APPEARS TO BE A PERSON LISTED, BASED UPON INFORMATION FROM THE CALLER PROVIDING INFORMATION THAT SHALL INCLUDE (A) AN EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, DRIVER'S LICENSE NUMBER OR BIRTH DATE, ALONG WITH ADDITIONAL INFORMATION THAT MAY INCLUDE SOCIAL SECURITY NUMBER, HAIR COLOR, EYE COLOR, HEIGHT, WEIGHT, DISTINCTIVE MARKINGS, ETHNICITY; OR (B) ANY COMBINATION OF THE ABOVE LISTED CHARACTERISTICS IF AN EXACT BIRTH DATE OR ADDRESS IS NOT AVAILABLE. IF THREE OF THE CHARACTERISTICS PROVIDED INCLUDE ETHNICITY, HAIR COLOR, AND EYE COLOR, OTHER IDENTIFYING CHARACTERISTICS SHALL BE PROVIDED. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE PERSON LISTED BY THE DIVISION SHALL BE EXCLUDED BY THE DIVISION.

2. WHEN THE TELEPHONE NUMBER IS CALLED, A PREAMBLE SHALL BE PLAYED WHICH SHALL PROVIDE THE FOLLOWING INFORMATION:

(A) NOTICE THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;

(B) THAT THERE IS NO CHARGE FOR USE OF THE TELEPHONE NUMBER;

(C) NOTICE THAT THE CALLER IS REQUIRED TO IDENTIFY HIMSELF OR HERSELF TO THE OPERATOR AND PROVIDE A CURRENT ADDRESS AND THAT THE CALL SHALL BE MAINTAINED IN A WRITTEN RECORD;

(D) A WARNING THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH THE TELEPHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON LISTED OR TO ENGAGE IN ILLEGAL DISCRIMINATION OR HARASSMENT AGAINST SUCH PERSON;

(E) NOTICE THAT THE CALLER IS REQUIRED TO HAVE THE BIRTH DATE, DRIVER'S LICENSE OR IDENTIFICATION NUMBER, OR ADDRESS OR OTHER IDENTIFYING INFORMATION REGARDING THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IN ORDER TO ACHIEVE A POSITIVE IDENTIFICATION OF THAT PERSON; AND

(F) A STATEMENT THAT THE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY SUSPECTED CRIMINAL ACTIVITY SHOULD BE REPORTED TO LOCAL AUTHORITIES.

3. WHENEVER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OF MISUSE OF THE TELEPHONE NUMBER, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY PERSON AGGRIEVED BY THE MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR THE PATTERN OR PRACTICE OF MISUSE. THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW. SUCH PERSON OR GROUP OF PERSONS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS.

4. THE DIVISION SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT ON THE OPERATION OF THE TELEPHONE NUMBER. THE ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

(A) NUMBER OF CALLS RECEIVED;

(B) A DETAILED OUTLINE OF THE AMOUNT OF MONEY EXPENDED AND THE MANNER IN WHICH IT WAS EXPENDED FOR PURPOSES OF THIS SECTION;

(C) NUMBER OF CALLS THAT RESULTED IN AN AFFIRMATIVE RESPONSE AND THE NUMBER OF CALLS THAT RESULTED IN A NEGATIVE RESPONSE WITH REGARD TO WHETHER A NAMED INDIVIDUAL WAS LISTED;

(D) NUMBER OF PERSONS LISTED; AND

(E) A SUMMARY OF THE SUCCESS OF THE TELEPHONE NUMBER PROGRAM BASED UPON SELECTED FACTORS.

S 169-N. DIRECTORY; INTERNET POSTING. 1. THE DIVISION SHALL MAINTAIN A DIRECTORY OF DOMESTIC ABUSE OFFENDERS. THE DIRECTORY SHALL INCLUDE THE ADDRESS, ADDRESS OF THE OFFENDER'S PLACE OF EMPLOYMENT AND PHOTOGRAPH OF THE DOMESTIC ABUSE OFFENDER ALONG WITH THE FOLLOWING INFORMATION, IF AVAILABLE: NAME, PHYSICAL DESCRIPTION, AGE AND DISTINCTIVE MARKINGS. THE

DIRECTORY SHALL HAVE DOMESTIC ABUSE OFFENDER LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE. A COPY OF THE DIRECTORY SHALL ANNUALLY BE DISTRIBUTED TO THE OFFICES OF LOCAL, VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. THE DIVISION SHALL DISTRIBUTE MONTHLY UPDATES TO THE OFFICES OF LOCAL, VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. SUCH DEPARTMENTS SHALL REQUIRE THAT A PERSON IN WRITING PROVIDE THEIR NAME AND ADDRESS PRIOR TO VIEWING THE DIRECTORY. THE DIRECTORY PROVIDED FOR IN THIS SECTION SHALL BE UPDATED MONTHLY TO MAINTAIN ITS EFFICIENCY AND USEFULNESS AND SHALL BE COMPUTER ACCESSIBLE. SUCH DIRECTORY SHALL BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION HOMEPAGE.

2. EVERY PAGE OF THE DIVISION'S WEBSITE SHALL PROMINENTLY DISPLAY A LINK TO THE WEBSITE OF THE NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE AND THE TELEPHONE NUMBER OF THE NEW YORK STATE DOMESTIC VIOLENCE HOTLINE AND SHALL ALSO CONTAIN A CAVEAT INFORMING USERS THAT A PERSON WHO IS NOT ON THE REGISTRY MAY STILL HAVE A HISTORY OF VIOLENCE OR A PROPENSITY FOR VIOLENCE AND IF THE USER SUSPECTS THAT A PERSON HE OR SHE IS INVOLVED WITH IS DANGEROUS, HE OR SHE SHOULD CALL THE HOTLINE.

3. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO THIS SECTION IN VIOLATION OF THE LAW SHALL IN ADDITION TO ANY OTHER PENALTY OR FINE IMPOSED, BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS. UNAUTHORIZED REMOVAL OR DUPLICATION OF THE DIRECTORY FROM THE OFFICES OF A LOCAL, VILLAGE OR CITY POLICE DEPARTMENT SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS. IN ADDITION, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY, OR ANY PERSON AGGRIEVED IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR SUCH ACTION. THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW.

S 169-O. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT AND NECESSARY INFORMATION PURSUANT TO THIS ARTICLE, UNLESS IT IS SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE RELEASE OF RELEVANT INFORMATION TO OTHER EMPLOYEES OR OFFICIALS OR TO THE GENERAL PUBLIC.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION UNLESS IT IS SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH.

S 169-P. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE AUGUST FIRST IN EACH YEAR FILE A REPORT WITH THE GOVERNOR AND THE LEGISLATURE DETAILING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND EFFECTIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY RECOMMENDATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

S 169-Q. FAILURE TO REGISTER; PENALTY. ANY PERSON REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE SHALL BE GUILTY OF A CLASS E FELONY FOR THE FIRST OFFENSE, AND FOR A SECOND OR

SUBSEQUENT OFFENSE SHALL BE GUILTY OF A CLASS D FELONY RESPECTIVELY IN ACCORDANCE WITH SECTIONS 195.03 AND 195.04 OF THE PENAL LAW. ANY SUCH FAILURE TO REGISTER MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW WHICH SHALL BE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

S 169-R. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEANOR.

S 169-S. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OR ANY OTHER SECTION OR PART THEREOF.

S 3. The criminal procedure law is amended by adding a new section 530.15 to read as follows:

S 530.15 DOMESTIC ABUSE OFFENDER DETERMINATION.

IF IN THE OPINION OF THE COURT THE INTEREST OF JUSTICE WOULD BE SERVED, THE COURT MAY, IN ITS DISCRETION, FIND A DEFENDANT AGAINST WHOM AN ORDER OF PROTECTION HAS BEEN ISSUED ON TWO OR MORE SEPARATE OCCASIONS IS A "DOMESTIC ABUSE OFFENDER" AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-A OF THE CORRECTION LAW.

S 4. Subdivision 1 of section 530.12 of the criminal procedure law is amended by adding a new paragraph (c) to read as follows:

(C) THE COURT DETERMINES A DEFENDANT AGAINST WHOM AN ORDER OF PROTECTION HAS BEEN ISSUED ON TWO OR MORE SEPARATE OCCASIONS TO BE A "DOMESTIC ABUSE OFFENDER" AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-A OF THE CORRECTION LAW.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that section one of this act shall take effect on the first of November next succeeding the date on which it shall have become a law; and provided further, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART X

Section 1. The commissioner of general services and the commissioner of the office for people with developmental disabilities shall jointly examine, evaluate, and make a report concerning the most appropriate uses of the J.N. Adam developmental center (the center), generally described in section two of this act. The commissioners shall prepare such report in conjunction with, and shall consider and include in such report the recommendations of, the empire state development corporation, the office of parks, recreation and historic preservation, the department of environmental conservation, the mayor of the city of Buffalo, the city council of the city of Buffalo, the supervisor of the town of Perrysburg, and the town board of the town of Perrysburg. Such report shall include, but not be limited to, an examination of: any legal impediments to any conveyance and other future uses of the real property constituting the center; the availability of funding for the temporary maintenance of the facilities of such center; any improvements to such center which may be necessary to facilitate the conveyance of all or any portion thereof; environmental and other remediation necessary, including cost estimates, to facilitate the conveyance or any other disposition of such center; and the impact of any such conveyance or any other disposition upon the town of Perrysburg, county of Cattaraugus, and

surrounding municipalities, including the city of Buffalo. Such report shall also include a complete and accurate survey and description of the lands constituting the center, which shall distinguish parcels that are currently being used by the office for people with developmental disabilities, and identify other such parcels as appropriate. Such report shall be submitted to the governor, temporary president of the senate, and the speaker of the assembly on or before December 31, 2016. Such report shall also be posted on the website of the office of general services and the office for people with developmental disabilities for at least eighteen months after such date, and shall otherwise be made available for public inspection consistent with article 6 of the public officers law.

S 2. The lands subject to the provisions of this act, constituting the center, situate in the town of Perrysburg, county of Cattaraugus, consists of approximately 649 acres of both developed and undeveloped land, and shall include any structures thereon.

S 3. No later than 90 days prior to December 31, 2016, at least two public hearings shall have been held to solicit public input concerning appropriate uses for the center. At least one such public hearing shall be held in the town of Perrysburg, and at least one shall be held in the city of Buffalo.

S 4. This act shall take effect immediately.

PART Y

Section 1. The commissioner of the office of general services is authorized and empowered to transfer and convey certain state property, as further described in this act, to the city of Ogdensburg for fair market value, upon such terms and conditions as such commissioner may fix and determine.

S 2. The property to be conveyed pursuant to this act shall consist of three parcels of land at the St. Lawrence Psychiatric Center, in the city of Ogdensburg, St. Lawrence county, generally described as follows:

Parcel 1: 50 acres for residential development bounded by the Saint Lawrence River to the northwest, on the south by River Drive, northeast of Bridgeview to include all of the surplus land abutting the Saint Lawrence River between Bridgeview and Trinity buildings.

Parcel 2: 45 acres for commercial/industrial development bounded on the south and east by Ogdensburg Bridge and Port Authority lands, on the north by Woods Road, and southwest of any St. Lawrence Psychiatric Center Buildings.

Parcel 3: 25 acres for Co-generation development, bounded to the south by Entrance Drive, on the east by Cottage Road, on the north by Office of Mental Health long-term property.

S 3. The description of the lands set forth in section two of this act to be conveyed is not intended to be a legal description, but is intended only to identify the premises to be conveyed. As a condition of purchase, the City of Ogdensburg shall submit to the commissioner of the office of general services for said commissioner's approval an accurate survey and description of the lands generally described, which may be used in the conveyance thereof.

S 4. This act shall take effect immediately.

PART Z

Section 1. The volunteer firefighters' benefit law is amended by adding a new section 11-d to read as follows:

S 11-D. CERTAIN IMPAIRMENTS OF HEALTH; PRESUMPTION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER TO THE CONTRARY, ANY: (I) MELANOMA; OR (II) CONDITION OF CANCER AFFECTING LYMPHATIC, DIGESTIVE, HEMATOLOGICAL, URINARY, PROSTATE, NEUROLOGICAL, BREAST OR REPRODUCTIVE SYSTEMS, RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A VOLUNTEER FIREFIGHTER, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY INTO FIREFIGHTER SERVICE, WHICH EXAMINATION FAILED TO REVEAL ANY EVIDENCE OF SUCH A MELANOMA OR CONDITION, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY UNLESS THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE.

S 2. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2020.

PART AA

Section 1. Section 8 of the volunteer firefighters' benefit law, as amended by chapter 574 of the laws of 1998, is amended to read as follows:

S 8. Permanent total disability benefits. 1. In the case of total disability adjudged to be permanent the volunteer firefighter shall be paid four hundred dollars for each week [during the continuance thereof]. Permanent total disability, within the meaning of this section, shall exist only if the earning capacity of the volunteer firefighter has been lost permanently and totally as the result of the injury. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, shall, in the absence of conclusive proof to the contrary, constitute permanent total disability, but in all other cases permanent total disability shall be determined in accordance with the facts. Notwithstanding any other provisions of this chapter, an injured volunteer firefighter disabled due to the loss or total loss of use of both eyes, or both hands, or both arms, or both feet, or both legs, or any two thereof shall not suffer any diminution of such weekly benefit by engaging in business or employment provided his or her weekly earnings or wages, when combined with his or her weekly benefit shall not be in excess of [six] EIGHT hundred dollars; and further provided that the application of this section shall not result in reduction of benefits which an injured volunteer firefighter who is disabled due to the loss or total loss of use of both eyes, or both hands, or both arms, or both feet, or both legs, or any two thereof would otherwise be entitled to under any other provisions of this article.

2. BENEFITS RECEIVED PURSUANT TO SUBDIVISION ONE OF THIS SECTION AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN SHALL BE ADJUSTED YEARLY ON FEBRUARY FIRST BY A PERCENTAGE EQUAL TO THE PERCENT INCREASE IN THE PREVIOUS YEAR'S CONSUMER PRICE INDEX.

S 2. Subdivision 5 of section 51 of the volunteer firefighters' benefit law, as renumbered by chapter 246 of the laws of 2006, is renumbered subdivision 6 and a new subdivision 5 is added to read as follows:

5. THE INSURANCE CARRIER OR ENTITY RESPONSIBLE FOR PAYING THE BENEFIT INCREASE PROVIDED IN SECTION EIGHT OF THIS CHAPTER SHALL CLAIM FOR SUCH BENEFIT INCREASE REIMBURSEMENT FROM THE SPECIAL FUND FOR REOPENED CASES COMMENCING ONE YEAR FROM THE DATE OF THE FIRST SUCH PAYMENT AND ANNUALLY THEREAFTER WHILE SUCH PAYMENTS CONTINUE, ON A FORM PRESCRIBED BY THE CHAIR.

S 3. This act shall take effect immediately and shall apply to weekly benefit periods that commence after January 1, 2016.

PART BB

Section 1. Subdivisions 2 and 4 of paragraph a and subdivision 3 of paragraph f of section 90.00 of the local finance law, subdivision 2 of paragraph a as added by section 8 of part F of chapter 383 of the laws of 2001, subdivision 4 of paragraph a as amended by chapter 1034 of the laws of 1960 and subdivision 3 of paragraph f as amended by chapter 711 of the laws of 1943, are amended to read as follows:

2. Notwithstanding the provisions of subdivision one of this paragraph[,]: (A) bonds issued by a school district prior to December first two thousand one, or prior to thirty days after the effective date of this subdivision, whichever is later, for the purpose of financing facilities which were eligible for building aid pursuant to section thirty-six hundred two of the education law, and for which the aid apportionments payable in two thousand two--two thousand three and/or two thousand three--two thousand four school years for approved expenditures for debt service are subsequently reduced as a result of the application of assumed amortization to unpaid principal outstanding as of July first, two thousand two, may be refunded and the refunding bonds may be sold at either public or private sale in accordance with the provisions of section 90.10 of this title; provided, however, the school district need not comply with: (i) subparagraph (a) of subdivision two of paragraph b of section 90.10 of this title; and (ii) if the bonds to be refunded are to be redeemed or paid on the same date as the refunding bonds are issued, the school district need not comply with the provisions of section 90.10 of this title relating to the escrow of the proceeds of the sale of the refunding bonds; AND (B) BONDS ISSUED BY A MUNICIPALITY AUTHORIZED TO CREATE A COMMUNITY PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E OF THE TOWN LAW AND FOR THE PURPOSE OF FINANCING COMMUNITY PRESERVATION WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR OF SECTION SIXTY-FOUR-E OF THE TOWN LAW MAY BE REFUNDED AND THE REFUNDING BONDS MAY BE SOLD AT EITHER PUBLIC OR PRIVATE SALE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 90.10 OF THIS TITLE; PROVIDED, HOWEVER, THE MUNICIPALITY NEED NOT COMPLY WITH: (I) SUBPARAGRAPH (A) OF SUBDIVISION TWO OF PARAGRAPH B OF SECTION 90.10 OF THIS TITLE; AND (II) IF THE BONDS TO BE REFUNDED ARE TO BE REDEEMED OR PAID ON THE SAME DATE AS THE REFUNDING BONDS ARE ISSUED, THE MUNICIPALITY NEED NOT COMPLY WITH THE PROVISIONS OF SECTION 90.10 OF THIS TITLE RELATING TO THE ESCROW OF THE PROCEEDS OF THE SALE OF THE REFUNDING BONDS.

4. If a budgetary appropriation has been made for the payment of the principal on bonds, such maturity shall not be included in a refunding bond issue; PROVIDED, HOWEVER, THIS SUBDIVISION SHALL NOT APPLY TO REFUNDING BONDS ISSUED BY A MUNICIPALITY AUTHORIZED TO CREATE A COMMUNITY PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E OF THE TOWN LAW AND FOR THE PURPOSE OF FINANCING COMMUNITY PRESERVATION WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR OF SECTION SIXTY-FOUR-E OF THE TOWN LAW.

3. If the bonds to be refunded are bonds which were issued on or after January first, nineteen hundred thirty-nine, other than bonds issued to redeem notes, certificates or other evidences of temporary indebtedness issued prior to January first, nineteen hundred thirty-nine, in anticipation of such bonds, a statement of the maximum period of probable

usefulness, at the time of the issuance of the bonds to be refunded OR AS MAY BE PROVIDED BY RESOLUTION OR RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM, BY THE GOVERNING BODY OF THE MUNICIPALITY AND CONSISTENT WITH SECTION 11.00 OF THIS ARTICLE OR SUCH OTHER GENERAL OR SPECIAL LAW, of the object or purpose for which such bonds were issued.

S 2. Subdivision 2 of paragraph b of section 90.10 of the local finance law is amended by adding a new subparagraph (f) to read as follows:

(F) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (A) OF THIS SUBDIVISION, A MUNICIPALITY MAY ALSO ISSUE REFUNDING BONDS TO REFUND BONDS IF THE BONDS WERE ISSUED BY A MUNICIPALITY AUTHORIZED TO CREATE A COMMUNITY PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E OF THE TOWN LAW AND FOR THE PURPOSE OF FINANCING COMMUNITY PRESERVATION WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR OF SECTION SIXTY-FOUR-E OF THE TOWN LAW.

S 3. Subdivisions 4 and 5 of paragraph e of section 90.10 of the local finance law, subdivision 4 as added by chapter 264 of the laws of 1977 and subdivision 5 as amended by chapter 201 of the laws of 1978, are amended to read as follows:

4. A statement of the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the bonds to be refunded for the object or purpose or objects or purposes for which such bonds to be refunded were issued. NOTWITHSTANDING THE ABOVE, THE PERIOD OR PERIODS OF PROBABLE USEFULNESS FOR BONDS ISSUED BY A MUNICIPALITY AUTHORIZED TO CREATE A COMMUNITY PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E OF THE TOWN LAW AND FOR THE PURPOSE OF FINANCING COMMUNITY PRESERVATION WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR OF SECTION SIXTY-FOUR-E OF THE TOWN LAW SHALL NOT BE LIMITED TO THE PERIOD OF PROBABLE USEFULNESS AT THE TIME OF ISSUANCE OF THE BOND TO BE REFUNDED BUT RATHER THE STATEMENT OF PERIOD OR PERIODS OF PROBABLE USEFULNESS REQUIRED IN THIS SUBDIVISION MAY INCLUDE AN EXTENSION OF SUCH PERIOD OF TIME SET FORTH IN SECTION 11.00 OF THIS ARTICLE OR SUCH OTHER GENERAL OR SPECIAL LAW.

5. The financial plan for the refunding proposed, showing the sources and amounts of all moneys required to accomplish such refunding, and except where such refunding bonds are issued by the city of New York OR MUNICIPALITY pursuant to subparagraph (b) OR (F) of subdivision two of paragraph b of this section, RESPECTIVELY, an estimate of the present value of the total debt service savings anticipated, computed in accordance with subparagraph (a) of subdivision two of paragraph b of this section.

S 4. Paragraph g of section 90.10 of the local finance law, as amended by chapter 201 of the laws of 1978, is amended to read as follows:

g. Except where such refunding bonds are issued by the city of New York pursuant to subparagraph (b) of subdivision two of paragraph b of this section OR ISSUED PURSUANT TO SUBPARAGRAPH (F) OF SUBDIVISION TWO OF PARAGRAPH B OF THIS SECTION WHERE SUCH REFUNDING BONDS ARE ISSUED BY A MUNICIPALITY, no refunding bonds shall be issued pursuant to this section unless the chief fiscal officer of the issuer shall have first filed with the finance board a certificate, approved by the state comptroller, which shall be final and conclusive upon all parties, setting forth the present value of the total debt service savings to the issuer resulting from the issuance of the refunding bonds computed in accordance with the provisions of subparagraph (a) of subdivision two of paragraph b of this section, except that the actual amount, rather than an estimate, of the amount of accrued interest to be paid on such bonds

shall be used in determining the effective interest cost thereof. The certificate shall be in the form and shall contain such information as shall be prescribed by the state comptroller. The certificate shall not be approved until ten days after the filing of such certificate in the office of the state comptroller.

S 5. Clause (b) of subdivision 21 of paragraph a of section 11.00 of the local finance law, as amended by chapter 837 of the laws of 1945, is amended to read as follows:

(b) The financing of the acquisition of land, permanent rights in land or temporary easements in land incidental to a capital improvement, inclusive of any administrative or other expenditures arising therefrom or related thereto, if such acquisition and expenditures are financed from a fund into which are paid the proceeds of the sale of bonds or bond anticipation notes issued in anticipation of such bonds and out of which the cost of such acquisition and such expenditures are paid, thirty years. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE ACQUISITION OF LAND OR PERMANENT RIGHTS IN LAND AND THE FINANCING OF THE ACQUISITION AS SET FORTH IN THIS SUBDIVISION MADE PURSUANT TO SECTION SIXTY-FOUR-E OF THE TOWN LAW SHALL HAVE A PERIOD OF PROBABLE USEFULNESS OF FIFTY YEARS AND TO THE EXTENT THAT THE ORIGINAL PERIOD OF PROBABLE USEFULNESS WAS SET BY RESOLUTION AND/OR RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM, SUCH MUNICIPALITY MAY AMEND THE PERIOD OF PROBABLE USEFULNESS BY RESOLUTION OF THE GOVERNING BODY IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

S 6. This act shall take effect immediately.

PART CC

Section 1. Subdivision 3 of section 99-h of the state finance law, as amended by section 7 of chapter 174 of the laws of 2013, is amended to read as follows:

3. Moneys of the account, following the segregation of appropriations enacted by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the city of Buffalo, the city of Buffalo shall receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and provided further that for any gaming facility located in the city of Niagara Falls, county of Niagara a minimum of [twenty-five] SEVENTY-FIVE percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact shall be distributed in accordance with subdivision four of this section, and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence,

and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and provided further that the state shall annually make twenty-five percent of the negotiated percentage of the net drop from all gaming devices the state actually receives pursuant to the Oneida Settlement Agreement confirmed by section eleven of the executive law as available to the county of Oneida, and a sum of three and one-half million dollars to the county of Madison. Additionally, the state shall distribute for a period of nineteen and one-quarter years, an additional annual sum of two and one-half million dollars to the county of Oneida. Additionally, the state shall distribute the one-time eleven million dollar payment received by the state pursuant to such agreement with the Oneida Nation of New York to the county of Madison by wire transfer upon receipt of such payment by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not segregated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 2. Subdivision 3 of section 99-h of the state finance law, as amended by section 7-a of chapter 174 of the laws of 2013, is amended to read as follows:

3. Moneys of the account, following appropriation by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the city of Buffalo, the city of Buffalo shall receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and provided further that for any gaming facility located in the city of Niagara Falls, county of Niagara a minimum of [twenty-five] SEVENTY-FIVE percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact shall be distributed in accordance with subdivision four of this section, and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and provided further that the state shall annually make twenty-five percent of the negotiated percentage of the net drop from all gaming devices the state actually receives pursuant to the Oneida Settlement Agreement as confirmed by section eleven of the executive law as available to the county of Oneida, and a sum of three and one-half million dollars to the county of Madison. Additionally, the state shall distribute for a period of nineteen and one-quarter years, an additional annual sum of two and one-half million dollars to the county of Oneida.

Additionally, the state shall distribute the one-time eleven million dollar payment received by the state pursuant to such agreement with the Oneida Nation of New York to the county of Madison by wire transfer upon receipt of such payment by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not appropriated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 3. Subdivision 3 of section 99-h of the state finance law, as amended by section 8 of chapter 174 of the laws of 2013, is amended to read as follows:

3. Moneys of the account, following the segregation of appropriations enacted by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the county of Erie [or Niagara], the municipal governments hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, AND FOR ANY GAMING FACILITY LOCATED IN THE COUNTY OF NIAGARA THE MUNICIPAL GOVERNMENT HOSTING THE FACILITY SHALL COLLECTIVELY RECEIVE A MINIMUM OF SEVENTY-FIVE PERCENT OF THE NEGOTIATED PERCENTAGE OF THE NET DROP FOR ELECTRONIC GAMING DEVICES THE STATE RECEIVES PURSUANT TO THE COMPACT, and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and provided further that the state shall annually make twenty-five percent of the negotiated percentage of the net drop from all gaming devices the state actually receives pursuant to the Oneida Settlement Agreement confirmed by section eleven of the executive law available to the county of Oneida, and a sum of three and one-half million dollars to the county of Madison. Additionally, the state shall distribute, for a period of nineteen and one-quarter years, an additional annual sum of two and one-half million dollars to the county of Oneida. Additionally, the state shall distribute the one-time eleven million dollar payment actually received by the state pursuant to the Oneida Settlement Agreement to the county of Madison by wire transfer upon receipt of such payment by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not segregated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 4. Paragraph (a) of subdivision 4 of section 99-h of the state finance law, as amended by section 2 of part W of chapter 60 of the laws of 2011, is amended to read as follows:

(a) Monies which are appropriated and received each year by the state as a portion of the negotiated percentage of the net drop from electronic gaming devices the state receives in relation to the operation of a gaming facility in the city of Niagara Falls, county of Niagara which subdivision three of this section requires to be a minimum of [twenty-five] SEVENTY-FIVE percent, shall be budgeted and disbursed by the city of Niagara Falls in the following manner:

(i) [seventy-three] FIFTY-EIGHT and one-half percent of the total annual amount received shall be available for expenditure by the city of Niagara Falls for such public purposes as are determined, by the city, to be necessary and desirable to accommodate and enhance economic development, neighborhood revitalization, public health and safety, and infrastructure improvement in the city, shall be deposited into the tribal revenue account of the city and any and all interest and income derived from the deposit and investment of such monies shall be deposited into the general operating fund of the city; provided however, that [any amount allocated to the Niagara Falls Underground Railroad Heritage Commission, to the extent that its share pursuant to the formula established in clause five of subparagraph (ii) of this paragraph exceeds one percent, such amounts shall be distributed from the funds available to the city for its public purposes pursuant to this paragraph] FORTY PERCENT OF SUCH AMOUNT SHALL BE USED TO FUND DOWNTOWN ECONOMIC DEVELOPMENT AND JOB CREATION TO BE ALLOCATED BY THE DOWNTOWN NIAGARA FALLS ECONOMIC DEVELOPMENT ADVISORY GROUP. THE ADVISORY GROUP SHALL BE MADE UP OF NINE MEMBERS APPOINTED AS FOLLOWS: ONE BY THE GOVERNOR, ONE BY THE SENATE MAJORITY LEADER, ONE BY THE SPEAKER OF THE ASSEMBLY, ONE BY THE SENECA NATION OF INDIANS, ONE BY THE MAYOR OF THE CITY OF NIAGARA FALLS, ONE BY THE NIAGARA COUNTY LEGISLATURE, ONE BY THE NIAGARA USA CHAMBER, ONE BY THE NIAGARA COUNTY BUILDING TRADES COUNCIL, AND ONE BY THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY. THE DOWNTOWN NIAGARA FALLS ECONOMIC DEVELOPMENT ADVISORY GROUP SHALL ALLOCATE FUNDS FOR THE PURPOSE OF ASSISTING BUSINESSES LOCATED IN DOWNTOWN NIAGARA FALLS TO CREATE NEW JOB OPPORTUNITIES AND TO INCENTIVIZE NEW BUSINESSES TO LOCATE WITHIN DOWNTOWN NIAGARA FALLS. FUNDS MAY BE USED FOR, BUT NOT LIMITED TO, THE REHABILITATION OF BUILDINGS, INSTALLATION OF SIGNAGE, TRAINING OF EXISTING OR NEW EMPLOYEES IN TECHNIQUES RELATED TO THEIR INDUSTRY, AND INSTALLATION OF APPROPRIATE INDUSTRY RELATED MACHINERY. NO FUNDS SHALL BE ALLOCATED FOR GENERAL OBLIGATIONS AND RESPONSIBILITIES TRADITIONALLY PROVIDED BY THE CITY OF NIAGARA FALLS; and

(ii) the remaining [twenty-six] FORTY-ONE and one-half percent of the total annual amount received shall be allocated for the city of Niagara Falls to be available for expenditure in the following manner:

(1) within thirty-five days upon receipt of such funds by such city, five and one-half percent of the total annual amount received in each year, not to exceed [seven] TWO MILLION TWO hundred fifty thousand dollars annually AND NOT LESS THAN THE AMOUNT RECEIVED BY SUCH ENTITY IN FISCAL YEAR TWO THOUSAND FOURTEEN, shall be transferred to Niagara Falls memorial medical center to be used for capital construction projects; and

(2) within thirty-five days upon receipt of such funds by such city, five and one-half percent of the total annual amount received in each year, not to exceed [seven] TWO MILLION TWO hundred fifty thousand dollars annually AND NOT LESS THAN THE AMOUNT RECEIVED BY SUCH ENTITY IN

FISCAL YEAR TWO THOUSAND FOURTEEN, shall be transferred to the Niagara Falls city school district for capital construction projects; and

(3) within thirty-five days upon receipt of such funds by such city, seven percent OF THE TOTAL AMOUNT RECEIVED in each year NOT TO EXCEED TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS shall be transferred to the Niagara tourism and convention center corporation for marketing and tourism promotion in the county of Niagara including the city of Niagara Falls; and

(4) an amount equal to the lesser of one million dollars or seven percent of the total amount in each year shall be transferred to the city of Niagara Falls and held in an escrow account maintained by the city of Niagara Falls and, if additional funding has been secured by the Niagara frontier transportation authority to finance construction of a new terminal at Niagara Falls, such amount held in escrow shall be transferred to the Niagara frontier transportation authority for such purpose provided however that if such additional funding has not been secured or construction of a new terminal has not commenced within two years of the date which such monies were received by the city of Niagara Falls such amounts held in escrow by the city of Niagara Falls shall be distributed pursuant to subparagraph (iii) of this paragraph; and

(5) [within thirty-five days upon receipt of such funds by such city, one percent or three hundred fifty thousand dollars, whichever is greater, of the total annual amount received in each year shall be transferred to the Niagara Falls Underground Railroad Heritage Commission, established pursuant to article forty-three of the parks, recreation and historic preservation law to be used for, but not limited to, development, capital improvements, acquisition of real property, and acquisition of personal property within the heritage area in the city of Niagara Falls as established pursuant to the commission; provided in the event the distribution available pursuant to this clause exceeds one percent, it shall be distributed from the moneys available pursuant to subparagraph (i) of this paragraph] WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY, ONE AND ONE-HALF PERCENT OF THE TOTAL AMOUNTS RECEIVED IN EACH YEAR, NOT TO EXCEED TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE NIAGARA FALLS HOUSING AUTHORITY; AND

(6) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY, SEVEN PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR, NOT TO EXCEED TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE NIAGARA FALLS AQUARIUM; AND

(7) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY, SEVEN PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR, NOT TO EXCEED TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLAR SHALL BE TRANSFERRED TO THE WESTERN NEW YORK STATE FIRST RESPONSE AND PREPAREDNESS CENTER; AND

(8) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY, ONE PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR, NOT TO BE LESS THAN ONE HUNDRED FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO MOUNT SAINT MARY'S NEIGHBORHOOD HEALTH CENTER; and

(iii) all other monies appropriated or received for distribution pursuant to this subdivision after the transfer of money pursuant to this subparagraph and subparagraphs (i) and (ii) of this paragraph in each year shall be allocated to the city of Niagara Falls for infrastructure and road improvement projects.

S 5. Section 2 of chapter 747 of the laws of 2006 amending the state finance law, relating to the tribal-state compact revenue account, is amended to read as follows:

S 2. This act shall take effect immediately, and shall expire and be deemed repealed December 31, [2016] 2026.

S 6. This act shall take effect immediately, provided that:

1. the amendments to subdivision 3 of section 99-h of the state finance law made by section one of this act shall take effect January 1, 2017 and shall be subject to the expiration and reversion of such subdivision as provided in section 3 of part W of chapter 60 of the laws of 2011, as amended when upon such date the provisions of section two of this act shall take effect;

2. the amendments to subdivision 3 of section 99-h of the state finance law made by section two of this act shall be subject to the expiration and reversion of such section as provided in section 2 of chapter 747 of the laws of 2006, as amended when upon such date the provisions of section three of this act shall take effect; and

3. the amendments to paragraph (a) of subdivision 4 of section 99-h of the state finance law made by section four of this act shall be subject to the expiration of such subdivision as provided in chapter 747 of the laws of 2006, as amended and shall be deemed expired and repealed therewith.

PART DD

Section 1. Section 167 of the workers' compensation law, as added by chapter 446 of the laws of 2006, is amended to read as follows:

S 167. Claims of volunteers. For persons who participated in World Trade Center rescue, recovery and clean-up operations as volunteers, the uninsured employers' fund shall be deemed to be the employer [only] for the purposes of administering and paying claims pursuant to this article. Benefits under this chapter shall be payable to such volunteers [only] IN THE FIRST INSTANCE AND to the extent that funds are available out of funds appropriated to the United States Department of Labor under Public Law 109-148 to reimburse the uninsured employer's fund for the payment of such benefits AND THEREAFTER FROM THE UNINSURED EMPLOYERS' FUND. THE UNINSURED EMPLOYERS' FUND MAY PAY FOR VOLUNTEERS' MEDICAL TREATMENT NOTWITHSTANDING SUCH MEDICAL EXPENSES HAVING BEEN DENIED BY THE WORLD TRADE CENTER HEALTH ORGANIZATION.

S 2. This act shall take effect immediately.

PART EE

Section 1. The banking law is amended by adding a new section 46 to read as follows:

S 46. COMMUNITY REINVESTMENT EVALUATION EXEMPTIONS. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, A BANKING ORGANIZATION WHICH HAS TOTAL ASSETS OF LESS THAN ONE BILLION DOLLARS AND WHICH RECEIVED A RATING OF SATISFACTORY OR OUTSTANDING IN THE MOST RECENT COMMUNITY REINVESTMENT ACT EXAMINATION CONDUCTED BY SUCH BANKING ORGANIZATION'S PRIMARY FEDERAL REGULATOR SHALL BE EXEMPT FROM THE CONDUCT BY THE DEPARTMENT OF FINANCIAL SERVICES OF A COMMUNITY REINVESTMENT EVALUATION.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

PART FF

Section 1. Paragraph (b) of subdivision 2 of section 36 of the banking law, as amended by chapter 464 of the laws of 2006, is amended to read as follows:

(b) the superintendent [may] SHALL extend the examination interval from at least once in each calendar year to at least once in each eighteen month period if the banking organization to be examined:

(1) has total assets of less than [two hundred fifty million dollars] ONE BILLION DOLLARS;

(2) is well-capitalized, which for purposes of this paragraph is defined as having capital which significantly exceeds the required minimum level for each relevant capital measure or as having such capital as the superintendent shall otherwise define by regulation;

(3) at its most recent examination, was found to be well-managed and its composite condition was found to be outstanding or good;

(4) is not currently subject to a formal enforcement proceeding or order by the superintendent, the federal deposit insurance corporation or any other federal banking agency; and

(5) has not been acquired by any person during the twelve month period in which an examination would be required but for this paragraph, and

S 2. This act shall take effect immediately.

PART GG

Section 1. Subdivision 2 of section 87 of the banking law, as amended by chapter 495 of the laws of 2013, is amended to read as follows:

2. The maximum amount of funds which the state comptroller and the commissioner of taxation and finance may deposit under this program shall not exceed [two] THREE hundred fifty million dollars each; HOWEVER, AT A MINIMUM, SUCH DEPOSITS MUST BE MADE IN AN AMOUNT OF AT LEAST ONE HUNDRED FIFTY MILLION DOLLARS EACH UNLESS IT IS DETERMINED THAT COMPLIANCE WITH SUCH MINIMUM DEPOSIT AMOUNT CANNOT REASONABLY OCCUR GIVEN THE AMOUNT OF MONEY MAINTAINED FOR DEPOSIT. The maximum amount of funds on deposit at a community banking institution shall not exceed twenty million dollars. CONSIDERATION SHALL BE GIVEN TO EQUITABLY DISTRIBUTE SUCH DEPOSITS ON A REGIONAL BASIS.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

PART HH

Section 1. Short title. This act shall be known and may be cited as the "community bank service corporation act".

S 2. The banking law is amended by adding a new article 2-D to read as follows:

ARTICLE II-D

COMMUNITY BANK SERVICE CORPORATIONS

SECTION 88. SERVICE CORPORATIONS OWNED BY COMMUNITY BANKS; AUTHORIZED ACTIVITIES OF SUCH CORPORATIONS; INVESTMENTS THEREIN.

S 88. SERVICE CORPORATIONS OWNED BY COMMUNITY BANKS; AUTHORIZED ACTIVITIES OF SUCH CORPORATIONS; INVESTMENTS THEREIN. 1. A COMMUNITY BANK MAY INVEST IN THE STOCK, CAPITAL NOTES AND DEBENTURES OF ONE OR MORE SERVICE CORPORATIONS ORGANIZED UNDER THE LAWS OF THIS STATE FOR THE SOLE ACTIVITIES SET FORTH IN SUBDIVISION TWO OF THIS SECTION, TO THE EXTENT AND UPON SUCH CONDITIONS AS ARE OR HAVE BEEN AUTHORIZED BY THE SUPERINTENDENT INCLUDING BUT NOT LIMITED TO THE FOLLOWING ACTIVITIES:

(A) PROVIDING SERVICES PRIMARILY FOR OTHER FINANCIAL INSTITUTIONS PARTICULARLY ACCOUNTING, AUDITING, CLERICAL, COMPLIANCE ACTIVITIES, CONSULTING, DATA STORAGE AND PROCESS, INVESTMENT ADVISORY, RESEARCH SERVICES, LOCATOR SERVICES, PERSONNEL TRAINING AND SUPPORT, MARKETING SERVICES, EMPLOYEE LEASING SERVICES, AND MANAGERIAL;

(B) ORIGINATING, INVESTING IN, PURCHASING, SELLING, SERVICING OR OTHERWISE DEALING IN DIRECTLY OR THROUGH PARTICIPATION, LOANS OF ANY TYPE WHICH MAY BE MADE BY A COMMUNITY BANK;

(C) PROVIDING INSURANCE BROKERAGE OR AGENCY SERVICES, INCLUDING BUT NOT LIMITED TO AGENCY FOR SALE OF INSURANCE, VEHICLE WARRANTY PROGRAMS, GROUP PURCHASING PROGRAMS AND REAL ESTATE SETTLEMENT PROGRAMS;

(D) PROVIDING REAL ESTATE SERVICES INCLUDING BUT NOT LIMITED TO BROKERAGE, APPRAISAL, INSPECTION, PROPERTY MANAGEMENT, AND LEASING OF EXCESS PROPERTY;

(E) LEASING OF PERSONAL PROPERTY TO CUSTOMERS;

(F) PROVIDING LOAN SUPPORT SERVICES INCLUDING BUT NOT LIMITED TO DEBT COLLECTION SERVICES, LOAN PROCESSING, SERVICE AND SALES, REAL ESTATE SETTLEMENT SERVICES, PURCHASING AND SERVICING OF NON-PERFORMING LOANS AND REFERRAL AND PROCESSING OF LOAN APPLICATIONS;

(G) RECORD RETENTION, SECURITY AND DISASTER RECOVERY SERVICES INCLUDING BUT NOT LIMITED TO ALARM-MONITORING AND OTHER SECURITY SERVICES, DISASTER RECOVERY SERVICES, MICROFILM, MICROFICHE, OPTICAL AND ELECTRONIC IMAGING, CD-ROM DATA STORAGE AND RETRIEVAL SERVICES, PROVISION OF FORMS AND SUPPLIES AND RECORD RETENTION AND STORAGE;

(H) SECURITIES BROKERAGE SERVICES;

(I) SHARED COMMUNITY BANK BRANCH OPERATIONS;

(J) STUDENT LOAN ORIGINATION, INCLUDING THE AUTHORITY TO BUY AND SELL PARTICIPATION INTERESTS IN SUCH LOANS;

(K) TRAVEL AGENCY AND TAX PREPARATION SERVICES;

(L) PROVIDING COURIER SERVICES;

(M) TRUST AND TRUST RELATED SERVICES INCLUDING BUT NOT LIMITED TO ACTING AS ADMINISTRATOR FOR PREPAID LEGAL SERVICE PLANS, ACTING AS TRUSTEE, GUARDIAN, CONSERVATOR, ESTATE ADMINISTRATOR OR IN ANY OTHER FIDUCIARY CAPACITY AND TRUST SERVICES;

(N) CREDIT AND LOAN ORIGINATION;

(O) PAYROLL PROCESSING SERVICES;

(P) ISSUING CREDIT CARDS AND ENGAGING IN CREDIT CARD OPERATIONS;

(Q) ISSUING LETTERS OF CREDIT; AND

(R) SPONSORING, ORGANIZING AND ADVISING OPEN-ENDED MUTUAL FUNDS; PROVIDED THAT ALL OF THE STOCK OF SUCH SERVICE CORPORATIONS IS, OR IS TO BE, OWNED BY ONE OR MORE COMMUNITY BANKS; AND PROVIDED FURTHER, THAT NO COMMUNITY BANK MAY MAKE ANY INVESTMENT UNDER THIS SECTION IF ITS AGGREGATE OUTSTANDING INVESTMENT THEREBY, DETERMINED AS PRESCRIBED BY THE SUPERINTENDENT, WOULD EXCEED FIVE PER CENTUM OF ITS ASSETS.

2. THE ACTIVITIES OF SUCH SERVICE CORPORATIONS, PERFORMED DIRECTLY OR THROUGH ONE OR MORE WHOLLY OWNED SUBSIDIARIES, SHALL CONSIST OF RENDERING SUCH SERVICES TO COMMUNITY BANKS AND MAKING SUCH INVESTMENTS FOR ITSELF AND FOR COMMUNITY BANKS AS ARE AUTHORIZED SERVICES AND INVESTMENTS FOR SUCH COMMUNITY BANKS UNDER THE PROVISIONS OF THIS CHAPTER, AS WELL AS SUCH ACTIVITIES AS MAY BE PRESCRIBED BY THE GENERAL REGULATION OF THE SUPERINTENDENT.

3. FOR PURPOSES OF THIS SECTION, A COMMUNITY BANK SHALL BE DEFINED AS A BANK OR TRUST COMPANY ORGANIZED UNDER OR SUBJECT TO THE PROVISION OF ARTICLE THREE OF THIS CHAPTER OR THE COMPARABLE PROVISION OF THE LAWS OF ANOTHER STATE OR A NATIONAL BANKING ASSOCIATION OR A SAVINGS BANK, A SAVINGS AND LOAN ASSOCIATION OR OTHER SAVINGS INSTITUTION CHARTERED AND

SUPERVISED AS SUCH UNDER FEDERAL OR STATE LAW WHERE AVERAGE VALUE OF ASSETS MUST NOT EXCEED EIGHT BILLION DOLLARS.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.

PART II

Section 1. The general municipal law is amended by adding a new section 209-ff to read as follows:

S 209-FF. MINIMUM ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE FOR POLICEMEN IN CITIES, TOWNS AND VILLAGES WHO ARE MEMBERS OF A POLICE PENSION OR RETIREMENT SYSTEM. 1. AS USED IN THIS SECTION, THE TERM "POLICE ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE" SHALL MEAN THE ALLOWANCE GRANTED TO ANY PERSON WHO IS AN OFFICER OR MEMBER OF THE UNIFORMED FORCE OR A POLICE DEPARTMENT OF ANY CITY, TOWN OR VILLAGE, AND WHO IS A MEMBER OF A POLICE PENSION OR RETIREMENT SYSTEM, PURSUANT TO SECTION FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW, OR SECTION THREE HUNDRED SIXTY-THREE OF THE RETIREMENT AND SOCIAL SECURITY LAW, OR ANY SIMILAR ACCIDENTAL DISABILITY PENSION PROVIDED BY THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER.

2. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER OR ADMINISTRATIVE CODE TO THE CONTRARY, AND IN LIEU OF ANY LESSER AMOUNT OTHERWISE PRESCRIBED, ANY POLICE ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE SHALL NOT BE LESS THAN THREE-QUARTERS OF THE MEMBER OF THE POLICE PENSION OR RETIREMENT SYSTEM'S FINAL AVERAGE SALARY OR ANNUAL COMPENSATION, AS SUCH FINAL AVERAGE SALARY OR ANNUAL COMPENSATION IS OTHERWISE PRESCRIBED BY LAW. SUCH ALLOWANCE SHALL NOT BE REDUCED, DIMINISHED OR OFFSET BY A MEMBER'S RECEIPT OF, OR ELIGIBILITY FOR, SOCIAL SECURITY BENEFITS.

3. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER OR ADMINISTRATIVE CODE TO THE CONTRARY, AND IN LIEU OF ANY AMOUNT PRESCRIBED BY SECTION FIVE HUNDRED TEN OF THE RETIREMENT AND SOCIAL SECURITY LAW OR OTHERWISE PRESCRIBED BY LAW, A COST OF LIVING ADJUSTMENT SHALL BE PAYABLE ON POLICE ACCIDENTAL DISABILITY RETIREMENT ALLOWANCES UNDER THE SAME TERMS AND CONDITIONS AS PROVIDED IN SUCH SYSTEMS IMMEDIATELY PRIOR TO JULY FIRST, TWO THOUSAND NINE.

4. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER OR ADMINISTRATIVE CODE TO THE CONTRARY, SUBDIVISION D OF SECTION FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW SHALL NOT APPLY TO MEMBERS OF A POLICE PENSION OR RETIREMENT SYSTEM WHO RECEIVE POLICE ACCIDENTAL DISABILITY RETIREMENT ALLOWANCES. SUCH MEMBERS SHALL BE SUBJECT TO POST-RETIREMENT MEDICAL EXAMINATIONS, AND WHERE APPLICABLE, MODIFICATION OF RETIREMENT ALLOWANCES FOLLOWING SUCH EXAMINATIONS, IN THE SAME MANNER AND UNDER THE SAME CONDITIONS PRESCRIBED BY LAW IMMEDIATELY PRIOR TO JULY FIRST, TWO THOUSAND NINE FOR MEMBERS OF SUCH POLICE PENSION OR RETIREMENT SYSTEMS.

S 2. This act shall take effect immediately.

PART JJ

Section 1. Subdivisions a and b of section 13-357 of the administrative code of the city of New York, subdivision a as amended by chapter 438 of the laws of 1986, are amended to read as follows:

a. Once each year the board may, and upon his or her own application shall, require any disability pensioner, under the minimum period for service retirement elected by him or her, and who at the time of his or

her retirement for disability was an improved benefits plan member, OR ANY DISABILITY PENSIONER RETIRED PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW, AND WHO IS UNDER EARLY RETIREMENT AGE AS DEFINED IN SECTION FIVE HUNDRED ONE OF THE RETIREMENT AND SOCIAL SECURITY LAW FOR POLICE/FIRE MEMBERS to undergo medical examination. Such examination shall be made at the place of residence of such beneficiary or other place mutually agreed upon. Upon the completion of such examination the medical board shall report and certify to the board whether such beneficiary is or is not totally or partially incapacitated physically or mentally and whether he or she is or is not engaged in or able to engage in a gainful occupation. If the board concur in a report by the medical board that such beneficiary is able to engage in a gainful occupation, it shall certify the name of such beneficiary to the appropriate civil service commission, state or municipal, and such commission shall place his or her name as a preferred eligible on such appropriate lists of candidates as are prepared for appointment to positions for which he or she is stated to be qualified. Should such beneficiary be engaged in a gainful occupation, or should he or she be offered city-service as a result of the placing of his or her name on a civil service list, such board shall reduce the amount of his or her disability pension and his or her pension-providing-for-increased-take-home-pay, if any, to an amount which, when added to that then earned by him or her, or earnable by him or her in city-service so offered him or her, shall not exceed the current maximum salary for the title next higher than that held by him or her when he or she was retired. Should the earning capacity of such beneficiary be further altered, such board may further alter his or her pension and his or her pension-providing-for-increased-take-home-pay, if any, to an amount which shall not exceed the rate of pension and his or her pension-providing-for-increased-take-home-pay, if any, upon which he or she was originally retired but which, subject to such limitation, shall equal, when added to that earnable by him or her, the current maximum salary for the title next higher than that held by him or her when he or she was retired. The provisions of this section shall be executed, any provision of the charter or the code to the contrary notwithstanding.

b. Should any disability pensioner, under the minimum period for service retirement elected by him or her, and who was an improved benefits plan member at the time of his or her retirement for disability, OR ANY DISABILITY PENSIONER RETIRED PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW AND WHO IS UNDER EARLY RETIREMENT AGE AS DEFINED IN SECTION FIVE HUNDRED ONE OF THE RETIREMENT AND SOCIAL SECURITY LAW FOR POLICE/FIRE MEMBERS, refuse to submit to one medical examination in any year by a physician or physicians designated by the medical board, his or her pension and his or her pension-providing-for-increased-take-home-pay, if any, may be discontinued until his or her withdrawal of such refusal. Should such refusal continue for one year, all his or her rights in and to such pension and his or her pension-providing-for-increased-take-home-pay, if any, may be revoked by such board.

S 2. Section 13-171 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

C. THE PROVISIONS OF SUBDIVISIONS A AND B OF THIS SECTION SHALL APPLY TO SANITATION OR CORRECTION MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, AND UNIFORMED COURT OFFICER MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, WHO RETIRED PURSUANT TO SECTION FIVE

HUNDRED SIX OR FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW AND WHO IS UNDER EARLY RETIREMENT AGE AS DEFINED IN SECTION FIVE HUNDRED ONE OF THE RETIREMENT AND SOCIAL SECURITY LAW.

S 3. Section 506 of the retirement and social security law is amended by adding three new subdivisions e, f and g to read as follows:

E. 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C AND D OF THIS SECTION SHALL NOT APPLY TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO ARE SUBJECT TO THIS ARTICLE. A MEMBER OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ORDINARY DISABILITY RETIREMENT PURSUANT TO SECTIONS 13-352 AND 13-357 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

(I) AN ANNUITY, WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED CONTRIBUTIONS, IF ANY, AT THE TIME OF HIS OR HER RETIREMENT; AND

(II) A PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED, IF ANY, AND

(III) A PENSION, WHICH TOGETHER WITH HIS OR HER ANNUITY AND THE PENSION-PROVIDING-FOR-INCREASED-TAKE-HOME-PAY, IF ANY, SHALL BE EQUAL TO A RETIREMENT ALLOWANCE EQUAL TO ONE-FORTIETH OF HIS OR HER FINAL AVERAGE SALARY MULTIPLIED BY THE NUMBER OF YEARS OF CITY-SERVICE CREDITED TO HIM OR HER, BUT NOT LESS THAN (1) ONE-HALF OF HIS OR HER FINAL AVERAGE SALARY, IF THE YEARS OF CITY-SERVICE CREDITED TO HIM OR HER ARE TEN OR MORE, OR (2) ONE-THIRD OF HIS OR HER FINAL AVERAGE SALARY, IF THE YEARS OF CITY-SERVICE CREDITED TO HIM OR HER ARE LESS THAN TEN.

2. THE PROVISIONS OF SUBDIVISIONS G, H AND I OF SECTION FIVE HUNDRED SEVEN OF THIS ARTICLE SHALL APPLY TO DISABILITY BENEFITS UNDER THIS SUBDIVISION.

F. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C AND D OF THIS SECTION SHALL NOT APPLY TO SANITATION AND CORRECTION MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO ARE SUBJECT TO THIS ARTICLE. A SANITATION OR CORRECTION MEMBER OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ORDINARY DISABILITY RETIREMENT PURSUANT TO SECTION 13-167 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL BE EQUAL TO THE GREATER OF:

(I) ONE-THIRD OF HIS OR HER FINAL AVERAGE SALARY; OR

(II) ONE-SIXTIETH OF HIS OR HER FINAL AVERAGE SALARY MULTIPLIED BY THE NUMBER OF YEARS OF HIS OR HER CREDITED SERVICE; PROVIDED, HOWEVER, THAT WHERE SUCH MEMBER IS OTHERWISE ELIGIBLE TO RETIRE FROM SERVICE, AND THE RETIREMENT ALLOWANCE WHICH HE OR SHE WOULD RECEIVE IN THE CASE OF SERVICE RETIREMENT IS LARGER THAN THE RETIREMENT ALLOWANCE HE OR SHE WOULD OTHERWISE RECEIVE UNDER THIS PARAGRAPH OR PARAGRAPH (I) OF THIS SUBDIVISION, HIS OR HER DISABILITY RETIREMENT ALLOWANCE PURSUANT TO THIS SUBDIVISION SHALL BE EQUAL TO THE RETIREMENT ALLOWANCE HE OR SHE WOULD RECEIVE IF HE OR SHE HAD RETIRED FROM SERVICE.

G. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C AND D OF THIS SECTION SHALL NOT APPLY TO UNIFORMED COURT OFFICERS IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO ARE SUBJECT TO THIS ARTICLE. A UNIFORMED

COURT OFFICER IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ORDINARY DISABILITY RETIREMENT PURSUANT TO SECTION 13-167 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL BE EQUAL TO THE GREATER OF:

(I) ONE-THIRD OF HIS OR HER FINAL AVERAGE SALARY; OR

(II) ONE-SIXTIETH OF HIS OR HER FINAL AVERAGE SALARY MULTIPLIED BY THE NUMBER OF YEARS OF HIS OR HER CREDITED SERVICE; PROVIDED, HOWEVER, THAT WHERE SUCH MEMBER IS OTHERWISE ELIGIBLE TO RETIRE FROM SERVICE, AND THE RETIREMENT ALLOWANCE WHICH HE OR SHE WOULD RECEIVE IN THE CASE OF SERVICE RETIREMENT IS LARGER THAN THE RETIREMENT ALLOWANCE HE OR SHE WOULD OTHERWISE RECEIVE UNDER THIS PARAGRAPH OR PARAGRAPH (I) OF THIS SUBDIVISION, HIS OR HER DISABILITY RETIREMENT ALLOWANCE PURSUANT TO THIS SUBDIVISION SHALL BE EQUAL TO THE RETIREMENT ALLOWANCE HE OR SHE WOULD RECEIVE IF HE OR SHE HAD RETIRED FROM SERVICE.

S 4. Section 507 of the retirement and social security law is amended by adding three new subdivisions j, k and l to read as follows:

J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C, D, E, AND F OF THIS SECTION SHALL NOT APPLY TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO ARE SUBJECT TO THIS ARTICLE. A MEMBER OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ACCIDENTAL DISABILITY RETIREMENT PURSUANT TO SECTIONS 13-353, 13-354, AND 13-357 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND ANY ACCIDENTAL DISABILITY RETIREMENT BENEFITS FOUND IN THE GENERAL MUNICIPAL LAW AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

1. AN ANNUITY, WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED CONTRIBUTIONS, IF ANY, AT THE TIME OF HIS OR HER RETIREMENT; AND

2. A PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED, IF ANY; AND

3. A PENSION, OF THREE-QUARTERS OF HIS OR HER FINAL AVERAGE SALARY, IN ADDITION TO THE ANNUITY AND PENSION PROVIDED FOR BY PARAGRAPHS ONE AND TWO OF THIS SUBDIVISION.

K. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C, D, E AND F OF THIS SECTION SHALL NOT APPLY TO SANITATION AND CORRECTION MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO ARE SUBJECT TO THIS ARTICLE. A SANITATION OR CORRECTION MEMBER OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ACCIDENTAL DISABILITY RETIREMENT PURSUANT TO SECTION 13-168 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND ANY ACCIDENTAL DISABILITY RETIREMENT BENEFITS FOUND IN THE GENERAL MUNICIPAL LAW AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL BE EQUAL TO THREE-QUARTERS OF FINAL AVERAGE SALARY, SUBJECT TO THE PROVISIONS OF SECTION 13-176 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

L. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C, D, E AND F OF THIS SECTION SHALL NOT APPLY TO UNIFORMED COURT OFFICERS IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO ARE SUBJECT TO THIS ARTICLE. A UNIFORMED COURT OFFICER IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS SUBJECT

TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ACCIDENTAL DISABILITY RETIREMENT PURSUANT TO SECTION 13-168 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND ANY ACCIDENTAL DISABILITY RETIREMENT BENEFITS FOUND IN THE GENERAL MUNICIPAL LAW AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL BE EQUAL TO THREE-QUARTERS OF FINAL AVERAGE SALARY SUBJECT TO THE PROVISIONS OF SECTION 13-176 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

S 5. Section 510 of the retirement and social security law is amended by adding a new subdivision i to read as follows:

I. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE OR THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, THE ANNUAL ESCALATION PROVIDED IN THIS SECTION SHALL NOT APPLY TO THE ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT BENEFIT OF MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND, OR THE ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT BENEFIT OF SANITATION AND CORRECTION MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM AND UNIFORMED COURT OFFICERS IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, WHO RETIRE PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THIS ARTICLE. THE ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT BENEFIT OF MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND, THE ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT BENEFIT OF SANITATION AND CORRECTION MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, OR THE ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT BENEFIT OF UNIFORMED COURT OFFICERS IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO RETIRE PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THIS ARTICLE SHALL BE ADJUSTED FOR COST-OF-LIVING PURSUANT TO THE PROVISIONS OF SECTION 13-696 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

S 6. Subdivision f of section 511 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, 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 corrections and community supervision and security hospital treatment assistants, as those terms are defined in subdivision i of section eighty-nine of this chapter, provided, however, that the provisions of this section shall apply to a New York city uniformed correction/sanitation revised plan member, AND THIS SECTION SHALL ALSO NOT APPLY TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND, OR SANITATION REVISED PLAN MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, OR CORRECTION REVISED PLAN MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, OR REVISED PLAN MEMBERS WHO ARE UNIFORMED COURT OFFICERS IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO ARE SUBJECT TO THIS ARTICLE WHO RETIRE ON ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THIS ARTICLE.

S 7. Section 512 of the retirement and social security law is amended by adding three new subdivisions e, f and g to read as follows:

E. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION, OR ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, WITH RESPECT TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO RETIRE PURSUANT TO SECTIONS FIVE HUNDRED SIX AND FIVE HUNDRED SEVEN OF THIS ARTICLE, A MEMBER'S FINAL AVERAGE SALARY SHALL MEAN THE SALARY EARNED BY SUCH MEMBER DURING THE ONE-YEAR PERIOD IMMEDIATELY PRIOR TO RETIREMENT, EXCLUSIVE OF ANY FORM OF TERMINATION PAY (WHICH SHALL INCLUDE ANY COMPENSATION IN ANTICIPATION OF RETIREMENT), OR ANY LUMP SUM PAYMENT FOR DEFERRED COMPEN-

SATION, SICK LEAVE, OR ACCUMULATED VACATION CREDIT, OR ANY OTHER PAYMENT FOR TIME NOT WORKED (OTHER THAN COMPENSATION RECEIVED WHILE ON SICK LEAVE OR AUTHORIZED LEAVE OF ABSENCE); PROVIDED, HOWEVER, IF THE SALARY OR WAGES EARNED DURING THE ONE YEAR PERIOD IMMEDIATELY PRIOR TO RETIREMENT EXCEEDS THAT OF THE PREVIOUS ONE-YEAR PERIOD BY MORE THAN TWENTY PER CENTUM THE AMOUNT IN EXCESS OF TWENTY PER CENTUM SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY. IN DETERMINING FINAL AVERAGE SALARY, ANY MONTH OR MONTHS (NOT IN EXCESS OF THREE) WHICH WOULD OTHERWISE BE INCLUDED IN COMPUTING FINAL AVERAGE SALARY BUT DURING WHICH THE MEMBER WAS ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY AND THE MONTH OR AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING SUCH PERIOD SHALL BE SUBSTITUTED IN LIEU THEREOF.

F. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION, OR ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, WITH RESPECT TO SANITATION AND CORRECTION MEMBERS OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO RETIRE PURSUANT TO SECTION FIVE HUNDRED SIX AND FIVE HUNDRED SEVEN OF THIS ARTICLE, A MEMBER'S FINAL AVERAGE SALARY SHALL MEAN THE SALARY EARNED BY SUCH MEMBER DURING ANY THREE CONSECUTIVE YEARS WHICH PROVIDE THE HIGHEST AVERAGE WAGE, EXCLUSIVE OF ANY FORM OF TERMINATION PAY (WHICH SHALL INCLUDE ANY COMPENSATION IN ANTICIPATION OF RETIREMENT), OR ANY LUMP SUM PAYMENT FOR DEFERRED COMPENSATION, SICK LEAVE, OR ACCUMULATED VACATION CREDIT, OR ANY OTHER PAYMENT FOR TIME NOT WORKED (OTHER THAN COMPENSATION RECEIVED WHILE ON SICK LEAVE OR AUTHORIZED LEAVE OF ABSENCE); PROVIDED, HOWEVER, IF THE SALARY OR WAGES EARNED DURING ANY YEAR INCLUDED IN THE PERIOD EXCEEDS THAT OF THE AVERAGE OF THE PREVIOUS TWO YEARS BY MORE THAN TEN PER CENTUM, THE AMOUNT IN EXCESS OF TEN PER CENTUM SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY. IN DETERMINING FINAL AVERAGE SALARY, ANY MONTH OR MONTHS (NOT IN EXCESS OF THREE) WHICH WOULD OTHERWISE BE INCLUDED IN COMPUTING FINAL AVERAGE SALARY BUT DURING WHICH THE MEMBER WAS ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY AND THE MONTH OR AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING SUCH PERIOD SHALL BE SUBSTITUTED IN LIEU THEREOF.

G. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION, OR ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, WITH RESPECT TO UNIFORMED COURT OFFICERS IN THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO RETIRE PURSUANT TO SECTION FIVE HUNDRED SIX AND FIVE HUNDRED SEVEN OF THIS ARTICLE A MEMBER'S FINAL AVERAGE SALARY SHALL MEAN THE SALARY EARNED BY SUCH MEMBER DURING THE ANY THREE CONSECUTIVE YEARS WHICH PROVIDE THE HIGHEST AVERAGE WAGE, EXCLUSIVE OF ANY FORM OF TERMINATION PAY (WHICH SHALL INCLUDE ANY COMPENSATION IN ANTICIPATION OF RETIREMENT), OR ANY LUMP SUM PAYMENT FOR DEFERRED COMPENSATION, SICK LEAVE, OR ACCUMULATED VACATION CREDIT, OR ANY OTHER PAYMENT FOR TIME NOT WORKED (OTHER THAN COMPENSATION RECEIVED WHILE ON SICK LEAVE OR AUTHORIZED LEAVE OF ABSENCE); PROVIDED, HOWEVER, IF THE SALARY OR WAGES EARNED DURING ANY YEAR INCLUDED IN THE PERIOD EXCEEDS THAT OF THE AVERAGE OF THE PREVIOUS TWO YEARS BY MORE THAN TEN PER CENTUM, THE AMOUNT IN EXCESS OF TEN PER CENTUM SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY. IN DETERMINING FINAL AVERAGE SALARY, ANY MONTH OR MONTHS (NOT IN EXCESS OF THREE) WHICH WOULD OTHERWISE BE INCLUDED IN COMPUTING FINAL AVERAGE SALARY BUT DURING WHICH THE MEMBER WAS ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY AND THE MONTH OR AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING SUCH PERIOD SHALL BE SUBSTITUTED IN LIEU THEREOF.

S 8. This act shall take effect on the sixtieth day after it shall have become a law.

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

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