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

S. 6406 A. 9006

S E N A T E - A S S E M B L Y

January 14, 2016

IN SENATE -- 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

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to applications for waivers of certain duties by the education department; to amend the education law in relation to charter schools; to establish the empire state pre-kindergarten grant board; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the state finance law, in relation to the New York state teen health education fund; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the

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

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suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; and to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof (Part A); to amend the education law, in relation to school emergency response plans (Part B); to amend the education law, in relation to the city of New York assuming greater financial responsibility for the city university of New York senior colleges (Part C); to amend the education law, in relation to the NY-SUNY 2020 challenge grant program act; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the state finance law, in relation to the creation of the SUNY Stony Brook Affiliation escrow fund (Part E); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part F); to amend the education law, chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, and chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions, in relation to forgiving loans upon the death of the recipient (Part G); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part H); to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; and to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof (Part I); to amend the labor law, in relation to the apprenticeship training council (Part J); to amend the labor law, in relation to the minimum wage; and repealing certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon the expiration thereof (Part K); to amend the labor law, in relation to enhancing the urban youth jobs program tax credit by increasing the sum of money allocated to programs four and five (Part L); to amend the family court act, in relation to findings that must be made at permanency hearings, and to amend the social services law, in relation to guardianship expenses, the reasonable and prudent parent standard and the criminal history of prospective foster and adoptive parents (Part M); to amend the criminal procedure law, the penal law, the correction law, the education law, the executive law, the family court act and the social services law, in relation to proceedings against

juvenile offenders and the age of juvenile offenders and to repeal certain provisions of the criminal procedure law, the family court act and the executive law relating thereto (Part N); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part O); and to utilize reserves in the mortgage insurance fund for various housing purposes (Part P)

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 P. 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

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for

excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; AND PROVIDED FURTHER THAT A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

S 2. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 2 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

For the two thousand eight--two thousand nine school year, each school district shall be entitled to an apportionment equal to the product of fifteen percent and the additional apportionment computed pursuant to this subdivision for the two thousand seven--two thousand eight school year. For the two thousand nine--two thousand ten through two thousand [fifteen] SIXTEEN--two thousand [sixteen] SEVENTEEN school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".

S 3. Subdivision 12 of section 3602 of the education law is amended by adding a fourth undesignated paragraph to read as follows:

FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, EACH SCHOOL DISTRICT SHALL BE ENTITLED TO AN APPORTIONMENT EQUAL TO THE AMOUNT SET FORTH FOR SUCH SCHOOL DISTRICT AS "ACADEMIC ENHANCEMENT" UNDER THE HEADING "2015-16 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE BUDGET FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND ENTITLED "SA151-6", AND SUCH APPORTIONMENT SHALL BE DEEMED TO SATISFY THE STATE OBLIGATION TO PROVIDE AN APPORTIONMENT PURSUANT TO SUBDIVISION EIGHT OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE.

S 4. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 4 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand twelve--two thousand thirteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand thirteen--two thousand fourteen through [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN school years equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

S 5. The opening paragraph of subdivision 10 of section 3602-e of the education law, as amended by section 5 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

Notwithstanding any provision of law to the contrary, for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, such school district shall be eligible for a maximum grant equal to the amount computed pursuant to paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year, and for the two thousand eleven--two thousand twelve school year each school district shall be eligible for a maximum grant equal to the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", and for two thousand twelve--two thousand thirteen through two thousand [fifteen] SIXTEEN--two thousand [sixteen] SEVENTEEN school years each school district shall be eligible for a maximum grant equal to the greater of (i) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the 2011-12 school year and entitled "SA111-2", or (ii) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner on May fifteenth, two thousand eleven pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

S 6. Paragraph h of subdivision 17 of section 3602 of the education law, as added by section 5-b of part A of chapter 56 of the laws of 2015, is amended and a new paragraph i is added to read as follows:

h. [The gap elimination adjustment restoration amount for the two thousand sixteen--two thousand seventeen school year and thereafter shall equal the product of the gap elimination percentage for such district and the gap elimination adjustment restoration allocation established pursuant to subdivision eighteen of this section] THE GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR FOR A SCHOOL DISTRICT SHALL BE COMPUTED BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN STATE FISCAL YEAR AND SHALL EQUAL THE

SUM OF THE SCALED EXTRAORDINARY NEEDS RESTORATION PLUS THE MINIMUM RESTORATION, PROVIDED THAT SUCH GAP ELIMINATION ADJUSTMENT RESTORATION AMOUNT SHALL NOT EXCEED THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR.

(I) THE "SCALED EXTRAORDINARY NEEDS RESTORATION" SHALL EQUAL THE PRODUCT OF THE GRANT PER PUPIL MULTIPLIED BY THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, WHERE (A) THE GRANT PER PUPIL SHALL BE SIXTY-SIX DOLLARS ($66.00) MULTIPLIED BY THE EXTRAORDINARY NEEDS INDEX TRUNCATED TO TWO DECIMALS, AND (B) THE EXTRAORDINARY NEEDS INDEX SHALL EQUAL THE QUOTIENT TRUNCATED TO THREE DECIMALS ARRIVED AT BY DIVIDING THE EXTRAORDINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION BY THE STATEWIDE AVERAGE EXTRAORDINARY NEEDS PERCENT OF FIFTY-FOUR AND EIGHT-TENTHS PERCENT (0.548).

(II) THE MINIMUM RESTORATION SHALL EQUAL THE PRODUCT OF THIRTY PERCENT (0.3) MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR.

I. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR AND THEREAFTER, THE GAP ELIMINATION ADJUSTMENT SHALL BE ZERO.

S 7. Subdivision 4 of section 3602 of the education law, as amended by section 5-a of part A of chapter 56 of the laws of 2015, is amended to read as follows:

4. Total foundation aid. In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars ($500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand twelve--two thousand thirteen school year, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand eleven--two thousand twelve school year computed pursuant to SUBPARAGRAPH (II) OF paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that for the two thousand thirteen--two thousand fourteen school year and thereafter, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base computed pursuant to SUBPARAGRAPH (II) OF paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, AND PROVIDED FURTHER THAT FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, FOR A SCHOOL DISTRICT WHERE THE PHASE-IN FOUNDATION INCREASE AND THE DUE MINIMUM ARE LESS THAN THE ALTERNATIVE MINIMUM COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SECTION, SUCH DISTRICT SHALL RECEIVE TOTAL FOUNDATION AID, IN LIEU OF SUCH PHASE-IN FOUNDATION INCREASE OR DUE MINIMUM, EQUAL TO THE SUM OF THE FOUNDATION AID BASE

COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE OF THIS SECTION, PLUS THE ALTERNATIVE MINIMUM COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SECTION, and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and the due-minimum percent which shall be, for the two thousand twelve--two thousand thirteen school year, one hundred and six-tenths percent (1.006) and for the two thousand thirteen--two thousand fourteen school year for city school districts of those cities having populations in excess of one hundred twenty-five thousand and less than one million inhabitants one hundred and one and one hundred and seventy-six thousandths percent (1.01176), and for all other districts one hundred and three-tenths percent (1.003), and for the two thousand fourteen--two thousand fifteen school year one hundred and eighty-five hundredths percent (1.0085), and for the two thousand fifteen--two thousand sixteen school year, one hundred thirty-seven hundredths percent (1.0037), AND FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, ONE PLUS THE LESSER OF TWO PERCENT (0.02) OR THE PRODUCT OF TWENTY-THREE HUNDREDTHS PERCENT (0.023) MULTIPLIED BY A CWR RATIO AND TRUNCATED TO FOUR DECIMALS, WHERE SUCH CWR RATIO SHALL BE THE DIFFERENCE OBTAINED BY SUBTRACTING FROM ONE AND THIRTY-SEVEN HUNDREDTHS (1.37) THE PRODUCT OF ONE AND FIFTY-FIVE HUNDREDTHS (1.55) MULTIPLIED BY THE COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION TRUNCATED TO THREE DECIMALS, PROVIDED HOWEVER THAT SUCH CWR RATIO SHALL NOT BE GREATER THAN ONE NOR LESS THAN ZERO, subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein, nor more than the product of such total foundation aid base and one hundred fifteen percent, and provided further that for the two thousand nine--two thousand ten through two thousand eleven--two thousand twelve school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.

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

(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index as computed pursuant to PARAGRAPH E OF SUBDIVISION FOUR OF section two thousand [twenty-two] TWENTY-THREE of this chapter, provided that for the two thousand eight--two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven--two thousand eight school year shall be five thousand two hundred fifty-eight dollars, and provided further that for

the two thousand seven--two thousand eight through two thousand [fifteen] SIXTEEN--two thousand [sixteen] SEVENTEEN school years, the foundation amount shall be further adjusted by the phase-in foundation percent established pursuant to paragraph b of this subdivision.

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

| Labor Force Region | Index |
|---|---|
| Capital District | 1.124 |
| Southern Tier | 1.045 |
| Western New York | 1.091 |
| Hudson Valley | 1.314 |
| Long Island/NYC | 1.425 |
| Finger Lakes | 1.141 |
| Central New York | 1.103 |
| Mohawk Valley | 1.000 |
| North Country | 1.000 |

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

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year. The selected actual valuation shall be

calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

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

(2) (i) Phase-in foundation percent. The phase-in foundation percent shall equal one hundred thirteen and fourteen one hundredths percent (1.1314) for the two thousand eleven--two thousand twelve school year, one hundred ten and thirty-eight hundredths percent (1.1038) for the two thousand twelve--two thousand thirteen school year, one hundred seven and sixty-eight hundredths percent (1.0768) for the two thousand thirteen--two thousand fourteen school year, one hundred five and six hundredths percent (1.0506) for the two thousand fourteen--two thousand fifteen school year, and one hundred two and five tenths percent (1.0250) for the two thousand fifteen--two thousand sixteen school year.

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid

computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty- one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL THE GREATER OF: (1) FOR A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE, NINE AND THIRTY-TWO HUNDREDTHS PERCENT (0.0932); OR (2) FOR A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION OF MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND BUT LESS THAN ONE MILLION, THREE AND ONE-HALF PERCENT (0.035); OR (3) FOR A DISTRICT WITH A SPARSITY COUNT COMPUTED PURSUANT TO PARAGRAPH R OF SUBDIVISION ONE OF THIS SECTION GREATER THAN ZERO, THE LESSER OF (I) THE PRODUCT OF NINE AND THIRTY-TWO HUNDREDTHS PERCENT (0.0932) MULTIPLIED BY THE PHASE-IN CWR SPARSITY RATIO TRUNCATED TO FOUR DECIMALS, WHERE SUCH PHASE-IN CWR SPARSITY RATIO SHALL BE THE DIFFERENCE OBTAINED BY SUBTRACTING FROM ONE AND THIRTY-SEVEN HUNDREDTHS (1.37) THE PRODUCT OF ONE AND THIRTY-FIVE HUNDREDTHS (1.35) MULTIPLIED BY THE COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION TRUNCATED TO THREE DECIMALS, PROVIDED HOWEVER THAT SUCH PHASE-IN CWR SPARSITY RATIO SHALL NOT BE GREATER THAN ONE NOR LESS THAN ZERO OR (II) SIX PERCENT (0.06); OR (4) THE LESSER OF (I) THE PRODUCT OF THREE AND ONE-HALF PERCENT (0.035) MULTIPLIED BY THE PHASE-IN CWR RATIO TRUNCATED TO FOUR DECIMALS, WHERE SUCH PHASE-IN CWR RATIO SHALL BE THE DIFFERENCE OBTAINED BY SUBTRACTING FROM ONE AND THIRTY-SEVEN HUNDREDTHS (1.37) THE PRODUCT OF ONE AND THREE-TENTHS (1.30) MULTIPLIED BY THE COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION TRUNCATED TO THREE DECIMALS, PROVIDED HOWEVER THAT SUCH PHASE-IN CWR RATIO SHALL NOT BE GREATER THAN ONE NOR LESS THAN ZERO OR (II) THREE PERCENT (0.03); AND FOR the two thousand [sixteen--two thousand seventeen] SEVENTEEN--TWO THOUSAND EIGHTEEN school year and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein.

b-1. Notwithstanding any other provision of law to the contrary, for the two thousand seven--two thousand eight school year and thereafter, the additional amount payable to each school district pursuant to this subdivision in the current year as total foundation aid, after deducting the total foundation aid base, shall be deemed a state grant in aid identified by the commissioner for general use for purposes of section seventeen hundred eighteen of this chapter.

B-2. ALTERNATIVE MINIMUM. THE ALTERNATIVE MINIMUM SHALL BE THE POSITIVE DIFFERENCE, IF ANY, OBTAINED BY SUBTRACTING THE ALTERNATIVE INCREASE FROM THE PRODUCT OF THE ALTERNATIVE BASE MULTIPLIED BY TWO PERCENT (0.02). FOR PURPOSES OF THIS SUBDIVISION, "ALTERNATIVE BASE" SHALL MEAN A SCHOOL DISTRICT'S APPORTIONMENT OF FOUNDATION AID FOR THE

TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AS SET FORTH FOR EACH SCHOOL DISTRICT AS "2015-16 FOUNDATION AID" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND ENTITLED "BT161-7" MINUS THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR. FOR PURPOSES OF THIS SUBDIVISION, "ALTERNATIVE INCREASE" SHALL MEAN THE SUM OF (1) THE GAP ELIMINATION ADJUSTMENT RESTORATION COMPUTED FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR PURSUANT TO PARAGRAPH H OF SUBDIVISION SEVENTEEN OF THIS SECTION AS SET FORTH FOR EACH SCHOOL DISTRICT AS "2016-17 GEA RESTORATION" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND ENTITLED "BT161-7", PLUS (2) COMMUNITY SCHOOLS AID COMPUTED FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR PURSUANT TO SUBDIVISION NINETEEN OF THIS SECTION AS SET FORTH FOR EACH SCHOOL DISTRICT AS "2016-17 COMMUNITY SCHOOLS AID" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND ENTITLED "BT161-7".

B-3. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, NO SCHOOL DISTRICT SHALL BE ELIGIBLE FOR AN APPORTIONMENT OF FOUNDATION AID IN EXCESS OF THE AMOUNT APPORTIONED TO SUCH SCHOOL DISTRICT IN TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR UNLESS (I) THE DISTRICT WAS DESIGNATED AS HIGH OR AVERAGE NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708," (II) THE DISTRICT WAS DESIGNATED AS HIGH OR AVERAGE NEED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER IN THE MOST RECENTLY AVAILABLE STUDY INCLUDED IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "SA131-4" OR (III) THE DISTRICT'S ALTERNATIVE INCREASE COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SUBDIVISION IS LESS THAN THE PRODUCT OF THE ALTERNATIVE BASE COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SUBDIVISION MULTIPLIED BY THREE PERCENT (0.03).

c. Public excess cost aid setaside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the product of: (i) the difference between the amount the school district was eligible to receive in the two thousand six--two thousand seven school year pursuant to or in lieu of paragraph six of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, minus the amount such district was eligible to receive pursuant to or in lieu of paragraph five of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, in such school year, and (ii) the sum of one and the percentage increase in the consumer price index for the current year over such consumer price index for the two thousand six--two thousand seven school year, as computed pursuant to PARAGRAPH E OF SUBDIVISION FOUR OF section two thousand [twenty-two] TWENTY-THREE of this chapter. Notwithstanding any other provision of law to the contrary, the public excess cost aid setaside shall be paid pursuant to section thirty-six hundred nine-b of this part.

d. For the two thousand fourteen--two thousand fifteen [and two thousand fifteen--two thousand sixteen] THROUGH TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN school years a city school district of a city having a population of one million or more may use amounts apportioned pursuant to this subdivision for afterschool programs.

S 8. Section 3602 of the education law is amended by adding a new subdivision 19 to read as follows:

19. COMMUNITY SCHOOLS AID. EACH SCHOOL DISTRICT SHALL BE ELIGIBLE TO RECEIVE AN APPORTIONMENT FOR COMMUNITY SCHOOLS AID EQUAL TO THE SUM OF THE TIER ONE APPORTIONMENT AND THE TIER TWO APPORTIONMENT.

A. DEFINITIONS.

(1) "TIER ONE ELIGIBLE SCHOOL DISTRICT" SHALL MEAN ANY SCHOOL DISTRICT WITH AT LEAST ONE SCHOOL DESIGNATED AS FAILING OR PERSISTENTLY FAILING BY THE COMMISSIONER PURSUANT TO PARAGRAPHS (A) OR (B) OF SUBDIVISION ONE OF SECTION 211-F OF THIS CHAPTER PRIOR TO JANUARY FIRST, TWO THOUSAND SIXTEEN.

(2) "TIER TWO ELIGIBLE SCHOOL DISTRICT" SHALL MEAN ANY SCHOOL DISTRICT, EXCEPT A TIER ONE ELIGIBLE SCHOOL DISTRICT, DESIGNATED AS HIGH NEED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708" OR ANY DISTRICT DESIGNATED AS HIGH NEED PURSUANT TO THE REGULATIONS OF THE COMMISSIONER IN THE MOST RECENTLY AVAILABLE STUDY INCLUDED IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL YEAR AND ENTITLED "SA131-4".

B. TIER ONE APPORTIONMENT. ANY TIER ONE ELIGIBLE SCHOOL DISTRICT SHALL BE ELIGIBLE FOR AN APPORTIONMENT EQUAL TO THE GREATER OF (I) THE PRODUCT OF EIGHT HUNDRED THIRTY DOLLARS AND SIXTY CENTS ($830.60) MULTIPLIED BY THE DISTRICT'S ENROLLMENT IN THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR IN SCHOOLS DESIGNATED AS FAILING OR PERSISTENTLY FAILING PURSUANT TO PARAGRAPHS (A) OR (B) OF SUBDIVISION ONE OF SECTION 211-F OF THIS CHAPTER ON THE DATE PRIOR TO NOVEMBER FIRST THAT IS SPECIFIED BY THE COMMISSIONER AS THE ENROLLMENT REPORTING DATE FOR THE SCHOOL DISTRICT OR (II) TEN THOUSAND DOLLARS ($10,000).

C. TIER TWO APPORTIONMENT. ANY TIER TWO ELIGIBLE SCHOOL DISTRICT SHALL BE ELIGIBLE FOR AN APPORTIONMENT EQUAL TO THE GREATER OF (I) THE PRODUCT OF THE GRANT PER PUPIL MULTIPLIED BY THE STATE SHARING RATIO COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, WHERE (A) THE GRANT PER PUPIL SHALL BE EIGHTY-NINE DOLLARS AND THIRTY-TWO CENTS ($89.32) MULTIPLIED BY THE EXTRAORDINARY NEEDS INDEX TRUNCATED TO TWO DECIMALS, AND (B) THE EXTRAORDINARY NEEDS INDEX SHALL EQUAL THE QUOTIENT TRUNCATED TO THREE DECIMALS ARRIVED AT BY DIVIDING THE EXTRAORDINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE OF THIS SECTION BY THE STATEWIDE AVERAGE EXTRAORDINARY NEEDS PERCENT OF FIFTY-FOUR AND EIGHT-TENTHS PERCENT (0.548) OR (II) TEN THOUSAND DOLLARS ($10,000).

D. SCHOOL DISTRICTS SHALL USE AMOUNTS APPORTIONED PURSUANT TO THIS SUBDIVISION TO SUPPORT THE TRANSFORMATION OF SCHOOL BUILDINGS INTO COMMUNITY HUBS TO DELIVER CO-LOCATED OR SCHOOL-LINKED ACADEMIC, HEALTH, MENTAL HEALTH, NUTRITION, COUNSELING, LEGAL AND/OR OTHER SERVICES TO STUDENTS AND THEIR FAMILIES, INCLUDING BUT NOT LIMITED TO PROVIDING A

COMMUNITY SCHOOL SITE COORDINATOR, OR TO SUPPORT OTHER COSTS INCURRED TO MAXIMIZE STUDENTS' ACADEMIC ACHIEVEMENT.

S 9. Paragraph a of subdivision 5 of section 3604 of the education law, as amended by chapter 161 of the laws of 2005, is amended to read as follows:

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. [The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.] For claims for which payment is first to be made [in the nineteen hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school year [and thereafter], the commis-

sioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT BASED ON A CLAIM SUBMITTED LATER THAN THE FIRST OF NOVEMBER OF SUCH SCHOOL YEAR. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. [It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.] FURTHER PROVIDED THAT FOR ANY APPORTIONMENTS PROVIDED PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE, NINETEEN HUNDRED FIFTY, THIRTY-SIX HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED TWO-E AND FORTY-FOUR HUNDRED FIVE OF THIS CHAPTER FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN AND TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEARS, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN STATE FISCAL YEAR AND ENTITLED "BT161-7", AND FURTHER PROVIDED THAT FOR ANY APPORTIONMENTS PROVIDED PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE NINETEEN HUNDRED FIFTY, THIRTY-SIX HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED TWO-E AND FORTY-FOUR HUNDRED FIVE OF THIS CHAPTER FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE STATE FISCAL YEAR IN WHICH THE SCHOOL YEAR COMMENCES.

S 10. The opening paragraph of section 3609-a of the education law, as amended by section 6 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand fifteen--two thousand sixteen school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district

basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision six of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. [For aid payable in the two thousand fourteen--two thousand fifteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA141-5". For aid payable in the two thousand fifteen--two thousand sixteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA151-6".] FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN THE LESSER OF: (I) THE SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE AMOUNT SET FORTH FOR EACH SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS SECTION IN THE SCHOOL AID COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH INCLUDES THE APPROPRIATION FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS FOR THE PRESCRIBED PAYMENTS AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO APRIL FIRST FOR THE CURRENT YEAR PLUS THE APPORTIONMENT PAYABLE DURING THE CURRENT SCHOOL YEAR PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART MINUS ANY REDUCTIONS TO CURRENT YEAR AIDS PURSUANT TO SUBDIVISION SEVEN OF SECTION THIRTY-SIX HUNDRED FOUR OF THIS PART OR ANY DEDUCTION FROM APPORTIONMENT PAYABLE PURSUANT TO THIS CHAPTER FOR COLLECTION OF A SCHOOL DISTRICT BASIC CONTRIBUTION AS DEFINED IN SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED ONE OF THIS CHAPTER, LESS ANY GRANTS PROVIDED PURSUANT TO SUBPARAGRAPH TWO-A OF PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINETY-TWO-C OF THE STATE FINANCE LAW, LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW, LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPORTIONMENT CALCULATED BY THE COMMISSIONER BASED ON DATA ON FILE AT THE TIME THE PAYMENT IS PROCESSED; PROVIDED HOWEVER, THAT FOR THE PURPOSES OF ANY PAYMENTS MADE PURSUANT TO THIS SECTION PRIOR TO THE FIRST BUSINESS DAY OF JUNE OF THE CURRENT YEAR, MONEYS APPORTIONED SHALL NOT INCLUDE ANY AIDS PAYABLE PURSUANT TO SUBDIVISIONS SIX AND FOURTEEN, IF APPLICABLE, OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART AS CURRENT YEAR AID FOR DEBT SERVICE ON BOND ANTICIPATION NOTES AND/OR BONDS FIRST ISSUED IN THE CURRENT YEAR OR ANY AIDS PAYABLE FOR FULL-DAY KINDERGARTEN FOR THE CURRENT YEAR PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART. FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOU-

SAND SEVENTEEN SCHOOL YEAR, REFERENCE TO SUCH "SCHOOL AID COMPUTER LISTING FOR THE CURRENT YEAR" SHALL MEAN THE PRINTOUTS ENTITLED "BT161-7".

S 11. Subparagraphs 5, 6 and 7 of paragraph (e) of subdivision 3 of section 2853 of the education law, as added by section 5 of part BB of chapter 56 of the laws of 2014, are amended to read as follows:

(5) For a new charter school whose charter is granted or for an existing charter school whose expansion of grade level, pursuant to this article, is approved by their charter entity [before October first, two thousand sixteen], if the appeal results in a determination in favor of the charter school, the city school district shall pay the charter school an amount attributable to the grade level expansion or the formation of the new charter school that is equal to the lesser of:

(A) the actual TOTAL rental cost of an alternative privately owned site selected by the charter school or

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

(6) [For a new charter school whose charter is granted or for an existing charter school whose expansion of grade level, pursuant to this article, is approved by their charter entity on or after October first, two thousand sixteen, if the appeal results in a determination in favor of the charter school, the city school district shall pay the charter school an amount attributable to the grade level expansion or the formation of the new charter school that is equal to the maximum cost allowance established by the commissioner for leases aidable under subdivision six of section thirty-six hundred two of this chapter.

(7)] An arbitration in an appeal pursuant to this paragraph shall be conducted by a single arbitrator selected in accordance with this subparagraph from a list of arbitrators from the American arbitration association's panel of labor arbitrators, with relevant biographical information, submitted by such association to the commissioner pursuant to paragraph a of subdivision three of section three thousand twenty-a of this chapter. Upon request by the charter school, the commissioner shall forthwith send a copy of such list and biographical information simultaneously to the charter school and city school district. The parties shall, by mutual agreement, select an arbitrator from the list within fifteen days from receipt of the list, and if the parties fail to agree on an arbitrator within such fifteen day period or fail within such fifteen day period to notify the commissioner that an arbitrator has been selected, the commissioner shall appoint an arbitrator from the list to serve as the arbitrator. The arbitration shall be conducted in accordance with the American arbitration association's rules for labor arbitration, except that the arbitrator shall conduct a pre-hearing conference within ten to fifteen days of agreeing to serve and the arbitration shall be completed and a decision rendered within the time frames prescribed for hearings pursuant to section three thousand twenty-a of this chapter. The arbitrator's fee shall not exceed the rate established by the commissioner for hearings conducted pursuant to section three thousand twenty-a of this chapter, and the cost of such fee, the arbitrator's necessary travel and other reasonable expenses,

and all other hearing expenses shall be borne equally by the parties to the arbitration.

S 11-a. Subdivision 6-g of section 3602 of the education law, as added by section 6 of part BB of chapter 56 of the laws of 2014, is amended to read as follows:

6-g. Charter schools facilities aid. a. The city school district of the city of New York, upon documenting that it has incurred total aggregate expenses of forty million dollars or more pursuant to [subparagraphs] SUBPARAGRAPH five [and six] of paragraph (e) of subdivision three of section twenty-eight hundred fifty-three of this chapter, shall be eligible for an apportionment pursuant to this subdivision for its annual approved expenditures for the lease of space for charter schools incurred in the base year in accordance with paragraph (e) of subdivision three of section twenty-eight hundred fifty-three of this chapter.

b. The apportionment shall equal the product of (1) the sum of:

[(A)] for aid payable for expenses incurred pursuant to subparagraph five of paragraph (e) of subdivision three of section twenty-eight hundred fifty-three of this chapter where the charter school prevails on appeal, the annual approved expenses incurred by the city school district pursuant to such subparagraph five[; and

(B) for aid payable for expenses incurred pursuant to subparagraph six of paragraph (e) of subdivision three of section twenty-eight hundred fifty-three of this chapter where the charter school prevails on appeal, the actual annual approved rental expenses incurred pursuant to such subparagraph six] multiplied by

(2) six-tenths.

c. For purposes of this subdivision, the approved expenses attributable to a lease by a charter school of a privately owned site shall be the lesser of the actual TOTAL rent paid under the lease or the maximum cost allowance established by the commissioner for leases aidable under subdivision six of this section.

d. Notwithstanding any provision of law to the contrary, amounts apportioned pursuant to this subdivision shall not be included in: (1) the allowable growth amount computed pursuant to paragraph dd of subdivision one of this section, (2) the preliminary growth amount computed pursuant to paragraph ff of subdivision one of this section, and (3) the allocable growth amount computed pursuant to paragraph gg of subdivision one of this section, and shall not be considered, and shall not be available for interchange with, general support for public schools.

S 12. Subdivision 1 of section 2856 of the education law, as amended by chapter 378 of the laws of 2007, paragraph (a) as amended and paragraph (d) as added by section 3 of part BB of chapter 56 of the laws of 2014, paragraph (c) as added by chapter 375 of the laws of 2007, is amended to read as follows:

1. (a) The enrollment of students attending charter schools shall be included in the enrollment, attendance, membership and, if applicable, count of students with disabilities of the school district in which the pupil resides. The charter school shall report all such data to the school districts of residence in a timely manner. Each school district shall report such enrollment, attendance and count of students with disabilities to the department. The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the school district the charter school basic tuition, which shall be:

(i) for school years prior to the two thousand nine--two thousand ten school year and for school years following the two thousand sixteen--two

thousand seventeen school year, an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year;

(ii) for the two thousand nine--two thousand ten school year, the charter school basic tuition shall be the amount payable by such district as charter school basic tuition for the two thousand eight--two thousand nine school year;

(iii) for the two thousand ten--two thousand eleven through two thousand thirteen--two thousand fourteen school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph;

(iv) for the two thousand fourteen--two thousand fifteen[,] AND two thousand fifteen--two thousand sixteen [and two thousand sixteen--two thousand seventeen] school years, the charter school basic tuition shall be the sum of the lesser of the charter school basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph or the charter school basic tuition computed for the current year pursuant to the provisions of subparagraph (i) of this paragraph plus the supplemental basic tuition;

(V) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, THE CHARTER SCHOOL BASIC TUITION SHALL BE (A) FOR A SCHOOL DISTRICT LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AMOUNT CALCULATED PURSUANT TO PARAGRAPH F OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR THE SCHOOL DISTRICT FOR THE YEAR PRIOR TO THE BASE YEAR INCREASED BY THE PERCENTAGE CHANGE IN THE STATE TOTAL APPROVED OPERATING EXPENSE CALCULATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FROM TWO YEARS PRIOR TO THE BASE YEAR TO THE BASE YEAR OR (B) FOR ALL OTHER SCHOOL DISTRICTS, THE SUM OF THE LESSER OF THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH PLUS THE SUPPLEMENTAL BASIC TUITION.

For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (B) for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph, the positive difference of the charter school basic tuition for the two thousand ten--two thousand eleven school year

minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph.

(b) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision from state or local funds may be reduced pursuant to an agreement between the school and the charter entity set forth in the charter. Payments made pursuant to this subdivision shall be made by the school district in six substantially equal installments each year beginning on the first business day of July and every two months thereafter. Amounts payable under this subdivision shall be determined by the commissioner. Amounts payable to a charter school in its first year of operation shall be based on the projections of initial-year enrollment set forth in the charter until actual enrollment data is reported to the school district by the charter school. Such projections shall be reconciled with the actual enrollment as actual enrollment data is so reported and at the end of the school's first year of operation and each subsequent year based on a final report of actual enrollment by the charter school, and any necessary adjustments resulting from such final report shall be made to payments during the school's following year of operation.

(c) Notwithstanding any other provision of this subdivision to the contrary, payment of the federal aid attributable to a student with a disability attending a charter school shall be made in accordance with the requirements of section 8065-a of title twenty of the United States code and sections 76.785-76.799 and 300.209 of title thirty-four of the code of federal regulations.

(d) School districts shall be eligible for an annual apportionment equal to (A) the amount of the supplemental basic tuition paid to the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen[,] AND two thousand fifteen--two thousand sixteen[, and two thousand sixteen--two thousand seventeen] school years; AND (B) FOR THE EXPENSES INCURRED IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR: (I) FOR SCHOOL DISTRICTS LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO FIVE HUNDRED DOLLARS FOR EACH STUDENT ENROLLED IN A CHARTER SCHOOL WHO RESIDES IN THE SCHOOL DISTRICT IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, OR (II) FOR ALL OTHER SCHOOL DISTRICTS, AN AMOUNT EQUAL TO THE AMOUNT OF THE SUPPLEMENTAL BASIC TUITION PAID TO THE CHARACTER SCHOOL IN THE BASE YEAR.

S 13. Subdivision 1 of section 2856 of the education law, as amended by section 22 of part A of chapter 58 of the laws of 2011, paragraph (a) as amended and paragraph (c) as added by section 4 of part BB of chapter 56 of the laws of 2014, is amended to read as follows:

1. (a) The enrollment of students attending charter schools shall be included in the enrollment, attendance and, if applicable, count of students with disabilities of the school district in which the pupil resides. The charter school shall report all such data to the school districts of residence in a timely manner. Each school district shall report such enrollment, attendance and count of students with disabilities to the department. The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the school district the charter school basic tuition which shall be:

(i) for school years prior to the two thousand nine--two thousand ten school year and for school years following the two thousand sixteen--two thousand seventeen school year, an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year;

(ii) for the two thousand nine--two thousand ten school year, the charter school basic tuition shall be the amount payable by such district as charter school basic tuition for the two thousand eight--two thousand nine school year;

(iii) for the two thousand ten--two thousand eleven through two thousand thirteen--two thousand fourteen school years, the charter school basic tuition shall be the basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph;

(iv) for the two thousand fourteen--two thousand fifteen[,] AND two thousand fifteen--two thousand sixteen [and two thousand sixteen--two thousand seventeen] school years, the charter school basic tuition shall be the sum of the lesser of the charter school basic tuition computed for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph or the charter school basic tuition computed for the current year pursuant to the provisions of subparagraph (i) of this paragraph plus the supplemental basic tuition[.];

(V) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, THE CHARTER SCHOOL BASIC TUITION SHALL BE (A) FOR A SCHOOL DISTRICT LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE AMOUNT CALCULATED PURSUANT TO PARAGRAPH F OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FOR THE SCHOOL DISTRICT FOR THE YEAR PRIOR TO THE BASE YEAR INCREASED BY THE PERCENTAGE CHANGE IN THE STATE TOTAL APPROVED OPERATING EXPENSE CALCULATED PURSUANT TO PARAGRAPH T OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER FROM TWO YEARS PRIOR TO THE BASE YEAR TO THE BASE YEAR OR (B) FOR ALL OTHER SCHOOL DISTRICTS, THE SUM OF THE LESSER OF THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR THE CHARTER SCHOOL BASIC TUITION COMPUTED FOR THE CURRENT YEAR PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH PLUS THE SUPPLEMENTAL BASIC TUITION.

For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of this paragraph, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (B) for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph, the positive difference of the charter school

basic tuition for the two thousand ten--two thousand eleven school year minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of this paragraph.

(b) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision may be reduced pursuant to an agreement between the school and the charter entity set forth in the charter. Payments made pursuant to this subdivision shall be made by the school district in six substantially equal installments each year beginning on the first business day of July and every two months thereafter. Amounts payable under this subdivision shall be determined by the commissioner. Amounts payable to a charter school in its first year of operation shall be based on the projections of initial-year enrollment set forth in the charter. Such projections shall be reconciled with the actual enrollment at the end of the school's first year of operation, and any necessary adjustments shall be made to payments during the school's second year of operation.

(c) School districts shall be eligible for an annual apportionment equal to (A) the amount of the supplemental basic tuition paid to the charter school in the base year for the expenses incurred in the two thousand fourteen--two thousand fifteen[,] AND two thousand fifteen--two thousand sixteen[, and two thousand sixteen--two thousand seventeen] school years; AND (B) FOR THE EXPENSES INCURRED IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR: (I) FOR SCHOOL DISTRICTS LOCATED IN A CITY OF ONE MILLION OR MORE INHABITANTS, AN AMOUNT EQUAL TO FIVE HUNDRED DOLLARS FOR EACH STUDENT ENROLLED IN A CHARTER SCHOOL WHO RESIDES IN THE SCHOOL DISTRICT IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, OR (II) FOR ALL OTHER SCHOOL DISTRICTS, AN AMOUNT EQUAL TO THE AMOUNT OF THE SUPPLEMENTAL BASIC TUITION PAID TO THE CHARACTER SCHOOL IN THE BASE YEAR.

S 14. Clauses (i) and (ii) of subparagraph 1 of paragraph e of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, are amended to read as follows:

(i) determine the number of pupils tested who scored below the statewide reference point as determined by the commissioner on each test administered pursuant to this subparagraph, plus pupils, other than pupils with disabilities and ENGLISH LANGUAGE LEARNER pupils [with limited English proficiency] as defined by the commissioner who are exempt from taking such tests, provided, however, that a district employing eight or more teachers in such years but not operating each grade may use the percentage computed pursuant to this paragraph for the district which in such years enrolled the greatest number of pupils in such grade from such district;

(ii) divide the sum of such numbers by the number of such pupils who took each of such tests, plus pupils, other than pupils with disabilities and ENGLISH LANGUAGE LEARNER pupils [with limited English proficiency] as defined by the commissioner who are exempt from taking such tests, provided, however, that a district which in any of the applicable school years did not maintain a home school or employed fewer than eight teachers, and which in the base year employed eight or more teachers, may use the scores in a later test as designated by the commissioner for the purposes of this paragraph;

S 15. Paragraph o of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

o. "[Limited English proficient] ENGLISH LANGUAGE LEARNER count" shall mean the number of pupils served in the base year in programs for pupils with limited English proficiency approved by the commissioner pursuant to the provisions of this chapter and in accordance with regulations adopted for such purpose.

S 16. Paragraph b of subdivision 2 of section 3602-d of the education law, as added by chapter 792 of the laws of 1990, is amended to read as follows:

(b) "Disadvantaged" shall mean individuals (other than handicapped individuals) who have economic or academic disadvantages and who require special services and assistance in order to enable them to succeed in work-prep programs. Such term includes individuals who are: members of economically disadvantaged families as set forth in regulations promulgated by the department pursuant to sections sixty-four hundred fifty-one and sixty-four hundred fifty-two of this chapter or as set forth in the Federal Job Training Partnership Act of nineteen hundred eighty-two (PL 97-300) (29 U.S.C.A. S 1501 et seq.); migrants; [individuals who have limited English proficiency] ENGLISH LANGUAGE LEARNERS; and individuals who are identified as potential dropouts from secondary school.

S 17. Paragraph d of subdivision 4 of section 3602-f of the education law, as added by section 83-a of part L of chapter 405 of the laws of 1999, is amended to read as follows:

d. [Limited English proficient] ENGLISH LANGUAGE LEARNER pupil count as defined in paragraph o of subdivision one of section thirty-six hundred two of this article.

S 18. Section 3604 of the education law is amended by adding a new subdivision 13 to read as follows:

13. FOR PURPOSES OF THIS CHAPTER, "LIMITED ENGLISH PROFICIENT" AND "LIMITED ENGLISH PROFICIENCY" SHALL MEAN "ENGLISH LANGUAGE LEARNER".

S 19. Clause (B) of subparagraph 2 of paragraph b of subdivision 6 of section 3641 of the education law, as added by section 2 of part B of chapter 58 of the laws of 2011, is amended to read as follows:

(B) [students with limited English proficiency and] students who are English language learners;

S 20. The education law is amended by adding a new section 4403-a to read as follows:

S 4403-A. WAIVERS FROM CERTAIN DUTIES. 1. A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY SUBMIT AN APPLICATION FOR A WAIVER FROM ANY REQUIREMENT IMPOSED ON SUCH DISTRICT, SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, AND REGULATIONS PROMULGATED THEREUNDER, FOR A SPECIFIC SCHOOL YEAR. SUCH APPLICATION SHALL BE SUBMITTED AT LEAST SIXTY DAYS IN ADVANCE OF THE PROPOSED DATE ON WHICH THE WAIVER WOULD BE EFFECTIVE AND SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.

2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP WILL BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS

MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

3. THE COMMISSIONER MAY GRANT A WAIVER FROM ANY REQUIREMENT IMPOSED ON A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SECTION FORTY-FOUR HUNDRED TWO OR SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE, UPON A FINDING THAT SUCH WAIVER WILL ENABLE A LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO IMPLEMENT AN INNOVATIVE SPECIAL EDUCATION PROGRAM THAT IS CONSISTENT WITH APPLICABLE FEDERAL REQUIREMENTS, AND WOULD ENHANCE STUDENT ACHIEVEMENT AND/OR OPPORTUNITIES FOR PLACEMENT IN REGULAR CLASSES AND PROGRAMS. IN MAKING SUCH DETERMINATION, THE COMMISSIONER SHALL CONSIDER ANY COMMENTS RECEIVED BY THE LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES FROM PARENTS OR PERSONS IN PARENTAL RELATION TO THE STUDENTS THAT WOULD BE DIRECTLY AFFECTED BY THE WAIVER IF GRANTED.

4. ANY LOCAL SCHOOL DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES GRANTED A WAIVER SHALL SUBMIT AN ANNUAL REPORT TO THE COMMISSIONER REGARDING THE OPERATION AND EVALUATION OF THE PROGRAM NO LATER THAN THIRTY DAYS AFTER THE END OF EACH SCHOOL YEAR FOR WHICH A WAIVER IS GRANTED.

S 21. Notwithstanding any provision of law to the contrary, for the 2016-2017 school year and thereafter, any pre-kindergarten program receiving state funds that is identified by the office of children and family services, the department of health and mental hygiene of the city of New York, or the state education department as needing extraordinary quality support shall participate in QUALITYstarsNY as a condition of continued receipt of state funds, unless such participation would be contrary to an existing contract with the department. The state education department shall include such participation as a condition of continued receipt of state funds in any new contract or contract renewal or application for renewal of funding for any state-funded pre-kindergarten program for the 2016-2017 school year or thereafter.

S 22. Notwithstanding any provision of law, rule, or regulation to the contrary, there shall be an empire state pre-kindergarten grant board as follows:

1. Creation.

(a) The empire state pre-kindergarten grant board ("the board") is hereby created to have and exercise the powers, duties and prerogatives provided by the provisions of this section and any other provision of law. The board shall remain in existence during the period from the effective date of this section through the date on which the last of the funds available for grants for programs listed in paragraph (a) of subdivision 2 of this section are disbursed.

(b) The membership of the board shall consist of three persons appointed by the governor, of which one shall be upon the recommendation of the temporary president of the senate and one upon the recommendation of the speaker of the assembly. The term of the members first appointed shall continue until March 31, 2017, and thereafter their successors shall serve for a term of one year ending on March 31 in each year. Upon recommendation of the nominating party, the governor shall replace any member in accordance with the provision contained in this subdivision

for the appointment of members. The members of the board shall vote among themselves to determine who shall serve as chair. The board shall act by unanimous vote of the members of the board. Any determination of the board shall be evidenced by a certification thereof executed by all the members. Each member of the board shall be entitled to designate a representative to attend meetings of the board on the designating member's behalf, and to vote or otherwise act on the designating member's behalf in the designating member's absence. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member during the member's term of office. A representative shall not be authorized to delegate any of his or her duties or functions to any other person.

(c) Every officer, employee, or member of a governing or other board of any school district, program or other entity offering pre-kindergarten services, and every New York state regent and every officer or employee of the board of regents or the department of education shall be ineligible for appointment as a member, representative, officer, employee or agent of the board.

(d) The members of the board shall serve without salary or per diem allowance but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties pursuant to this section or other provision of law, provided however that such members and representatives are not, at the time such expenses are incurred, public officers or employees otherwise entitled to such reimbursement.

(e) The members, their representatives, officers and staff to the board shall be deemed employees within the meaning of section 17 of the public officers law.

2. Powers, functions, duties and administration of the empire state pre-kindergarten grant board.

(a) Notwithstanding any provision of section 3602-ee of the education law or any other provision of law to the contrary, the empire state pre-kindergarten grant board shall have the power, and it shall be its duty, to distribute all new grant awards for the following pre-kindergarten programs via a competitive request for proposals process:

(i) the statewide universal full-day pre-kindergarten program pursuant to section 3602-ee of the education law;

(ii) the empire state pre-kindergarten grants for three-year-old children established pursuant to a chapter of the laws of 2016;

(iii) the priority pre-kindergarten program established pursuant to chapter 53 of the laws of 2013; and

(iv) the pre-kindergarten grants for three and four year old children established pursuant to chapter 53 of the laws of 2015.

(b) The office of children and family services shall serve as staff to the empire state pre-kindergarten grant board, with the cooperation of any other state agency, and shall assist in tasks including but not limited to the drafting of any requests for proposals, the scoring of applications pursuant to the criteria in such requests for proposals, the preparation of draft award lists, and the preparation of any other information or materials which would assist the board in carrying out its duties.

(c) Notwithstanding any provision of law to the contrary, the board shall have final approval authority over any request for proposals used to distribute any grant funding for pre-kindergarten programs pursuant to paragraph (a) of this subdivision, provided that any request for

proposals issued after the effective date of this section shall contain a requirement that any awardee identified by the office of children and family services, the department of health and mental hygiene of the city of New York, or the state education department as needing extraordinary quality support shall participate in QUALITYstarsNY as a condition of continued receipt of state funds.

(d) Notwithstanding any provision of law to the contrary, the board shall have final approval authority for any grant awards for pre-kindergarten programs pursuant to paragraph (a) of this subdivision.

(e) On behalf of and at the direction of the board, the state education department shall enter into a contract with any school district, program, or other entity awarded a grant pursuant to this section.

(f) Except as explicitly set forth herein, nothing in this section should be construed to alter or amend the program administration and other requirements of the grant programs listed in paragraph (a) of this subdivision.

3. Reporting. The empire state pre-kindergarten grant board shall, annually on or before December first, prepare and submit an annual report to the governor and the chair of the assembly ways and means committee and the chair of the senate finance committee. Such report shall contain at a minimum the following information: (i) a list of all applications filed by any entity for a grant distributed by the pre-kindergarten grant board, including the name of the applying entity, the grant program applied for, and the amount of the grant requested; (ii) a list of the applications granted by the board specifying the amount of the grant approved if such amount is different from the amount applied for; (iii) a statement showing the dollar amount of all grants approved by the board and the dollar amount of the remaining available capacity for future grants; and (iv) a statement showing the numbers of new full-day slots, new half-day slots, and slots converted from half-day to full-day as a result of such grants.

S 23. Subdivision 16 of section 3602-ee of the education law, as added by section 1 of part CC of chapter 56 of the laws of 2014, is amended to read as follows:

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

S 24. Paragraph b of subdivision 6-c of section 3602 of the education law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

b. For projects approved by the commissioner authorized to receive additional building aid pursuant to this subdivision for the purchase of stationary metal detectors, security cameras or other security devices approved by the commissioner that increase the safety of students and school personnel, provided that for purposes of this paragraph such other security devices shall be limited to electronic security systems and hardened doors, and provided that for projects approved by the commissioner on or after the first day of July two thousand thirteen and before the first day of July [two thousand sixteen] TWO THOUSAND SEVENTEEN such additional aid shall equal the product of (i) the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section plus ten percentage points, except that in no case shall this amount exceed one hundred percent, and (ii) the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed

by paragraph a of subdivision six of this section shall not apply, and provided further that any projects aided under this paragraph must be included in a district's school safety plan. The commissioner shall annually prescribe a special cost allowance for metal detectors, and security cameras, and the approved expenditures shall not exceed such cost allowance.

S 25. Section 2 of chapter 552 of the laws of 1995 amending the education law relating to contracts for the transportation of school children, as amended by chapter 116 of the laws of 2013, is amended to read as follows:

S 2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law and shall remain in full force and effect until January 1, [2017] 2020, when upon such date the provisions of this act shall be deemed repealed.

S 26. Paragraph b of subdivision 2 of section 3612 of the education law, as amended by section 8 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

b. Such grants shall be awarded to school districts, within the limits of funds appropriated therefor, through a competitive process that takes into consideration the magnitude of any shortage of teachers in the school district, the number of teachers employed in the school district who hold temporary licenses to teach in the public schools of the state, the number of provisionally certified teachers, the fiscal capacity and geographic sparsity of the district, the number of new teachers the school district intends to hire in the coming school year and the number of summer in the city student internships proposed by an eligible school district, if applicable. Grants provided pursuant to this section shall be used only for the purposes enumerated in this section. Notwithstanding any other provision of law to the contrary, a city school district in a city having a population of one million or more inhabitants receiving a grant pursuant to this section may use no more than eighty percent of such grant funds for any recruitment, retention and certification costs associated with transitional certification of teacher candidates for the school years two thousand one--two thousand two through [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN.

S 27. Subdivision 6 of section 4402 of the education law, as amended by section 9 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand [sixteen] SEVENTEEN of the [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size

specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

S 28. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 13 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the 2012--2013 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and thirty-five cents per contact hour, reimbursement for the 2013--2014 school year shall not exceed 62.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and sixty-five cents per contact hour, reimbursement for the 2014--2015 school year shall not exceed 61.6 percent of the lesser of such approvable costs per contact hour or thirteen dollars per contact hour, [and] reimbursement for the 2015--2016 school year shall not exceed 60.7 percent of the lesser of such approvable costs per contact hour or thirteen dollars and forty cents per contact hour, AND REIMBURSEMENT FOR THE 2016--2017 SCHOOL YEAR SHALL NOT EXCEED 60.3 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIRTEEN DOLLARS EIGHTY CENTS PER CONTACT HOUR where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2012--2013 school year such contact hours shall not exceed one million six hundred sixty-four thousand five hundred thirty-two (1,664,532) hours; whereas for the 2013--2014 school year such contact hours shall not exceed one million six hundred forty-nine thousand seven hundred forty-six (1,649,746) hours; whereas for the 2014--2015 school year such contact hours shall not exceed one million six hundred twenty-five thousand (1,625,000) hours; whereas for the 2015--2016 school year such contact hours shall not exceed one million five hundred ninety-nine thousand fifteen (1,599,015) HOURS; WHEREAS FOR THE 2016--2017 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION THREE HUNDRED EIGHTY-TWO THOUSAND TWO HUNDRED ELEVEN (1,382,211). Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school

district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 29. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision u to read as follows:

U. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE COMPLETION OF PAYMENTS FOR THE 2016--2017 SCHOOL YEAR. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER SHALL WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE ELEMENTARY AND SECONDARY EDUCATION FUND LOCAL ASSISTANCE ACCOUNT AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS ($11,500,000).

S 30. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 15 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

S 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [2016] 2017.

S 31. Section 99-u of the state finance law, as added by section 2 of part GG of chapter 59 of the laws of 2013, subdivision 2-a as added by chapter 453 of the laws if 2015, is amended to read as follows:

S 99-u. New York state teen health education fund. 1. There is hereby established in the JOINT custody of the STATE COMPTROLLER AND commissioner of taxation and finance a special [account] FUND to be known as the "New York state teen health education fund".

2. Such fund shall consist of all revenues received by the department of taxation and finance, pursuant to the provisions of section six hundred thirty-c of the tax law and all other moneys appropriated thereto from any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

2-a. On or before the first day of February each year, the commissioner of [health] EDUCATION shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on health, chair of the assembly health committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

(i) the amount of money dispersed from the fund and the award process used for such disbursements;

(ii) recipients of awards from the fund;

(iii) the amount awarded to each;

(iv) the purposes for which such awards were granted; and

(v) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

3. [The moneys in said account shall be retained by the fund and shall be released by the commissioner of taxation and finance only upon certificates signed by the commissioner of education or his or her designee and only for the purposes set forth in this section.] MONEYS SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF EDUCATION.

4. The moneys in such fund shall be expended for the purpose of supplementing educational programs in schools for health and awareness of issues facing teens today when it comes to their health. Eligible health programs are those with an established curriculum providing instruction on alcohol, tobacco and other drug abuse prevention, the causes and problems associated with teen obesity, and for awareness of the symptoms of teen endometriosis.

S 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 16 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, [2017] 2018.

S 33. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 17 of part A of chapter 56 of the laws of 2015, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred thirteen of this act shall remain in full force and effect until July 1, [2016] 2017 at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred twenty-four of this act shall be deemed to be repealed on and after July 1, [2016] 2017;

S 34. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 19 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

S 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [2016] 2017 when upon such date the provisions of this act shall be deemed repealed.

S 35. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational

services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 20 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

S 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [2016] 2017.

S 36. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 21 of part A of chapter 56 of the laws of 2015, is amended to read as follows:

S 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [2016] 2017.

S 37. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2016--2017 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

S 38. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2017 and not later than the last day of the third full business week of June 2017, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2017, for salary expenses incurred between April 1 and June 30, 2016 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph

(4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

S 39. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2017, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2017 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

S 40. a. Notwithstanding any other law, rule or regulation to the contrary, any moneys appropriated to the state education department may be suballocated to other state departments or agencies, as needed, to accomplish the intent of the specific appropriations contained therein.

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

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

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

S 41. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from such board for the 2016--2017 school year, as a non-component school district, services required by article 19 of the education law.

S 42. The amounts specified in this section shall be a set aside from the state funds which each such district is receiving from the total foundation aid: for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the 2016--2017 school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); to the Newburgh city school

district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000). Notwithstanding the provisions of this section, a school district receiving a grant pursuant to this section may use such grant funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to reduction of racial isolation and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students. The commissioner of education shall not be authorized to withhold magnet grant funds from a school district that used such funds in accordance with this section, notwithstanding any inconsistency with a request for proposals issued by such commissioner. For the purpose of attendance improvement and dropout prevention for the 2016--2017 school year, for any city school district in a city having a population of more than one million, the set aside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2016--2017 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year. For the purpose of teacher support for the 2016--2017 school year: to the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); to the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); to the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); to the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and to the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance

with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

S 43. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2016 enacting the aid to localities budget shall be apportioned for the 2016-2017 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001-2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries. Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2016-2017 by a chapter of the laws of 2016 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

S 44. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, 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.

S 45. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2016, provided, however, that:

1. Sections one, six, seven, eight, nine, ten, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-seven, forty-one and forty-two of this act shall take effect July 1, 2016.

2. The amendments to paragraph b-1 of subdivision 4 of section 3602 of the education law made by section seven of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith.

3. The amendments to subdivision 1 of section 2856 of the education law made by section twelve of this act shall be subject to the expira-

tion and reversion of such subdivision pursuant to subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section thirteen of this act shall take effect.

4. The amendments to chapter 756 of the laws of 1992, amending the education law relating to funding a program for work force education conducted by a consortium for worker education in New York City made by sections twwnty-eight and twenty-nine of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith.

5. Section thirty-three of this act shall take effect immediately and shall be deemed to have been in full force and effect on and after the effective date of section 140 of chapter 82 of the laws of 1995.

PART B

Section 1. Section 2801-a of the education law, as added by chapter 181 of the laws of 2000, subdivision 1 as amended by chapter 380 of the laws of 2001, is amended to read as follows:

S 2801-a. School safety plans. 1. The board of education or trustees, as defined in section two of this chapter, of every school district within the state, however created, and every board of cooperative educational services and county vocational education and extension board and the chancellor of the city school district of the city of New York shall adopt and amend a comprehensive district-wide school safety plan and building-level [school safety] EMERGENCY RESPONSE plans regarding crisis intervention, emergency response and management, provided that in the city school district of the city of New York, such plans shall be adopted by the chancellor of the city school district. Such plans shall be developed by a district-wide school safety team and a building-level school safety team established pursuant to subdivision four of this section and shall be in a form developed by the commissioner in consultation with the division of criminal justice services, the superintendent of the state police and any other appropriate state agencies. [A school district having only one school building, shall develop a single building-level school safety plan, which shall also fulfill all requirements for development of a district-wide plan.]

2. Such comprehensive district-wide safety plan shall be developed by the district-wide school safety team and shall include at a minimum:

a. policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school;

b. policies and procedures for responding to acts of violence by students, teachers, other school personnel as well as visitors to the school, including consideration of zero-tolerance policies for school violence;

c. appropriate prevention and intervention strategies such as:

(i) collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

(ii) non-violent conflict resolution training programs;

(iii) peer mediation programs and youth courts; and

(iv) extended day and other school safety programs;

d. policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;

e. policies and procedures for contacting parents, guardians or persons in parental relation to the students of the district in the event of a violent incident;

f. policies and procedures relating to school building security, including where appropriate the use of school safety officers and/or security devices or procedures;

g. policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including but not limited to the identification of family, community and environmental factors, to teachers, administrators, school personnel, persons in parental relation to students of the district, students and other persons deemed appropriate to receive such information;

h. policies and procedures for annual school safety training for staff and students; PROVIDED THAT THE DISTRICT MUST CERTIFY TO THE COMMISSIONER THAT ALL STAFF HAVE UNDERGONE ANNUAL TRAINING ON THE EMERGENCY RESPONSE PLAN BY SEPTEMBER FIFTEENTH OF EACH SCHOOL YEAR OR WITHIN TEN DAYS OF HIRE, AND THAT THE SCHOOL SAFETY TRAINING INCLUDE COMPONENTS ON VIOLENCE PREVENTION AND MENTAL HEALTH;

i. protocols for responding to bomb threats, hostage-takings, intrusions and kidnappings;

j. strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence and establishing anonymous reporting mechanisms for school violence; [and]

k. a description of the duties of hall monitors and any other school safety personnel, the training required of all personnel acting in a school security capacity, and the hiring and screening process for all personnel acting in a school security capacity; AND

1. THE DESIGNATION OF THE SUPERINTENDENT, OR SUPERINTENDENT'S DESIGNEE, AS THE DISTRICT CHIEF EMERGENCY OFFICER RESPONSIBLE FOR COORDINATING COMMUNICATION BETWEEN SCHOOL STAFF AND LAW ENFORCEMENT AND FIRST RESPONDERS, AND ENSURING STAFF UNDERSTANDING OF THE DISTRICT-LEVEL SAFETY PLAN. THE CHIEF EMERGENCY OFFICER SHALL ALSO BE RESPONSIBLE FOR ENSURING THE COMPLETION AND YEARLY UPDATING OF BUILDING-LEVEL EMERGENCY RESPONSE PLANS.

3. A school emergency response plan, developed by the building-level school safety team defined in subdivision four of this section, shall BE KEPT CONFIDENTIAL, INCLUDING BUT NOT LIMITED TO THE FLOOR PLANS, BLUEPRINTS, SCHEMATICS OR OTHER MAPS OF THE SCHOOL INTERIOR, SCHOOLS GROUNDS AND ROAD MAPS OF THE IMMEDIATE SURROUNDING AREA, AND SHALL NOT BE DISCLOSED EXCEPT TO AUTHORIZED DEPARTMENT OR SCHOOL STAFF, AND LAW ENFORCEMENT OFFICERS, AND SHALL include the following elements:

a. policies and procedures for [the safe evacuation of students, teachers, other school personnel as well as visitors to the school in the event of a serious violent incident or other emergency, which shall include evacuation routes and shelter sites and procedures for addressing medical needs, transportation and emergency notification to persons in parental relation to a student. For purposes of this subdivision, "serious violent incident" means an incident of violent criminal conduct that is, or appears to be, life threatening and warrants the evacuation of students and/or staff, as defined in regulations of the commissioner developed in conjunction with the division of criminal justice services] RESPONSE TO EMERGENCY SITUATIONS, SUCH AS THOSE REQUIRING EVACUATION, SHELTERING, AND LOCK-DOWN. THESE POLICIES SHALL INCLUDE, AT A MINIMUM

EVACUATION ROUTES, SHELTER SITES, AND PROCEDURES FOR ADDRESSING MEDICAL NEEDS, TRANSPORTATION AND EMERGENCY NOTIFICATION OF PARENTS AND GUARDIANS;

b. designation of an emergency response team comprised of school personnel, [local] law enforcement officials, FIRE OFFICIALS and representatives from local regional and/or state emergency response agencies, other appropriate incident response teams, and a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors and others who can assist the school community in coping with the aftermath of a violent incident;

c. [procedures for assuring that crisis response and law enforcement officials have access to] floor plans, blueprints, schematics or other maps of the school interior, school grounds and road maps of the immediate surrounding area;

d. establishment of internal and external communication systems in emergencies;

e. definition of the chain of command in a manner consistent with the national interagency incident management system/incident command system;

f. coordination of the school safety plan with the state-wide plan for disaster mental health services to assure that the school has access to federal, state and local mental health resources in the event of a violent incident;

g. procedures for review and the conduct of drills and other exercises to test components of the emergency response plan; and

h. policies and procedures for securing and restricting access to the crime scene in order to preserve evidence in cases of violent crimes on school property.

4. Each district-wide school safety team shall be appointed by the board of education, or the chancellor in the case of the city school district of the city of New York, and shall include but not be limited to representatives of the school board, [student,] teacher, administrator, and parent organizations, school safety personnel, and other school personnel. Each building-level school safety team shall be appointed by the building principal, in accordance with regulations or guidelines prescribed by the board of education, chancellor or other governing body. Such building-level teams shall include but not be limited to representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, [local] law enforcement officials, [local ambulance] FIRE OFFICIALS or other emergency response agencies, and any other representatives the board of education, chancellor or other governing body deems appropriate.

5. [Each safety plan shall be reviewed by the appropriate school safety team on at least an annual basis, and updated as needed] THE DISTRICT-WIDE SAFETY PLAN AND BUILDING-LEVEL EMERGENCY RESPONSE PLANS SHALL BE REVIEWED BY THE APPROPRIATE TEAM ON AT LEAST AN ANNUAL BASIS AND UPDATED AS NEEDED.

6. Each board of education, chancellor or other governing body shall make each district-wide [and building-level school] safety plan available for public comment at least thirty days prior to its adoption[, provided that only a summary of each building-level emergency response plan shall be made available for public comment]. Such district-wide [and building-level] plans may be adopted by the school board only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Each district shall file a copy of its district-wide [comprehensive]

safety plan with the commissioner and all amendments to such plan shall be filed with the commissioner no later than thirty days after their adoption.

[A] 7. EACH BOARD OF EDUCATION, CHANCELLOR OR OTHER GOVERNING BODY OR OFFICER SHALL ENSURE A copy of each building-level [safety] EMERGENCY RESPONSE plan and any amendments thereto, shall be filed with the appropriate local law enforcement agency and with the state police within thirty days of its adoption. Building-level emergency response plans shall be confidential and shall not be subject to disclosure under article six of the public officers law or any other provision of law. If the board of education, chancellor or other governing body or chancellor fails to file such plan as required by this section, the commissioner may, in an amount determined by the commissioner, withhold public money from the district until the district is in compliance.

[7. The commissioner may grant a waiver of the requirements of this section to any school district or board of cooperative educational services for a period of up to two years from the date of enactment upon a finding by the commissioner that such district had adopted a comprehensive school safety plan on the effective date of this section which is in substantial compliance with the requirements of this section.]

8. The commissioner shall annually report to the governor and the legislature on the implementation and compliance with the provisions of this section.

9. Whenever it shall have been demonstrated to the satisfaction of the commissioner that a school district has failed to adopt a code of conduct which fully satisfies the requirements of section twenty-eight hundred one of this article, or a [school safety plan] DISTRICT-WIDE SAFETY PLAN OR BUILDING-LEVEL EMERGENCY RESPONSE PLANS which satisfies the requirements of this section, or to faithfully and completely implement [either or both] ALL THREE, the commissioner may, on thirty days notice to the district, withhold from the district monies to be paid to such district for the current school year pursuant to section thirty-six hundred nine-a of this chapter, exclusive of monies to be paid in respect of obligations to the retirement systems for school and district staff and pursuant to collective bargaining agreements, or the commissioner may direct the district to expend up to such amount upon the development and implementation of a code of conduct and a school district safety plan as required by such sections. Prior to such withholding or redirection, the commissioner shall provide the district an opportunity to present evidence of extenuating circumstances; when combined with evidence that the district shall promptly comply within short time frames that shall be established by the commissioner as part of an agreement between the district and the commissioner, the commissioner may temporarily stay the withholding or redirection of funds pending implementation of such agreement. If the district promptly and fully complies with the agreement and is in full compliance with this section and section twenty-eight hundred one of this article, the commissioner shall abate the withholding in its entirety. Any failure to meet the obligations of the compliance agreement by the district within the time frames established shall be considered a willful violation of a commissioner's order by the members of the district board for purposes of subdivision one of section three hundred six of the education law. Notwithstanding any other law, rule or regulation, such transfer shall take effect upon filing of a notice thereof with the director of the budget and the chairs of the senate finance and assembly ways and means committees.

S 2. The section heading and subdivisions 1 and 1-a of section 807 of the education law, the section heading as amended by chapter 765 of the laws of 1964, subdivision 1 as amended by chapter 143 of the laws of 1985 and subdivision 1-a as added by chapter 9 of the laws of 1991, are amended to read as follows:

Fire AND EMERGENCY drills. 1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, other than colleges or universities, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to [leave the school building] RESPOND APPROPRIATELY in the shortest possible time and without confusion or panic. Such drills [or rapid dismissals] shall be held at least twelve times in each school year, eight of which required drills shall be held between September first and December [first] THIRTY-FIRST of each such year. [At least one-third of all such required drills shall be through use of the fire escapes on buildings where fire escapes are provided. In the course of at least one such drill, pupils shall be instructed in the procedure to be followed in the event that a fire occurs during lunch period, provided however, that such additional instruction may be waived where a drill is held during the regular school lunch period. At least four] EIGHT OF ALL SUCH DRILLS SHALL BE EVACUATION DRILLS, FOUR OF WHICH SHALL BE THROUGH USE OF THE FIRE ESCAPES ON BUILDINGS WHERE FIRE ESCAPES ARE PROVIDED OR THROUGH THE USE OF IDENTIFIED SECONDARY MEANS OF EGRESS. FOUR OF ALL SUCH REQUIRED DRILLS SHALL BE LOCK-DOWN DRILLS. DRILLS SHALL BE CONDUCTED AT DIFFERENT TIMES OF THE SCHOOL DAY WITH AT LEAST ONE OF THE EIGHT REQUIRED EVACUATION DRILLS OCCURRING DURING A MASS GATHERING EVENT SUCH AS LUNCH OR ASSEMBLIES. FOUR additional drills shall be held in each school year during the hours after sunset and before sunrise in school buildings in which students are provided with sleeping accommodations. At least two additional drills shall be held during summer school in buildings where summer school is conducted, and one of such drills shall be held during the first week of summer school.

1-a. In the case of after-school programs, events or performances which are conducted within a school building and which include persons who do not regularly attend classes in such school building, the principal or other person in charge of the building shall require the teacher or person in charge of such after-school program, event or performance to notify persons in attendance at the beginning of each such program, event or performance, of the procedures to be followed in the event of an emergency so that they may be able to [leave the building] RESPOND in a timely, orderly manner.

S 3. Subdivision 7 of section 3604 of the education law, as amended by section 31 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

7. No district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustees or board of education for the preceding school year shall show that the public schools were actually in session in the district and taught by a qualified teacher or by successive qualified teachers or by qualified teachers for not less than one hundred eighty days. The moneys payable to a school district pursuant to section thirty-six hundred nine-a of this chapter in the current year shall be reduced by one one-hundred eightieth of the district's total foundation aid for each day less than one hundred eighty days that the schools of the district were actually in session, except that the commissioner may disregard such reduction, up to five days, in the apportionment of public money, if he finds that the

schools of the district were not in session for one hundred eighty days because of extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, A CREDIBLE THREAT TO STUDENT SAFETY AS REASONABLY DETERMINED BY A LEAD SCHOOL OFFICIAL or the destruction of a school building either in whole or in part, and if, further, the commissioner finds that such district cannot make up such days of instruction by using for the secondary grades all scheduled vacation days which occur prior to the first scheduled regents examination day in June, and for the elementary grades all scheduled vacation days which occur prior to the last scheduled regents examination day in June. For the purposes of this subdivision, "scheduled vacation days" shall mean days on which the schools of the district are not in session and for which no prohibition exists in subdivision eight of this section for them to be in session.

S 4. This act shall take effect July 1, 2016.

PART C

Section 1. Subparagraphs a and b of paragraph 2 of subdivision A of section 6221 of the education law, as added by chapter 305 of the laws of 1979, is amended to read as follows:

a. Notwithstanding any other provision of law, the city of New York shall appropriate in its expense budget and pay to the account of the senior colleges of the city university of New York as operating aid amounts in accordance with the following schedule:

(i) For the twelve-month period commencing July first, nineteen hundred seventy-nine, an amount equal to the lesser of fifty-eight million, three hundred ninety-three thousand dollars ($58,393,000) or twenty-five per centum of the net operating expenses of such senior college programs and services, as certified by the comptroller of the state of New York to be properly chargeable to such twelve-month period;

(ii) For the twelve-month period commencing July first, nineteen hundred eighty, an amount equal to eighty per centum of the amount specified in (i) of subparagraph a of this paragraph.

(iii) For the twelve-month period commencing July first, nineteen hundred eighty-one, an amount equal to forty per centum of the amount specified in (i) of subparagraph a of this paragraph.

[b.] (IV) For the [twelve-month] period commencing July first, nineteen hundred eighty-two and [thereafter] ENDING JUNE THIRTIETH, TWO THOUSAND SIXTEEN, the city of New York shall not be required to make any appropriation in support of the net operating expenses of the programs and services of the senior colleges of the city university.

(V) FOR THE TWELVE-MONTH PERIOD COMMENCING JULY FIRST, TWO THOUSAND SIXTEEN AND FOR EACH TWELVE MONTH PERIOD THEREAFTER, AN AMOUNT EQUAL TO THIRTY PER CENTUM OF THE NET OPERATING EXPENSES OF THE APPROVED PROGRAMS AND SERVICES OF THE SENIOR COLLEGES, PLUS AN ADDITIONAL AMOUNT EQUAL TO THIRTY PER CENTUM OF THE CITY UNIVERSITY SENIOR COLLEGE DEBT SERVICE AND CAPITAL CONSTRUCTION ADMINISTRATIVE EXPENSE FOR THE TWELVE-MONTH PERIOD FIRST BEGINNING APRIL FIRST, TWO THOUSAND FOURTEEN AND FOR EACH TWELVE-MONTH PERIOD THEREAFTER AS CERTIFIED BY THE DIRECTOR OF THE BUDGET TO BE PROPERLY CHARGEABLE TO SUCH TWELVE-MONTH PERIOD.

S 2. Subparagraph c of paragraph 2 of subdivision A of section 6221 of the education law is relettered subparagraph b.

S 3. Subparagraph d of paragraph 2 of subdivision A of section 6221 of the education law is relettered subparagraph c.

S 4. Subparagraph e of paragraph 2 of subdivision A of section 6221 of the education law, as added by chapter 815 of the laws of 1980 and the opening paragraph and item (iii) as amended by chapter 87 of the laws of 2002, is amended to read as follows:

[e.] D. In addition to the amounts specified in subparagraph a of this paragraph [and notwithstanding the provisions of subparagraph b of this paragraph], the city of New York shall appropriate in its expense budget and pay to the account of the senior colleges of the city university of New York as the city's share of operating aid for the college of Staten Island and New York city college of technology amounts in accordance with the following schedule:

(i) For the twelve month period commencing July first, nineteen hundred eighty, an amount that shall equal four million, one hundred thousand dollars ($4,100,000).

(ii) For the twelve month period commencing July first, nineteen hundred eighty-one, an amount equal to one-half of the amount specified in clause (i) of this subparagraph.

(iii) For the [twelve month] period commencing July first, nineteen hundred eighty-two, and [thereafter] ENDING JUNE THIRTIETH, TWO THOUSAND SIXTEEN the city of New York shall not be required to make any appropriation for operating aid for the college of Staten Island and New York city college of technology.

S 5. Paragraph 4 of subdivision A of section 6221 of the education law, as added by chapter 305 of the law of 1979, is amended to read as follows:

4. [Commencing] NOTWITHSTANDING THE PROVISION OF ANY LAW, RULE OR REGULATION TO THE CONTRARY, (A) COMMENCING with the twelve-month period beginning July first, nineteen hundred eighty-two and [thereafter] ENDING JUNE THIRTIETH, TWO THOUSAND SIXTEEN, the state shall reimburse to the city of New York one hundred per centum of the net operating expenses of the approved programs and services of the senior colleges[.]; AND

(B) COMMENCING WITH THE TWELVE-MONTH PERIOD BEGINNING JULY FIRST, TWO THOUSAND SIXTEEN AND FOR EACH TWELVE-MONTH PERIOD THEREAFTER, THE STATE SHALL REIMBURSE TO THE CITY OF NEW YORK SEVENTY PER CENTUM OF THE NET OPERATING EXPENSES OF THE APPROVED PROGRAMS AND SERVICES OF THE SENIOR COLLEGES LESS AN ADDITIONAL AMOUNT EQUAL TO THIRTY PER CENTUM OF THE CITY UNIVERSITY SENIOR COLLEGE DEBT SERVICE AND CAPITAL CONSTRUCTION ADMINISTRATIVE EXPENSE FOR THE TWELVE-MONTH PERIOD FIRST BEGINNING APRIL FIRST, TWO THOUSAND FOURTEEN AND FOR EACH TWELVE MONTH PERIOD THEREAFTER AS CERTIFIED BY THE DIRECTOR OF THE BUDGET TO BE PROPERLY CHARGEABLE TO SUCH TWELVE-MONTH PERIOD.

S 6. Subdivision D of section 6221 of the education law, as added by chapter 815 of the laws of 1980 and as relettered by chapter 585 of the laws of 1988, is amended to read as follows:

D. College of Staten Island. Notwithstanding the designation of the college of Staten Island as a senior college:

(i) the city of New York shall annually appropriate in its expense budget and pay to the city university of New York, as operating aid in support of the programs and services of the college of Staten Island, an amount for each full-time equivalent student in the associate degree program of the college equal to the amount the city of New York is appropriating and paying for each full-time equivalent student in the community colleges;

(ii) and the state of New York shall annually appropriate and pay to the city university of New York an amount equal to [the net operating]

ITS SHARE OF expenses of the college of Staten Island less the amount payable by the city of New York pursuant to this [subdivision] SECTION. Such state of New York payment shall be made in four installments on or before April twenty-fifth, June twenty-fifth, October twenty-fifth and January twenty-fifth. The amount to be paid by the city of New York pursuant to this subdivision shall be determined by the state director of the budget, based upon information submitted by the mayor in such form and content and at such time as may be [requred] REQUIRED by the state director of the budget.

S 7. Subdivision E of section 6221 of the education law, as added by chapter 170 of the laws of 1994, paragraph (i) as amended by section 2 and paragraph (ii) as renumbered by section 3 of part HH of chapter 57 of the laws of 2009, is amended to read as follows:

E. Medgar Evers college. Notwithstanding the designation of Medgar Evers college as a senior college:

(i) in addition to the amounts specified in subparagraph e of paragraph two of subdivision A of this section, the city of New York shall annually appropriate in its expense budget and pay to the city university of New York as operating aid in support of the programs and services, an amount for each full-time equivalent student in the associate degree program of the college equal to the amount the city of New York is appropriating and paying for each full-time equivalent student in the community colleges; and

(ii) the state of New York shall annually appropriate and pay to the city of New York on behalf of the city university of New York an amount equal to [the net operating] ITS SHARE OF expenses of Medgar Evers college less the amount payable by the city of New York pursuant to this [subdivision] SECTION. Such state of New York payment shall be made in four installments on or before April twenty-fifth, June twenty-fifth, October twenty-fifth and February twenty-fifth. The amount to be paid by the city of New York pursuant to this subdivision shall be determined by the state director of the budget, based upon information submitted by the mayor in such form and content and at such time as may be required by the state director of the budget.

S 8. This act shall take effect immediately.

PART D

Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by chapter 260 of the laws of 2011, the opening paragraph as amended by chapter 437 of the laws of 2015 and clause (ii) as amended by section 1 of part P of chapter 57 of the laws of 2012, is amended to read as follows:

(4) The trustees shall not impose a differential tuition charge based upon need or income. Except as hereinafter provided, all students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency. Provided, however, that the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state

university of New York. Notwithstanding any other provision of this subparagraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. Except as otherwise authorized in this subparagraph, the trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget, provided however that:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

(II) COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE ACADEMIC YEAR THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL BE EMPOWERED TO INCREASE THE RESIDENT UNDERGRADUATE RATE OF TUITION BY NOT MORE THAN THREE HUNDRED DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF TUITION ADOPTED BY THE BOARD OF TRUSTEES IN THE PRIOR ACADEMIC YEAR, PROVIDED, HOWEVER THAT IF THE ANNUAL RESIDENT UNDERGRADUATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED AND CALCULATED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION PURSUANT TO SECTION SIX HUNDRED EIGHTY-NINE-A OF THIS TITLE, SHALL BE APPLIED TOWARD THE TUITION CHARGED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR EACH SEMESTER, QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS CALCULATED AND APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING SEMESTER, QUARTER OR TERM. PROVIDED, FURTHER:

(1) THE BOARD OF TRUSTEES SHALL ONLY INCREASE THE RATE OF TUITION UPON DETERMINATION THAT (A) ADMINISTRATIVE COST SAVINGS ARE BEING IMPLEMENTED TO MITIGATE THE NEED FOR A TUITION INCREASE, PROVIDED THAT SUCH SAVINGS SHALL NOT INCLUDE A STAFFING REDUCTION; AND (B) THE INCREASE IS JUSTIFIED BASED UPON INFLATIONARY INDICES.

(2) THE REVENUE RESULTING FROM AN INCREASE IN THE RATE OF TUITION SHALL BE ALLOCATED TO EACH CAMPUS PURSUANT TO A PLAN APPROVED BY THE BOARD OF TRUSTEES TO SUPPORT INVESTMENTS IN FACULTY, INSTRUCTION AND A TUITION CREDIT FOR EACH ELIGIBLE STUDENT.

[(ii)] (III) On or before November thirtieth, two thousand [eleven] SIXTEEN, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the five year period commencing with the two thousand

[eleven] SIXTEEN--two thousand [twelve] SEVENTEEN academic year and ending in the two thousand [fifteen-two thousand sixteen] TWENTY--TWO THOUSAND TWENTY-ONE academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand [fifteen] TWENTY, and provided further, that with the approval of the board of trustees, each university center may increase non-resident undergraduate tuition rates each year by not more than ten percent over the tuition rates of the prior academic year for a [five] TEN year period commencing with the semester following the semester in which the governor and the chancellor of the state university of New York approve the NY-SUNY 2020 proposal for such university center.

[(iii)] (IV) The state shall appropriate annually and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available to the state university in state fiscal year two thousand eleven--two thousand twelve. Beginning in state fiscal year two thousand twelve-two thousand thirteen and thereafter, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

[(iv)] (V) For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand [fifteen--two thousand sixteen] TWENTY--TWO THOUSAND TWENTY-ONE, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance program awards pursuant to section six hundred sixty-seven of this chapter.

S 2. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 260 of the laws of 2011 and the opening paragraph as amended by chapter 437 of the laws of 2015, is amended to read as follows:

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

differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state; provided, however, that:

(i) Commencing with the two thousand eleven--two thousand twelve academic year and ending in the two thousand fifteen--two thousand sixteen academic year, the city university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than three hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this chapter, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term.

(II) COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE ACADEMIC YEAR THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL BE EMPOWERED TO INCREASE THE RESIDENT UNDERGRADUATE RATE OF TUITION BY NOT MORE THAN THREE HUNDRED DOLLARS OVER THE RESIDENT UNDERGRADUATE RATE OF TUITION ADOPTED BY THE BOARD OF TRUSTEES IN THE PRIOR ACADEMIC YEAR, PROVIDED HOWEVER THAT IF THE ANNUAL RESIDENT UNDERGRADUATE RATE OF TUITION WOULD EXCEED FIVE THOUSAND DOLLARS, THEN A TUITION CREDIT FOR EACH ELIGIBLE STUDENT, AS DETERMINED AND CALCULATED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION PURSUANT TO SECTION SIX HUNDRED EIGHTY-NINE-A OF THIS TITLE, SHALL BE APPLIED TOWARD THE TUITION CHARGED FOR EACH SEMESTER, QUARTER OR TERM OF STUDY. TUITION FOR EACH SEMESTER, QUARTER OR TERM OF STUDY SHALL NOT BE DUE FOR ANY STUDENT ELIGIBLE TO RECEIVE SUCH TUITION CREDIT UNTIL THE TUITION CREDIT IS CALCULATED AND APPLIED AGAINST THE TUITION CHARGED FOR THE CORRESPONDING SEMESTER, QUARTER OR TERM. PROVIDED, FURTHER:

(1) THE BOARD OF TRUSTEES SHALL ONLY INCREASE THE RATE OF TUITION UPON DETERMINATION THAT (A) ADMINISTRATIVE COST SAVINGS ARE BEING IMPLEMENTED TO MITIGATE THE NEED FOR A TUITION INCREASE, PROVIDED THAT SUCH SAVINGS SHALL NOT INCLUDE A STAFFING REDUCTION; AND (B) THE INCREASE IS JUSTIFIED BASED UPON INFLATIONARY INDICES.

(2) THE REVENUE RESULTING FROM AN INCREASE IN THE RATE OF TUITION SHALL BE ALLOCATED TO EACH CAMPUS PURSUANT TO A PLAN APPROVED BY THE BOARD OF TRUSTEES TO SUPPORT INVESTMENTS IN FACULTY, INSTRUCTION AND A TUITION CREDIT FOR EACH ELIGIBLE STUDENT.

[(ii)] (III) On or before November thirtieth, two thousand [eleven] SIXTEEN, the trustees shall approve and submit to the chairs of the assembly ways and means committee and the senate finance committee and to the director of the budget a master tuition plan setting forth the tuition rates that the trustees propose for resident undergraduate students for the five year period commencing with the two thousand

[eleven] SIXTEEN--two thousand [twelve] SEVENTEEN academic year and ending in the two thousand [fifteen--two thousand sixteen] TWENTY--TWO THOUSAND TWENTY-ONE academic year, and shall submit any proposed amendments to such plan by November thirtieth of each subsequent year thereafter through November thirtieth, two thousand [fifteen] TWENTY.

[(iii)] (IV) The state shall appropriate annually and make available state support for operating expenses, including fringe benefits, for the city university in an amount not less than the amount appropriated and made available to the city university in state fiscal year two thousand eleven--two thousand twelve. Beginning in state fiscal year two thousand twelve--two thousand thirteen and [thereafter] ENDING IN STATE FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, the state shall appropriate and make available state support for operating expenses, including fringe benefits, for the city university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses of the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply.

(V) BEGINNING IN ACADEMIC FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN AND THEREAFTER, THE STATE AND CITY OF NEW YORK SHALL APPROPRIATE ANNUALLY AND MAKE AVAILABLE ITS REPRESENTATIVE SHARE OF SUPPORT FOR EXPENSES PURSUANT TO SECTION SIX THOUSAND TWO HUNDRED TWENTY-ONE OF THIS TITLE, INCLUDING FRINGE BENEFITS, FOR THE CITY UNIVERSITY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE FOR EXPENSES IN THE PRIOR ACADEMIC FISCAL YEAR; PROVIDED, HOWEVER, THAT IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

S 3. Subdivision 5 of section 359 of the education law, as added by chapter 260 of the laws of 2011, is amended to read as follows:

5. The state university trustees shall conduct a study regarding the effectiveness and functionality of the New York state tuition assistance program, which shall consider a variety of factors including, but not limited to, the costs associated with pursuing a degree in undergraduate study, current tuition assistance program thresholds and award levels, current eligibility criteria to qualify for an award under the tuition assistance program, and any other information the trustees determine to be relevant. The study shall also include recommendations to improve the tuition assistance program to better meet the future financial aid needs of students who reside in New York state and to ensure continued access and affordability of the state university of New York. The study shall be submitted to the governor, the temporary president of the senate, the speaker of the assembly, the director of the division of the budget, the senate finance committee, the assembly ways and means committee and the higher education committees of the legislature on or before October first, two thousand thirteen. In addition, the state university shall annually examine and report on each state-operated campus' efforts to promote fiscal stability for the duration of the [five] TEN year tuition plan by implementing cost saving measures [and increasing fundraising efforts]. Further, the trustees shall [periodically review their patent policies to ensure competitiveness, and shall] annually report on how

the revenue generated [by this paragraph has helped retain and grow full-time faculty and increase program availability. The University Centers shall also report annually to the state university trustees on how research revenue yields quantifiable results for each of the four campuses and state university of New York at Buffalo and state university of New York at Stony Brook shall additionally report on what each campus is doing to maintain their AAU status] HAS BEEN INVESTED IN FACULTY, INSTRUCTION AND STUDENT FINANCIAL ASSISTANCE.

S 4. Subdivision 17 of section 6206 of the education law, as added by chapter 260 of the laws of 2011, is amended to read as follows:

17. The city university trustees shall conduct a study regarding the effectiveness and functionality of the New York state tuition assistance program, which shall consider a variety of factors including, but not limited to, the costs associated with pursuing a degree in undergraduate study, current tuition assistance program thresholds and award levels, current eligibility criteria to qualify for an award under the tuition assistance program and any other information the trustees determine to be relevant. The study shall also include recommendations to improve the tuition assistance program to better meet the future financial aid needs of students who reside in New York state and to ensure continued access and affordability of the city university of New York. The study shall be submitted to the governor, the temporary president of the senate, the speaker of the assembly, the director of the division of budget, the senate finance committee, the assembly ways and means committee and the higher education committees of the legislature on or before October first, two thousand thirteen. In addition, the city university shall annually examine and report on each [state-operated campus'] SENIOR COLLEGE'S efforts to promote fiscal stability for the duration of the [five] TEN year tuition plan by implementing cost saving measures [and increasing fundraising efforts]. FURTHER, THE TRUSTEES SHALL ANNUALLY REPORT ON HOW THE REVENUE GENERATED HAS BEEN INVESTED IN FACULTY, INSTRUCTION AND STUDENT FINANCIAL ASSISTANCE.

S 5. Section 16 of chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, as amended by section 65-a of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

S 16. This act shall take effect July 1, 2011; provided that sections one, two, three, four, five, six, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of this act shall expire [5] 10 years after such effective date when upon such date the provisions of this act shall be deemed repealed.

S 6. This act shall take effect immediately; provided that the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act, the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act, the amendments to subdivision 5 of section 359 of the education law made by section three of this act, and the amendments to subdivision 17 of section 6206 of the education law made by section four of this act shall not affect the repeal of such provisions and shall be deemed repealed therewith; provided further, that if chapter 437 of the laws of 2015 shall not have taken effect by such effective date, then sections one and two of this act shall take effect on the same day and in the same manner as sections 1 and 3 of chapter 437 of the laws of 2015, take effect.

PART E

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

S 99-Y. SUNY STONY BROOK AFFILIATION ESCROW FUND. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE, REGULATION, OR PRACTICE TO THE CONTRARY, THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK (SUNY) A TRUST AND AGENCY FUND, TO BE KNOWN AS THE "SUNY STONY BROOK AFFILIATION ESCROW FUND" WHICH SHALL BE AVAILABLE WITHOUT FISCAL YEAR LIMITATION.

2. THE SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL CONSIST OF (I) ALL MONIES GENERATED THROUGH THE ACTIVITIES OF STONY BROOK AT SOUTHAMPTON HOSPITAL, INCLUDING BUT NOT LIMITED TO PATIENT REVENUE, FEDERAL REIMBURSEMENT, AND OTHER ASSOCIATED REVENUE SOURCES, AND (II) RENT PAYMENTS MADE BY STONY BROOK UNIVERSITY HOSPITAL TO THE SOUTHAMPTON HOSPITAL ASSOCIATION UNDER A CERTAIN LEASE AGREEMENT APPROVED BY THE DIRECTOR OF THE BUDGET, THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL AND THE OFFICE OF THE NEW YORK STATE COMPTROLLER.

3. MONIES OF THE SUNY STONY BROOK AFFILIATION ESCROW FUND SHALL BE EXPENDED ONLY FOR THE PURPOSES OF STONY BROOK HOSPITAL AT SOUTHAMPTON.

S 2. This act shall take effect immediately.

PART F

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

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

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

a. (I) Except as provided in subdivision two of section six hundred seventy-four OF THIS PART AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, an applicant for an award at the undergraduate level of study must either [(i)] (A) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [(ii)] (B) be a legal resident of the state and have been a legal resident during his OR HER last two semesters of high school either prior to graduation, or prior to admission to college. Provided further that persons shall be eligible to receive awards under section six hundred sixty-eight or section six hundred sixty-nine OF THIS PART who are currently legal residents of the state and are otherwise qualified.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE ATTORNEY GENERAL OF THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY PERTAINING TO THE ADMISSION OF ALIENS TO THE UNITED STATES, OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND

ATTENDED WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIX THOUSAND TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

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

b. [An] (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN applicant for an award at the graduate level of study must either [(i)] (A) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [(ii)] (B) be a legal resident of the state and have been a legal resident during his OR HER last academic year of undergraduate study and have continued to be a legal resident until matriculation in the graduate program.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE ATTORNEY GENERAL OF THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY PERTAINING TO THE ADMISSION OF ALIENS TO THE UNITED STATES, OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED WITHIN TEN YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITU-

TION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIX THOUSAND TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

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

d. If an applicant for an award allocated on a geographic basis has more than one residence in this state, his OR HER residence for the purpose of this article shall be his OR HER place of actual residence during the major part of the year while attending school, as determined by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

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

e. Notwithstanding any other provision of this article to the contrary, the New York state [residency] eligibility [requirement] REQUIREMENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS SUBDIVISION ARE waived for a member, or the spouse or dependent of a member, of the armed forces of the United States on full-time active duty and stationed in this state.

S 7. Clauses (i) and (ii) of subparagraph 8 of paragraph h of subdivision 2 of section 355 of the education law, as added by chapter 327 of the laws of 2002, are amended to read as follows:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at] AND ATTENDED an institution or educational unit of the state university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at], EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED an institution or educational unit of the state university within five years of receiving a general equivalency diploma issued within New York state; or

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

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at] AND ATTENDED an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at], EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

S 8-a. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 327 of the laws of 2002, the opening paragraph as amended by section 4 of chapter 437 of the laws of 2015, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. The trustees shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at] AND ATTENDED an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at], EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

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

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

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

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

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at an institution or educational unit of the state university] AND ATTENDED A COMMUNITY COLLEGE within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at an

institution or educational unit of the state university], EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED A COMMUNITY COLLEGE within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in [an institution or educational unit of the state university] A COMMUNITY COLLEGE in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such [institution or educational unit] COMMUNITY COLLEGE to pay tuition at the rate or charge imposed for students who are residents of the state.

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

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

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

d. Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such enrolled students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget.

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

(v) Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by such universities and approved by the regents and the director of the budget.

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

(a) (I) Undergraduate science and technology entry program moneys may be used for tutoring, counseling, remedial and special summer courses, supplemental financial assistance, program administration, and other activities which the commissioner may deem appropriate. To be eligible for undergraduate collegiate science and technology entry program support, a student must be a resident of New York [who is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either

economically disadvantaged or from a minority group historically under represented in the scientific, technical, health and health-related professions, and [who demonstrates] MUST DEMONSTRATE interest in and a potential for a professional career if provided special services. Eligible students must be in good academic standing, enrolled full time in an approved, undergraduate level program of study, as defined by the regents.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE ATTORNEY GENERAL OF THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY PERTAINING TO THE ADMISSION OF ALIENS TO THE UNITED STATES, OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIX THOUSAND TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

S 13. Paragraph (a) of subdivision 3 of section 6455 of the education law, as added by chapter 285 of the laws of 1986, is amended to read as follows:

(a) (I) Graduate science and technology entry program moneys may be used for recruitment, academic enrichment, career planning, supplemental financial assistance, review for licensing examinations, program administration, and other activities which the commissioner may deem appropriate. To be eligible for graduate collegiate science and technology entry program support, a student must be a resident of New York [who is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either economically disadvantaged or from a minority group historically underrepresented in the scientific, technical and health-related professions. Eligible students must be in good academic stand-

ing, enrolled full time in an approved graduate level program, as defined by the regents.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE ATTORNEY GENERAL OF THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY PERTAINING TO THE ADMISSION OF ALIENS TO THE UNITED STATES, OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED WITHIN TEN YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGE AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIX THOUSAND TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

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

(i) the name, address and social security number [or], employer identification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

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

(iii) the name, address, and social security number, EMPLOYER IDENTIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A

TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

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

S 17. The higher education services corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this act.

S 18. This act shall take effect on the ninetieth day after the issuance of regulations and the development of an application form by the president of the higher education services corporation or on the ninetieth day after it shall have become a law, whichever shall be later; provided, however, that:

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

b. the president of the higher education services corporation shall notify the legislative bill drafting commission upon the occurrence of the issuance of regulations and the development of an application form provided for in this section 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.

## PART G

Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, as amended by section 1 of part M of chapter 58 of the laws of 2011, is amended to read as follows:

(a) section two of this act shall expire and be deemed repealed June 30, [2016] 2021; and provided, further that the amendment to paragraph b of subdivision 1 of section 679-c and the amendment to paragraph 2 of subdivision a of section 679-d of the education law made by sections three and four of this act shall not affect the repeal of such sections and shall be deemed repealed therewith;

S 2. Section 3 of part V of chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, as amended by section 1 of part L of chapter 58 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect on the same date and in the same manner as Part H of this chapter; provided that section two of this act

shall take effect on the same date and in the same manner as Part I of this chapter; and provided further that this act shall expire and be deemed repealed on June 30, [2016] 2021.

S 3. Section 17 of chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions, as amended by section 1 of part K of chapter 58 of the laws of 2011, is amended to read as follows:

S 17. This act shall take effect immediately; provided, however, that the scholarship and loan forgiveness programs established pursuant to the provisions of this act shall terminate upon the granting of such awards for the 2008-2009 school year provided, however, that the regents physician loan forgiveness program established pursuant to this act shall not terminate until the granting of such awards for the [2015-16] 2020-21 school year, provided that the final disbursement of any multi-year awards granted in such school year shall be paid.

S 4. Paragraph a of subdivision 5 of section 679-c of the education law, as amended by section 1 of part E3 of chapter 57 of the laws of 2007, is amended to read as follows:

a. The corporation shall convert to a student loan the full amount of the award given pursuant to this section, plus interest, according to a schedule to be determined by the corporation if: (1) three years after the completion of the degree program it is found that an applicant did not begin to provide nursing faculty or clinical nurse faculty services; (2) if such applicant does not provide nursing faculty or clinical nursing faculty services for four years within seven years of the completion of the master's degree program in nursing or doctoral degree; or (3) the student fails to receive a master's degree in nursing or doctoral degree that will qualify them as nursing faculty or adjunct clinical faculty within the three years of receiving the award. THE TERMS AND CONDITIONS OF THIS SUBDIVISION SHALL BE DEFERRED FOR ANY INTERRUPTION IN GRADUATE OR DOCTORAL STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

S 5. Subdivision 5 of section 669-d of the education law, as amended by section 1 of part H1 of section 109 of the laws of 2006, is amended to read as follows:

5. The corporation shall convert to a student loan the full amount of the award given pursuant to this section, plus interest, according to a schedule to be determined by the corporation if: (a) two years after the completion of the degree program and receipt of initial certification it is found that a recipient is not teaching in the field of math or science in a school located within New York state providing secondary education recognized by the board of regents or the university of the state of New York; or (b) a recipient has not taught in the field of math or science in a school located within New York state providing secondary education recognized by the board of regents or the university of the state of New York for five of the seven years after the completion of the degree program and receipt of initial certification; or (c) a recipient fails to complete their degree program or changes majors to an undergraduate degree program other than in science or math; or (d) a recipient fails to receive or maintain their teaching certificate or license in New York state; or (e) a recipient fails to respond

to requests by the corporation for the status of his or her academic or professional progress. THE TERMS AND CONDITIONS OF THIS SUBDIVISION SHALL BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE OR GRADUATE STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

S 6. This act shall take effect immediately; provided that the amendments to paragraph a of subdivision 5 of section 679-c of the education law made by section four of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

## PART H

Section 1. Section 7408 of the education law is amended by adding a new subdivision 6 to read as follows:

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY FIRM ESTABLISHED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY PURSUANT TO ARTICLE FIFTEEN OF THE BUSINESS CORPORATION LAW, ARTICLES ONE AND EIGHT-B OF THE PARTNERSHIP LAW, OR ARTICLES TWELVE AND THIRTEEN OF THE LIMITED LIABILITY COMPANY LAW SHALL BE DEEMED AUTHORIZED TO REGISTER PURSUANT TO THIS SECTION.

S 2. Section 1503 of the business corporation law is amended by adding a new paragraph (h) to read as follows:

(H) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, A FIRM INCORPORATED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS". EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM. SUCH A FIRM SHALL HAVE ATTACHED TO ITS CERTIF-

ICATE OF INCORPORATION A CERTIFICATE OR CERTIFICATES DEMONSTRATING THE FIRM'S COMPLIANCE WITH THIS PARAGRAPH, IN LIEU OF THE CERTIFICATE OR CERTIFICATES REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (B) OF THIS SECTION.

S 3. Section 1507 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(C) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE MAY ISSUE SHARES TO INDIVIDUALS WHO ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A PROFESSION WHICH SUCH CORPORATION IS AUTHORIZED TO PRACTICE AND WHO ARE OR HAVE BEEN ENGAGED IN THE PRACTICE OF SUCH PROFESSION IN SUCH CORPORATION OR A PREDECESSOR ENTITY, OR WHO WILL ENGAGE IN THE PRACTICE OF SUCH PROFESSION IN SUCH CORPORATION WITHIN THIRTY DAYS OF THE DATE SUCH SHARES ARE ISSUED AND MAY ALSO ISSUE SHARES TO EMPLOYEES OF THE CORPORATION NOT LICENSED AS CERTIFIED PUBLIC ACCOUNTANTS, PROVIDED THAT:

(I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF THE CORPORATION ARE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

(II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE CERTIFIED PUBLIC ACCOUNTANTS,

(III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE CERTIFIED PUBLIC ACCOUNTANTS,

(IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE CERTIFIED PUBLIC ACCOUNTANTS. NO SHAREHOLDER OF A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE SHALL ENTER INTO A VOTING TRUST AGREEMENT, PROXY OR ANY OTHER TYPE OF AGREEMENT VESTING IN ANOTHER PERSON, OTHER THAN ANOTHER SHAREHOLDER OF THE SAME CORPORATION, THE AUTHORITY TO EXERCISE VOTING POWER OF ANY OR ALL OF HIS OR HER SHARES. ALL SHARES ISSUED, AGREEMENTS MADE OR PROXIES GRANTED IN VIOLATION OF THIS SECTION SHALL BE VOID.

S 4. Section 1508 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(C) THE DIRECTORS AND OFFICERS OF ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE MAY INCLUDE INDIVIDUALS WHO ARE NOT LICENSED TO PRACTICE PUBLIC ACCOUNTANCY, PROVIDED HOWEVER THAT AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS, AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS AND THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A PROFESSION WHICH SUCH CORPORATION IS AUTHORIZED TO PRACTICE, AND ARE EITHER SHAREHOLDERS OF SUCH CORPORATION OR ENGAGED IN THE PRACTICE OF THEIR PROFESSIONS IN SUCH CORPORATION.

S 5. Section 1509 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

S 1509. Disqualification of shareholders, directors, officers and employees.

If any shareholder, director, officer or employee of a professional service corporation, including a design professional service corporation, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, who has been rendering professional service to the public becomes legally disqualified to practice his profession within this state, he shall sever all employment

with, and financial interests (other than interests as a creditor) in, such corporation forthwith or as otherwise provided in section 1510 of this article. All provisions of law regulating the rendering of professional services by a person elected or appointed to a public office shall be applicable to a shareholder, director, officer and employee of such corporation in the same manner and to the same extent as if fully set forth herein. Such legal disqualification to practice his profession within this state shall be deemed to constitute an irrevocable offer by the disqualified shareholder to sell his shares to the corporation, pursuant to the provisions of section 1510 of this article or of the certificate of incorporation, by-laws or agreement among the corporation and all shareholders, whichever is applicable. Compliance with the terms of such offer shall be specifically enforceable in the courts of this state. A professional service corporation's failure to enforce compliance with this provision shall constitute a ground for forfeiture of its certificate of incorporation and its dissolution.

S 6. Paragraph (a) of section 1511 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended and new paragraph (c) is added to read as follows:

(a) No shareholder of a professional service corporation [or], INCLUDING a design professional service corporation, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, may sell or transfer his shares in such corporation except to another individual who is eligible to have shares issued to him by such corporation or except in trust to another individual who would be eligible to receive shares if he were employed by the corporation. Nothing herein contained shall be construed to prohibit the transfer of shares by operation of law or by court decree. No transferee of shares by operation of law or court decree may vote the shares for any purpose whatsoever except with respect to corporate action under sections 909 and 1001 of this chapter. The restriction in the preceding sentence shall not apply, however, where such transferee would be eligible to have shares issued to him if he were an employee of the corporation and, if there are other shareholders, a majority of such other shareholders shall fail to redeem the shares so transferred, pursuant to section 1510 of this article, within sixty days of receiving written notice of such transfer. Any sale or transfer, except by operation of law or court decree or except for a corporation having only one shareholder, may be made only after the same shall have been approved by the board of directors, or at a shareholders' meeting specially called for such purpose by such proportion, not less than a majority, of the outstanding shares as may be provided in the certificate of incorporation or in the by-laws of such professional service corporation. At such shareholders' meeting the shares held by the shareholder proposing to sell or transfer his shares may not be voted or counted for any purpose, unless all shareholders consent that such shares be voted or counted. The certificate of incorporation or the by-laws of the professional service corporation, or the professional service corporation and the shareholders by private agreement, may provide, in lieu of or in addition to the foregoing provisions, for the alienation of shares and may require the redemption or purchase of such shares by such corporation at prices and in a manner specifically set forth therein. The existence of the restrictions on the sale or transfer of shares, as contained in this article and, if applicable, in the certificate of incorporation, by-laws, stock purchase or stock redemption agreement,

shall be noted conspicuously on the face or back of every certificate for shares issued by a professional service corporation. Any sale or transfer in violation of such restrictions shall be void.

(C) A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, SHALL PURCHASE OR REDEEM THE SHARES OF A NON-LICENSED PROFESSIONAL SHAREHOLDER IN THE CASE OF HIS OR HER TERMINATION OF EMPLOYMENT WITHIN THIRTY DAYS AFTER SUCH TERMINATION. A FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, SHALL NOT BE REQUIRED TO PURCHASE OR REDEEM THE SHARES OF A TERMINATED NON-LICENSED PROFESSIONAL SHAREHOLDER IF SUCH SHARES, WITHIN THIRTY DAYS AFTER SUCH TERMINATION, ARE SOLD OR TRANSFERRED TO ANOTHER EMPLOYEE OF THE CORPORATION PURSUANT TO THIS ARTICLE.

S 7. Paragraph (a) of section 1512 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

(a) Notwithstanding any other provision of law, the name of a professional service corporation, including a design professional service corporation AND ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, may contain any word which, at the time of incorporation, could be used in the name of a partnership practicing a profession which the corporation is authorized to practice, and may not contain any word which could not be used by such a partnership. Provided, however, the name of a professional service corporation may not contain the name of a deceased person unless

(1) such person's name was part of the corporate name at the time of such person's death; or

(2) such person's name was part of the name of an existing partnership and at least two-thirds of such partnership's partners become shareholders of the corporation.

S 8. Section 1514 of the business corporation law is amended by adding a new paragraph (c) to read as follows:

(C) EACH FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE SHALL, AT LEAST ONCE EVERY THREE YEARS ON OR BEFORE THE DATE PRESCRIBED BY THE LICENSING AUTHORITY, FURNISH A STATEMENT TO THE LICENSING AUTHORITY LISTING THE NAMES AND RESIDENCE ADDRESSES OF EACH SHAREHOLDER, DIRECTOR AND OFFICER OF SUCH CORPORATION AND CERTIFY AS THE DATE OF CERTIFICATION AND AT ALL TIMES OVER THE ENTIRE THREE YEAR PERIOD THAT:

(I) AT LEAST FIFTY-ONE PERCENT OF THE OUTSTANDING SHARES OF STOCK OF THE CORPORATION ARE AND WERE OWNED BY CERTIFIED PUBLIC ACCOUNTANTS,

(II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE AND WERE CERTIFIED PUBLIC ACCOUNTANTS,

(III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE AND WERE CERTIFIED PUBLIC ACCOUNTANTS,

(IV) THE PRESIDENT, THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFICER OR OFFICERS ARE AND WERE CERTIFIED PUBLIC ACCOUNTANTS.

THE STATEMENT SHALL BE SIGNED BY THE PRESIDENT OR ANY CERTIFIED PUBLIC ACCOUNTANT VICE-PRESIDENT AND ATTESTED TO BY THE SECRETARY OR ANY ASSISTANT SECRETARY OF THE CORPORATION.

S 9. Paragraph (d) of section 1525 of the business corporation law, as added by chapter 505 of the laws of 1983, is amended to read as follows:

(d) "Foreign professional service corporation" means a professional service corporation, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, all of the shareholders, directors and officers of which are authorized and licensed to practice the profession for which such corporation is licensed to do business; except that all shareholders, directors and officers of a foreign professional service corporation which provides health services in this state shall be licensed in this state. NOTWITHSTANDING ANY OTHER PROVISION OF LAW A FOREIGN PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A FOREIGN PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 10. The fourteenth undesignated paragraph of section 2 of the partnership law, as added by chapter 576 of the laws of 1994, is amended to read as follows:

"Professional partnership" means (1) a partnership without limited partners each of whose partners is a professional authorized by law to render a professional service within this state, (2) a partnership without limited partners each of whose partners is a professional, at least one of whom is authorized by law to render a professional service within this state or (3) a partnership without limited partners authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to the education law to render a professional service within this state; except that all partners of a professional partnership that provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and all partners of a professional partnership that provides dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state; [and further] except that all partners of a professional partnership

that provides professional engineering, land surveying, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state; AND FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 10-a. The fourteenth undesignated paragraph of section 2 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

"Professional partnership" means (1) a partnership without limited partners each of whose partners is a professional authorized by law to render a professional service within this state, (2) a partnership without limited partners each of whose partners is a professional, at least one of whom is authorized by law to render a professional service within this state or (3) a partnership without limited partners authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to the education law to render a professional service within this state; except that all partners of a professional partnership that provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and all partners of a professional partnership that provides dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state; [and further] except that all partners of a professional partnership that provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the

education law to practice one or more of such professions in this state; AND FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 11. Subdivision (q) of section 121-1500 of the partnership law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clin-

ical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 11-a. Subdivision (q) of section 121-1500 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state.

EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS

OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 12. Subdivision (q) of section 121-1502 of the partnership law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS

MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 12-a. Subdivision (q) of section 121-1502 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN

LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 13. Subdivision (h) of section 121-101 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED PARTNERSHIP OR DOMESTIC LIMITED PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED PARTNERSHIP OR DOMESTIC LIMITED PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN

THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 14. Subdivision (b) of section 1207 of the limited liability company law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed

pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 14-a. Subdivision (b) of section 1207 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or

article 148 of the education law to practice one or more of such professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM

THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 15. Subdivisions (a) and (f) of section 1301 of the limited liability company law, subdivision (a) as amended by chapter 554 of the laws of 2013 and subdivision (f) as amended by chapter 170 of the laws of 1996, are amended to read as follows:

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education

law to practice one or more of such professions in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE

FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

(f) "Professional partnership" means (1) a partnership without limited partners each of whose partners is a professional authorized by law to render a professional service within this state, (2) a partnership without limited partners each of whose partners is a professional, at least one of whom is authorized by law to render a professional service within this state or (3) a partnership without limited partners authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to the education law to render a professional service within this state; except that all partners of a professional partnership that provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and all partners of a professional partnership that provides dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state; except that all partners of a professional partnership that provides veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state; and further except that all partners of a professional partnership that provides professional engineering, land surveying, architectural, and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. WITH RESPECT TO A PROFESSIONAL PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT

IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 15-a. Subdivisions (a) and (f) of section 1301 of the limited liability company law, as amended by chapter 475 of the laws of 2014, are amended to read as follows:

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state.

WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-

FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

(f) "Professional partnership" means (1) a partnership without limited partners each of whose partners is a professional authorized by law to render a professional service within this state, (2) a partnership without limited partners each of whose partners is a professional, at least one of whom is authorized by law to render a professional service within this state or (3) a partnership without limited partners authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to the education law to render a professional service within this state; except that all partners of a professional partnership that provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and all partners of a professional partnership that provides dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state; except that all partners of a professional partnership that provides veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state; and further except that all partners of a professional partnership that provides professional engineering, land surveying, geologic, architectural, and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. WITH RESPECT TO A PROFESSIONAL PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO

ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

S 16. This act shall take effect immediately; provided, however, that sections ten-a, eleven-a, twelve-a, fourteen-a and fifteen-a of this act shall take effect on the same date as sections 25, 26, 27, 22, and 23, respectively, of chapter 475 of the laws of 2014 take effect.

PART I

Section 1. Section 34 of chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, as amended by section 1 of subpart D of part B of chapter 20 of the laws of 2015, is amended to read as follows:

S 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [2016] 2019 provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [2016] 2019 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

S 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, as amended by section 2 of subpart D of part B of chapter 20 of the laws of 2015, is amended to read as follows:

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

section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [2016] 2019.

S 3. This act shall take effect immediately.

PART J

Section 1. Subdivision 1 of section 813 of the labor law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

1. The governor shall appoint a state apprenticeship and training council, composed of NOT MORE THAN three representatives from employer organizations [and three from], AN EQUAL NUMBER OF REPRESENTATIVES FROM employee organizations and [one representative] AN EQUAL NUMBER of the general public[, who shall be the chairman]. THE REPRESENTATIVES OF THE GENERAL PUBLIC SHALL INCLUDE REPRESENTATIVES OF PUBLIC COLLEGES, COMMUNITY COLLEGES OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES THAT HAVE EXPERIENCE PROVIDING RELATED INSTRUCTION FOR APPRENTICESHIP PROGRAMS. THE GOVERNOR SHALL DESIGNATE ONE OF THE PUBLIC MEMBERS AS THE CHAIR. The council by majority vote may designate one of its members, other than the [chairman] CHAIR, as [vice-chairman] VICE-CHAIR to act in the absence or inability of the [chairman] CHAIR. Each member shall be appointed for a term of three years. Each member shall hold office until his or her successor is appointed and has qualified, and any vacancy shall be filled by appointment for the unexpired portion of the term. The present members of the council shall continue to hold office until the expiration of their present terms or their earlier terminations by resignation or inability to act. The commissioner of education, the commissioner of labor and the commissioner of economic development shall [ex officio be] BE EX OFFICIO members of such council without vote. The members of the council shall not receive a salary or other compensation, but shall be reimbursed for transportation and other expenses actually and necessarily incurred in the performance of their duties under this article.

S 2. This act shall take effect immediately.

PART K

Section 1. Subdivision 1 of section 652 of the labor law, as amended by section 1 of part P of chapter 57 of the laws of 2013, is amended to read as follows:

1. Statutory. Every employer shall pay to each of its employees for each hour worked a wage of not less than:

[$4.25 on and after April 1, 1991,
$5.15 on and after March 31, 2000,
$6.00 on and after January 1, 2005,
$6.75 on and after January 1, 2006,]
$7.15 on and after January 1, 2007,
$8.00 on and after December 31, 2013,
$8.75 on and after December 31, 2014,
$9.00 on and after December 31, 2015,
$9.75 ON AND AFTER JULY 1, 2016,
$10.75 ON AND AFTER DECEMBER 31, 2016,
$11.75 ON AND AFTER DECEMBER 31, 2017,
$12.75 ON AND AFTER DECEMBER 31, 2018,
$13.75 ON AND AFTER DECEMBER 31, 2019,
$14.50 ON AND AFTER DECEMBER 31, 2020,
$15.00 ON AND AFTER JULY 1, 2021,

or, if greater, such other wage as may be established by federal law pursuant to 29 U.S.C. section 206 or its successors or such other wage as may be established in accordance with the provisions of this article.

S 2. Subdivision 6 of section 652 of the labor law is REPEALED and a new subdivision 6 is added to read as follows:

6. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, THE MINIMUM WAGE FOR AN EMPLOYEE WHO WORKS IN A CITY WITH A POPULATION IN EXCESS OF ONE MILLION SHALL BE PHASED-IN ON THE FOLLOWING ACCELERATED SCHEDULE:

$10.50 PER HOUR ON AND AFTER JULY 1, 2016,

$12.00 PER HOUR ON AND AFTER DECEMBER 31, 2016,

$13.50 PER HOUR ON AND AFTER DECEMBER 31, 2017,

$15.00 PER HOUR ON AND AFTER DECEMBER 31, 2018,

OR, IF GREATER, SUCH OTHER WAGE AS MAY BE ESTABLISHED UNDER, OR PROVIDED FOR BY, SUBDIVISION ONE OF THIS SECTION. THE RATES AND SCHEDULE ESTABLISHED ABOVE SHALL NOT BE DEEMED TO BE THE MINIMUM WAGE UNDER SUBDIVISION ONE OF THIS SECTION FOR PURPOSES OF THE CALCULATIONS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION AND IN SUBDIVISIONS ONE AND TWO OF SECTION FIVE HUNDRED TWENTY-SEVEN OF THIS CHAPTER.

S 3. This act shall take effect immediately provided, however, that the provisions of section two of this act shall expire July 1, 2021 when upon such date the provisions of such section shall be deemed repealed.

## PART L

Section 1. Subdivision (a) of section 25-a of the labor law, as amended by section 1 of part AA of chapter 56 of the laws of 2015, is amended to read as follows:

(a) The commissioner is authorized to establish and administer the program established under this section to provide tax incentives to employers for employing at risk youth in part-time and full-time positions. There will be five distinct pools of tax incentives. Program one will cover tax incentives allocated for two thousand twelve and two thousand thirteen. Program two will cover tax incentives allocated in two thousand fourteen. Program three will cover tax incentives allocated in two thousand fifteen. Program four will cover tax incentives allocated in two thousand sixteen. Program five will cover tax incentives allocated in two thousand seventeen. The commissioner is authorized to allocate up to twenty-five million dollars of tax credits under program one, ten million dollars of tax credits under program two, [and] twenty million dollars of tax credits under [each of programs] PROGRAM three, AND FIFTY MILLION DOLLARS OF TAX CREDITS UNDER EACH OF PROGRAMS four[,] and five.

S 2. Subdivision (b) of section 25-a of the labor law is amended by adding a new paragraph 3 to read as follows:

(3) FOR PROGRAMS FOUR AND FIVE, THE TAX CREDIT UNDER EACH PROGRAM SHALL BE ALLOCATED AS FOLLOWS: (I) FORTY MILLION DOLLARS OF TAX CREDIT FOR QUALIFIED EMPLOYEES; AND (II) TEN MILLION DOLLARS OF TAX CREDIT FOR INDIVIDUALS WHO MEET ALL OF THE REQUIREMENTS FOR A QUALIFIED EMPLOYEE EXCEPT FOR THE RESIDENCY REQUIREMENT OF SUBPARAGRAPH (II) OF PARAGRAPH TWO OF THIS SUBDIVISION, WHICH INDIVIDUALS SHALL BE DEEMED TO MEET THE RESIDENCY REQUIREMENTS OF SUBPARAGRAPH (II) OF PARAGRAPH TWO OF THIS SUBDIVISION IF THEY RESIDE IN NEW YORK STATE.

S 3. This act shall take effect immediately.

## PART M

Section 1. Clause (G) of subparagraph (vii) of paragraph 2 of subdivision (d) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended to read as follows:

(G) where a child has or will before the next permanency hearing reach the age of fourteen, (I) the services and assistance necessary to assist the child in learning independent living skills TO ASSIST THE CHILD TO MAKE THE TRANSITION FROM FOSTER CARE TO SUCCESSFUL ADULTHOOD; AND (II) A. THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD IN FOSTER CARE WHO HAS ATTAINED THE AGE OF FOURTEEN, AND ANY REVISION OR ADDITION TO THE PLAN, SHALL BE DEVELOPED IN CONSULTATION WITH THE CHILD AND, AT THE OPTION OF THE CHILD, WITH UP TO TWO MEMBERS OF THE CHILD'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE CHILD AND WHO ARE NOT A FOSTER PARENT OF, OR THE CASE WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD EXCEPT THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE CHILD MAY REJECT AN INDIVIDUAL SO SELECTED BY THE CHILD IF SUCH LOCAL COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE CHILD, AND B. THAT ONE INDIVIDUAL SO SELECTED BY THE CHILD MAY BE DESIGNATED TO BE THE CHILD'S ADVISOR AND, AS NECESSARY, ADVOCATE, WITH RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD TO THE CHILD; and

S 2. Paragraph (b) of subdivision 7 of section 355.5 of the family court act, as amended by section 17 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(b) in the case of a respondent who has attained the age of fourteen, (I) the services needed, if any, to assist the respondent to make the transition from foster care to [independent living] SUCCESSFUL ADULTHOOD; AND (II)(A) THAT THE PERMANENCY PLAN DEVELOPED FOR THE RESPONDENT, AND ANY REVISION OR ADDITION TO THE PLAN, SHALL BE DEVELOPED IN CONSULTATION WITH THE RESPONDENT AND, AT THE OPTION OF THE RESPONDENT, WITH UP TO TWO MEMBERS OF THE RESPONDENT'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE RESPONDENT AND WHO ARE NOT A FOSTER PARENT OF, OR CASE WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE RESPONDENT OR THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IF SUCH OFFICE HAS CUSTODY OF THE RESPONDENT MAY REJECT AN INDIVIDUAL SELECTED BY THE RESPONDENT IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE RESPONDENT, AND (B) THAT ONE INDIVIDUAL SO SELECTED BY THE RESPONDENT MAY BE DESIGNATED TO BE THE RESPONDENT'S ADVISOR AND, AS NECESSARY, ADVOCATE, WITH RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD;

S 3. Paragraph (ii) of subdivision (d) of section 756-a of the family court act, as amended by section 22 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(ii) in the case of a child who has attained the age of fourteen, (A) the services needed, if any, to assist the child to make the transition from foster care to [independent living] SUCCESSFUL ADULTHOOD; AND (B)(1) THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD, AND ANY REVISION OR ADDITION TO THE PLAN SHALL BE DEVELOPED IN CONSULTATION WITH THE CHILD AND, AT THE OPTION OF THE CHILD, WITH UP TO TWO ADDITIONAL MEMBERS OF THE CHILD'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE CHILD AND WHO ARE NOT A FOSTER PARENT OF, OR CASE WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE CHILD MAY REJECT AN INDIVIDUAL SO SELECTED BY THE CHILD IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE

THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE CHILD, AND (2) THAT ONE INDIVIDUAL SO SELECTED BY THE CHILD MAY BE DESIGNATED TO BE THE CHILD'S ADVISOR AND, AS NECESSARY, ADVOCATE WITH RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD;

S 4. Subdivisions 1 and 2 of section 458-c of the social services law, as added by section 4 of part F of chapter 58 of the laws of 2010, are amended to read as follows:

1. A social services official shall make payments for non-recurring guardianship expenses incurred by or on behalf of the relatives OR SUCCESSOR GUARDIANS who have been approved by the social services official to receive kinship guardianship assistance payments, when such expenses are incurred in connection with assuming the guardianship of a foster child OR A FORMER FOSTER CHILD IN REGARD TO SUCCESSOR GUARDIANS. The agreement for the payment of non-recurring guardianship expenses must be reflected in the written agreement set forth in subdivision four of section four hundred fifty-eight-b of this title. In accordance with subdivision two of this section, the payments shall be made by the social services official either to the relative OR SUCCESSOR guardian or guardians directly or to an attorney on behalf of the relative OR SUCCESSOR guardian or guardians, AS APPLICABLE, for the allowable amount of non-recurring guardianship expenses incurred in connection with obtaining such guardianship.

2. The amount of the payment made pursuant to this section shall not exceed two thousand dollars for each foster child for whom the relatives, OR EACH FORMER FOSTER CHILD FOR WHOM THE SUCCESSOR GUARDIANS, seek guardianship or permanent guardianship and shall be available only for those expenses that are determined to be eligible for reimbursement by the social services official in accordance with the regulations of the office of children and family services.

S 5. The social services law is amended by adding a new section 383-a to read as follows:

S 383-A. QUALIFIED IMMUNITY FROM LIABILITY FOR APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "CAREGIVER" SHALL MEAN A FOSTER PARENT, THE EMPLOYEE OF A CHILD CARE FACILITY OPERATED BY A VOLUNTARY AUTHORIZED AGENCY THAT IS DESIGNATED TO APPLY THE REASONABLE AND PRUDENT PARENT STANDARD, OR A LOCAL DEPARTMENT OF SOCIAL SERVICES OR A VOLUNTARY AUTHORIZED AGENCY THAT IS RESPONSIBLE FOR THE CARE OF A FOSTER CHILD AT THE RELEVANT TIME.

(B) "CHILD" SHALL MEAN A CHILD WHO IS IN FOSTER CARE OR WHO WAS IN FOSTER CARE AT THE RELEVANT TIME.

(C) "CHILD CARE FACILITY" SHALL MEAN AN INSTITUTION, GROUP RESIDENCE, GROUP HOME, AGENCY OPERATED BOARDING HOME, OR SUPERVISED INDEPENDENT LIVING PROGRAM.

(D) "REASONABLE AND PRUDENT PARENT STANDARD" SHALL MEAN, IN ACCORDANCE WITH 42 U.S.C. 675 AS AMENDED BY P.L. 113-183, THE STANDARD CHARACTERIZED BY CAREFUL AND SENSIBLE PARENTAL DECISIONS THAT MAINTAIN THE HEALTH, SAFETY, AND BEST INTERESTS OF A CHILD WHILE AT THE SAME TIME ENCOURAGING THE EMOTIONAL AND DEVELOPMENTAL GROWTH OF THE CHILD THAT A CAREGIVER SHALL USE WHEN DETERMINING WHETHER TO ALLOW A CHILD IN FOSTER CARE TO PARTICIPATE IN EXTRACURRICULAR, ENRICHMENT, CULTURAL OR SOCIAL ACTIVITIES.

2. A CAREGIVER SHALL NOT BE LIABLE FOR INJURIES TO THE CHILD THAT OCCUR AS A RESULT OF ACTING IN ACCORDANCE WITH THE REASONABLE AND PRUDENT PARENT STANDARD AS DEFINED IN PARAGRAPH (D) OF SUBDIVISION ONE

OF THIS SECTION, UNLESS SUCH INJURIES WERE CAUSED BY GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH CAREGIVER.

3. IN DETERMINING WHETHER THE REASONABLE AND PRUDENT PARENT STANDARD WAS APPLIED BY A CAREGIVER IN RELATION TO A PARTICULAR CHILD, ANY GUIDANCE ISSUED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES IN ACCORDANCE WITH 42 U.S.C. 675 AS AMENDED BY P.L. 113-183, MAY BE CONSIDERED.

S 6. The opening paragraph of paragraph (e) of subdivision 2 of section 378-a of the social services law, as amended by section 10 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

[After] EXCEPT AS SET FORTH IN PARAGRAPH (M) OF THIS SECTION, AFTER reviewing any criminal history record information provided by the division of criminal justice services, the office of children and family services shall promptly notify the authorized agency or other state agency that:

S 7. Subdivision 2 of section 378-a of the social services law is amended by adding a new paragraph (m) to read as follows:

(M)(1) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL NOT RELEASE THE CONTENT OF THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD CHECK CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION IN ACCORDANCE WITH THIS SUBDIVISION TO AN AUTHORIZED AGENCY, AS DEFINED IN PARAGRAPHS (A) OR (C) OF SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE.

(2) FOR ANY APPLICATION MADE TO SUCH AN AUTHORIZED AGENCY UNDER THIS SUBDIVISION, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL:

(A) REVIEW AND EVALUATE THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD CHECK OF THE PROSPECTIVE FOSTER PARENT, PROSPECTIVE ADOPTIVE PARENT AND ANY OTHER PERSON OVER THE AGE OF EIGHTEEN WHO RESIDES IN THE HOME OF SUCH APPLICANT IN ACCORDANCE WITH THE STANDARDS SET FORTH IN PARAGRAPH (E) OF THIS SUBDIVISION RELATING TO MANDATORY DISQUALIFYING CONVICTIONS, HOLD IN ABEYANCE CHARGES OR CONVICTIONS, AND DISCRETIONARY CHARGES AND CONVICTIONS; AND

(B) BASED ON THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD CHECK, INFORM SUCH AUTHORIZED AGENCY THAT THE APPLICATION FOR CERTIFICATION OR APPROVAL OF THE PROSPECTIVE FOSTER PARENT OR THE PROSPECTIVE ADOPTIVE PARENT EITHER: (I) MUST BE DENIED; (II) MUST BE HELD IN ABEYANCE PENDING SUBSEQUENT NOTIFICATION FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES; OR (III) THAT THE OFFICE OF CHILDREN AND FAMILY SERVICES HAS NO OBJECTION, SOLELY BASED ON THE NATIONWIDE CRIMINAL HISTORY RECORD CHECK, FOR THE AUTHORIZED AGENCY TO PROCEED WITH A DETERMINATION ON SUCH APPLICATION BASED ON THE STANDARDS FOR CERTIFICATION OR APPROVAL OF A PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE PARENT, AS SET FORTH IN THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

(3) WHERE THE OFFICE OF CHILDREN AND FAMILY SERVICES DIRECTS THE AUTHORIZED AGENCY TO DENY THE APPLICATION OF A PROSPECTIVE FOSTER PARENT OR A PROSPECTIVE ADOPTIVE PARENT IN ACCORDANCE WITH THIS PARAGRAPH, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ALSO NOTIFY THE PROSPECTIVE FOSTER PARENT, PROSPECTIVE ADOPTIVE PARENT OR OTHER PERSON OVER THE AGE OF EIGHTEEN WHO RESIDED IN THE HOME OF THE APPLICANT WHOSE CRIMINAL HISTORY WAS THE BASIS FOR THE DENIAL.

(4) THIS PARAGRAPH DOES NOT APPLY TO NATIONWIDE CRIMINAL HISTORY RECORD CHECKS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION ON BEHALF OF STATE AGENCIES OR AUTHORIZED AGENCIES, AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE, OR

TO THE RESULTS OF STATEWIDE CRIMINAL HISTORY RECORD CHECKS CONDUCTED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES.

S 8. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgement 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 contained in any 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 9. This act shall take effect immediately, provided however that sections six and seven of this act shall take effect on the ninetieth day after it shall have become a law.

PART N

Section 1. The criminal procedure law is amended by adding a new article 722 to read as follows:

ARTICLE 722

PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH PART AND RELATED PROCEDURES

SECTION 722.00 PROBATION CASE PLANNING AND SERVICES.
722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.
722.20 PROCEEDINGS IN A YOUTH PART OF THE SUPERIOR COURT.

S 722.00 PROBATION CASE PLANNING AND SERVICES.

1. EVERY PROBATION DEPARTMENT SHALL CONDUCT A RISK AND NEEDS ASSESSMENT WITH RESPECT TO ANY JUVENILE RELEASED ON RECOGNIZANCE, RELEASED UNDER SUPERVISION, OR POSTING BAIL FOLLOWING ARRAIGNMENT BY A YOUTH PART WITHIN ITS JURISDICTION. THE COURT SHALL ORDER ANY SUCH JUVENILE TO REPORT WITHIN SEVEN CALENDAR DAYS TO THE PROBATION DEPARTMENT FOR PURPOSES OF ASSESSMENT. BASED UPON THE ASSESSMENT FINDINGS, THE PROBATION DEPARTMENT SHALL REFER THE JUVENILE TO AVAILABLE SPECIALIZED AND EVIDENCE-BASED SERVICES TO MITIGATE ANY RISKS IDENTIFIED AND TO ADDRESS INDIVIDUAL NEEDS.

2. ANY JUVENILE UNDERGOING SERVICES SHALL EXECUTE APPROPRIATE AND NECESSARY CONSENT FORMS, WHERE APPLICABLE, TO ENSURE THAT THE PROBATION DEPARTMENT MAY COMMUNICATE WITH ANY SERVICE PROVIDER AND RECEIVE PROGRESS REPORTS WITH RESPECT TO SERVICES OFFERED AND/OR DELIVERED INCLUDING, BUT NOT LIMITED TO, DIAGNOSIS, TREATMENT, PROGNOSIS, TEST RESULTS, JUVENILE ATTENDANCE AND INFORMATION REGARDING JUVENILE COMPLIANCE OR NONCOMPLIANCE WITH PROGRAM SERVICE REQUIREMENTS, IF ANY.

3. NOTHING SHALL PRECLUDE THE PROBATION DEPARTMENT AND JUVENILE FROM ENTERING INTO A VOLUNTARY WRITTEN/FORMAL CASE PLAN AS TO TERMS AND CONDITIONS TO BE MET, INCLUDING, BUT NOT LIMITED TO, REPORTING TO THE PROBATION DEPARTMENT AND OTHER PROBATION DEPARTMENT CONTACTS, UNDERGOING ALCOHOL, SUBSTANCE ABUSE, OR MENTAL HEALTH TESTING, PARTICIPATING IN SPECIFIC SERVICES, ADHERING TO SERVICE PROGRAM REQUIREMENTS, AND SCHOOL ATTENDANCE, WHERE APPLICABLE. FOLLOWING THE JUVENILE'S SUCCESSFUL COMPLETION OF THE CONDITIONS OF HIS OR HER CASE PLAN, THE COURT, WITH THE CONSENT OF THE DISTRICT ATTORNEY MAY DISMISS THE INDICTMENT OR ANY COUNT THEREOF IN ACCORDANCE WITH SECTION 210.40 OF THIS CHAPTER.

4. WHEN PREPARING A PRE-SENTENCE INVESTIGATION REPORT OF ANY SUCH YOUTH, THE PROBATION DEPARTMENT SHALL INCORPORATE A SUMMARY OF THE

ASSESSMENT FINDINGS, ANY REFERRALS AND PROGRESS WITH RESPECT TO MITIGATING RISK AND ADDRESSING ANY IDENTIFIED JUVENILE NEEDS.

S 722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

THE CHIEF ADMINISTRATOR OF THE COURTS IS HEREBY DIRECTED TO ESTABLISH, IN A SUPERIOR COURT IN EACH COUNTY OF THE STATE THAT EXERCISES CRIMINAL JURISDICTION, A PART OF COURT TO BE KNOWN AS THE YOUTH PART OF THE SUPERIOR COURT FOR THE COUNTY IN WHICH SUCH COURT PRESIDES. JUDGES PRESIDING IN THE YOUTH PART SHALL RECEIVE TRAINING IN SPECIALIZED AREAS, INCLUDING, BUT NOT LIMITED TO, JUVENILE JUSTICE, ADOLESCENT DEVELOPMENT AND EFFECTIVE TREATMENT METHODS FOR REDUCING CRIME COMMISSION BY ADOLESCENTS. THE YOUTH PART SHALL HAVE EXCLUSIVE JURISDICTION OF ALL PROCEEDINGS IN RELATION TO JUVENILE OFFENDERS, EXCEPT AS PROVIDED IN SECTION 180.75 OF THIS CHAPTER.

S 722.20 PROCEEDINGS IN A YOUTH PART OF THE SUPERIOR COURT.

1. WHEN A JUVENILE OFFENDER IS ARRAIGNED BEFORE A YOUTH PART, THE PROVISIONS OF THIS SECTION SHALL APPLY. IF THE YOUTH PART IS NOT IN SESSION, THE DEFENDANT SHALL BE BROUGHT BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT TO ACT AS A YOUTH PART FOR THE PURPOSE OF MAKING A DETERMINATION WHETHER SUCH JUVENILE SHALL BE DETAINED. IF THE DEFENDANT IS ORDERED TO BE DETAINED, HE OR SHE SHALL BE BROUGHT BEFORE THE NEXT SESSION OF THE YOUTH PART. IF THE DEFENDANT IS NOT DETAINED, HE OR SHE SHALL BE ORDERED TO APPEAR AT THE NEXT SESSION OF THE YOUTH PART.

2. IF THE DEFENDANT WAIVES A HEARING UPON THE FELONY COMPLAINT, THE COURT MUST ORDER THAT THE DEFENDANT BE HELD FOR THE ACTION OF THE GRAND JURY WITH RESPECT TO THE CHARGE OR CHARGES CONTAINED IN THE FELONY COMPLAINT.

3. IF THERE BE A HEARING, THEN AT THE CONCLUSION OF THE HEARING, THE COURT MUST DISPOSE OF THE FELONY COMPLAINT AS FOLLOWS:

(A) IF THERE IS A REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMITTED A CRIME FOR WHICH A PERSON UNDER THE AGE OF SEVENTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE OF EIGHTEEN IS CRIMINALLY RESPONSIBLE, THE COURT MUST ORDER THAT THE DEFENDANT BE HELD FOR THE ACTION OF A GRAND JURY; OR

(B) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMITTED A CRIME FOR WHICH A PERSON UNDER THE AGE OF SEVENTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE OF EIGHTEEN IS CRIMINALLY RESPONSIBLE BUT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT IS A "JUVENILE DELINQUENT" AS DEFINED IN SUBDIVISION ONE OF SECTION 301.2 OF THE FAMILY COURT ACT, THE COURT MUST SPECIFY THE ACT OR ACTS IT FOUND REASONABLE CAUSE TO BELIEVE THE DEFENDANT DID AND DIRECT THAT THE ACTION BE REMOVED TO THE FAMILY COURT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE; OR

(C) IF THERE IS NOT REASONABLE CAUSE TO BELIEVE THAT THE DEFENDANT COMMITTED ANY CRIMINAL ACT, THE COURT MUST DISMISS THE FELONY COMPLAINT AND DISCHARGE THE DEFENDANT FROM CUSTODY IF HE OR SHE IS IN CUSTODY, OR IF HE OR SHE IS AT LIBERTY ON BAIL, IT MUST EXONERATE THE BAIL.

4. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION, A YOUTH PART SHALL, WITH THE CONSENT OF THE DISTRICT ATTORNEY, (A) ORDER REMOVAL OF AN ACTION AGAINST A JUVENILE OFFENDER ACCUSED OF ROBBERY IN THE SECOND DEGREE AS DEFINED IN SUBDIVISION TWO OF SECTION 160.10 OF THE PENAL LAW AND A JUVENILE OFFENDER ACCUSED OF COMMITTING A VIOLENT FELONY OFFENSE AS DEFINED IN SECTION 70.02 OF THE PENAL LAW AT AGE SIXTEEN, OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, AT AGE SIXTEEN OR SEVENTEEN, FOR WHICH A YOUTH AGE FIFTEEN OR YOUNGER IS NOT

CRIMINALLY RESPONSIBLE, TO THE FAMILY COURT PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE IF, AFTER CONSIDERATION OF THE FACTORS SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION, THE COURT DETERMINES THAT TO DO SO WOULD BE IN THE INTERESTS OF JUSTICE. PROVIDED, HOWEVER, THAT THE COURT SHALL FIND THAT SUCH REMOVAL IS NOT IN THE INTERESTS OF JUSTICE IF THE YOUTH PLAYED A PRIMARY ROLE IN COMMISSION OF THE CRIME OR AGGRAVATING CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE YOUTH'S USE OF A WEAPON, ARE PRESENT.

(B) AT THE REQUEST OF THE DISTRICT ATTORNEY, ORDER REMOVAL OF AN ACTION AGAINST A JUVENILE OFFENDER, OTHER THAN AN ACTION SUBJECT TO PARAGRAPH (A) OF THIS SUBDIVISION, TO THE FAMILY COURT PURSUANT TO THE PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE IF, UPON CONSIDERATION OF THE CRITERIA SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION, IT IS DETERMINED THAT TO DO SO WOULD BE IN THE INTERESTS OF JUSTICE. WHERE, HOWEVER, THE FELONY COMPLAINT CHARGES THE JUVENILE OFFENDER CHARGED WITH MURDER IN THE SECOND DEGREE AS DEFINED IN SECTION 125.25 OF THE PENAL LAW; RAPE IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION 130.35 OF THE PENAL LAW; CRIMINAL SEXUAL ACT IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION 130.50 OF THE PENAL LAW; COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 130.75 OF THE PENAL LAW; PREDATORY SEXUAL ASSAULT AS DEFINED IN SECTION 130.95 OF THE PENAL LAW WHERE THE UNDERLYING CRIME IS RAPE IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION 130.35 OF THE PENAL LAW OR CRIMINAL SEXUAL ACT IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION 130.50 OF THE PENAL LAW; OR AN ARMED FELONY AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF THIS CHAPTER, A DETERMINATION THAT SUCH ACTION BE REMOVED TO THE FAMILY COURT SHALL, IN ADDITION, BE BASED UPON A FINDING OF ONE OR MORE OF THE FOLLOWING FACTORS: (I) MITIGATING CIRCUMSTANCES THAT BEAR DIRECTLY UPON THE MANNER IN WHICH THE CRIME WAS COMMITTED; (II) WHERE THE DEFENDANT WAS NOT THE SOLE PARTICIPANT IN THE CRIME, THE DEFENDANT'S PARTICIPATION WAS RELATIVELY MINOR ALTHOUGH NOT SO MINOR AS TO CONSTITUTE A DEFENSE TO THE PROSECUTION; OR (III) POSSIBLE DEFICIENCIES IN THE PROOF OF THE CRIME.

(C) IN MAKING ITS DETERMINATION PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION THE COURT SHALL, TO THE EXTENT APPLICABLE, EXAMINE INDIVIDUALLY AND COLLECTIVELY, THE FOLLOWING:

(I) THE SERIOUSNESS AND CIRCUMSTANCES OF THE OFFENSE;

(II) THE EXTENT OF HARM CAUSED BY THE OFFENSE;

(III) THE EVIDENCE OF GUILT, WHETHER ADMISSIBLE OR INADMISSIBLE AT TRIAL;

(IV) THE HISTORY, CHARACTER AND CONDITION OF THE DEFENDANT;

(V) THE PURPOSE AND EFFECT OF IMPOSING UPON THE DEFENDANT A SENTENCE AUTHORIZED FOR THE OFFENSE;

(VI) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT ON THE SAFETY OR WELFARE OF THE COMMUNITY;

(VII) THE IMPACT OF A REMOVAL OF THE CASE TO THE FAMILY COURT UPON THE CONFIDENCE OF THE PUBLIC IN THE CRIMINAL JUSTICE SYSTEM;

(VIII) WHERE THE COURT DEEMS IT APPROPRIATE, THE ATTITUDE OF THE COMPLAINANT OR VICTIM WITH RESPECT TO THE MOTION; AND

(IX) ANY OTHER RELEVANT FACT INDICATING THAT A JUDGMENT OF CONVICTION IN THE CRIMINAL COURT WOULD SERVE NO USEFUL PURPOSE.

(D) FOR THE PURPOSE OF MAKING A DETERMINATION WHETHER TO REMOVE THE CASE TO FAMILY COURT PURSUANT TO THIS SUBDIVISION, ANY EVIDENCE WHICH IS NOT LEGALLY PRIVILEGED MAY BE INTRODUCED. IF THE DEFENDANT TESTIFIES, HIS OR HER TESTIMONY MAY NOT BE INTRODUCED AGAINST HIM OR HER IN ANY

FUTURE PROCEEDING, EXCEPT TO IMPEACH HIS OR HER TESTIMONY AT SUCH FUTURE PROCEEDING AS INCONSISTENT PRIOR TESTIMONY.

(E) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE POWERS OF THE GRAND JURY.

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

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

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

3. Where the direction is authorized pursuant to subdivision [four] THREE of section [180.75] 725.20 of this [chapter] TITLE, it must specify the act or acts it found reasonable cause to allege.

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

S 725.20 Record of certain actions removed.

1. The provisions of this section shall apply in any case where an order of removal to the family court is entered pursuant to a direction authorized by subdivision [four] THREE of THIS section [180.75], [or section 210.43,] or subparagraph (iii) of paragraph [(h)] (G) of subdivision five of section 220.10 of this chapter, or section 330.25 of this chapter.

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

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

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

(c) Where the direction is authorized by section 180.75, a copy of the portion of the minutes containing the statement by the court pursuant to paragraph (a) of subdivision six of such section 180.75;

(d)] Where the direction is one authorized by subparagraph (iii) of paragraph [(h)] (G) of subdivision five of section 220.10 or section 330.25 of this chapter, a copy of the minutes of the plea of guilty, including the minutes of the memorandum submitted by the district attorney and the court;

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

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

[(g)] (C) In addition to the records specified in this subdivision, such further statement or submission of additional information pertain-

ing to the proceeding in criminal court in accordance with standards established by the commissioner of the division of criminal justice services, subject to the provisions of subdivision three of this section.

3. It shall be the duty of said clerk to maintain a separate file for copies of orders and minutes filed pursuant to this section. Upon receipt of such orders and minutes the clerk must promptly delete such portions as would identify the defendant, but the clerk shall nevertheless maintain a separate confidential system to enable correlation of the documents so filed with identification of the defendant. After making such deletions the orders and minutes shall be placed within the file and must be available for public inspection. Information permitting correlation of any such record with the identity of any defendant shall not be divulged to any person except upon order of a justice of the supreme court based upon a finding that the public interest or the interests of justice warrant disclosure in a particular cause for a particular case or for a particular purpose or use.

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

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

S 5. The first undesignated paragraph of section 100.05 of the criminal procedure law is amended to read as follows:

A criminal action is commenced by the filing of an accusatory instrument with a criminal court, OR, IN THE CASE OF A JUVENILE OFFENDER, THE YOUTH PART OF THE SUPERIOR COURT, and if more than one such instrument is filed in the course of the same criminal action, such action commences when the first of such instruments is filed. The only way in which a criminal action can be commenced in a superior court, OTHER THAN A CRIMINAL ACTION AGAINST A JUVENILE OFFENDER, is by the filing therewith by a grand jury of an indictment against a defendant who has never been held by a local criminal court for the action of such grand jury with respect to any charge contained in such indictment. Otherwise, a criminal action can be commenced only in a local criminal court, by the filing therewith of a local criminal court accusatory instrument, namely:

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

Local criminal court AND YOUTH PART OF THE SUPERIOR COURT accusatory instruments; definitions thereof.

5. A "felony complaint" is a verified written accusation by a person, filed with a local criminal court, OR YOUTH PART OF THE SUPERIOR COURT, charging one or more other persons with the commission of one or more felonies. It serves as a basis for the commencement of a criminal action, but not as a basis for prosecution thereof.

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

Local criminal court AND YOUTH PART OF THE SUPERIOR COURT accusatory instruments; sufficiency on face.

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

S 100.60 YOUTH PART OF THE SUPERIOR COURT ACCUSATORY INSTRUMENTS; IN WHAT COURTS FILED.

ANY YOUTH PART OF THE SUPERIOR COURT ACCUSATORY INSTRUMENT MAY BE FILED WITH THE YOUTH PART OF THE SUPERIOR COURT OF A PARTICULAR COUNTY

WHEN AN OFFENSE CHARGED THEREIN WAS ALLEGEDLY COMMITTED IN SUCH COUNTY OR THAT PART THEREOF OVER WHICH SUCH COURT HAS JURISDICTION.

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

REQUIRING DEFENDANT'S APPEARANCE
IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT
FOR ARRAIGNMENT

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

S 110.10 Methods of requiring defendant's appearance in local criminal court OR YOUTH PART OF THE SUPERIOR COURT for arraignment; in general.

1. After a criminal action has been commenced in a local criminal court OR YOUTH PART OF THE SUPERIOR COURT by the filing of an accusatory instrument therewith, a defendant who has not been arraigned in the action and has not come under the control of the court may under certain circumstances be compelled or required to appear for arraignment upon such accusatory instrument by:

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

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

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

2. Although no criminal action against a person has been commenced in any court, he may under certain circumstances be compelled or required to appear in a local criminal court OR YOUTH PART OF A SUPERIOR COURT for arraignment upon an accusatory instrument to be filed therewith at or before the time of his appearance by:

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

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

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

S 110.20 Local criminal court OR YOUTH PART OF THE SUPERIOR COURT accusatory instruments; notice thereof to district attorney.

When a criminal action in which a crime is charged is commenced in a local criminal court, OR YOUTH PART OF THE SUPERIOR COURT other than the criminal court of the city of New York, a copy of the accusatory instrument shall be promptly transmitted to the appropriate district attorney upon or prior to the arraignment of the defendant on the accusatory instrument. If a police officer or a peace officer is the complainant or the filer of a simplified information, or has arrested the defendant or brought him before the local criminal court OR YOUTH PART OF THE SUPERIOR COURT on behalf of an arresting person pursuant to subdivision one of section 140.20, such officer or his agency shall transmit the copy of the accusatory instrument to the appropriate district attorney. In all other cases, the clerk of the court in which the defendant is arraigned shall so transmit it.

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

When a criminal action has been commenced in a local criminal court OR YOUTH PART OF THE SUPERIOR COURT by the filing therewith of an accusatory instrument, other than a simplified traffic information, against a defendant who has not been arraigned upon such accusatory instrument and has not come under the control of the court with respect thereto:

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

S 120.30 Warrant of arrest; by what courts issuable and in what courts returnable.

1. A warrant of arrest may be issued only by the local criminal court OR YOUTH PART OF THE SUPERIOR COURT with which the underlying accusatory instrument has been filed, and it may be made returnable in such issuing court only.

2. The particular local criminal court or courts OR YOUTH PART OF THE SUPERIOR COURT with which any particular local criminal court OR YOUTH PART OF THE SUPERIOR COURT accusatory instrument may be filed for the purpose of obtaining a warrant of arrest are determined, generally, by the provisions of section 100.55 OR 100.60. If, however, a particular accusatory instrument may pursuant to said section 100.55 be filed with a particular town court and such town court is not available at the time such instrument is sought to be filed and a warrant obtained, such accusatory instrument may be filed with the town court of any adjoining town of the same county. If such instrument may be filed pursuant to said section 100.55 with a particular village court and such village court is not available at the time, it may be filed with the town court of the town embracing such village, or if such town court is not available either, with the town court of any adjoining town of the same county.

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

S 120.55 Warrant of arrest; defendant under parole or probation supervision.

If the defendant named within a warrant of arrest issued by a local criminal court OR YOUTH PART OF THE SUPERIOR COURT pursuant to the provisions of this article, or by a superior court issued pursuant to subdivision three of section 210.10 of this chapter, is under the supervision of the state department of corrections and community supervision or a local or state probation department, then a warrant for his or her arrest may be executed by a parole officer or probation officer, when authorized by his or her probation director, within his or her geographical area of employment. The execution of the warrant by a parole officer or probation officer shall be upon the same conditions and conducted in the same manner as provided for execution of a warrant by a police officer.

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

1. A warrant of arrest issued by a district court, by the New York City criminal court, THE YOUTH PART OF A SUPERIOR COURT or by a superior court judge sitting as a local criminal court may be executed anywhere in the state.

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

1. Upon arresting a defendant for any offense pursuant to a warrant of arrest in the county in which the warrant is returnable or in any adjoining county, or upon so arresting him for a felony in any other

county, a police officer, if he be one to whom the warrant is addressed, must without unnecessary delay bring the defendant before the local criminal court OR YOUTH PART OF THE SUPERIOR COURT in which such warrant is returnable.

5-A. WHENEVER A POLICE OFFICER IS REQUIRED, PURSUANT TO THIS SECTION, TO BRING AN ARRESTED DEFENDANT BEFORE A YOUTH PART OF A SUPERIOR COURT IN WHICH A WARRANT OF ARREST IS RETURNABLE, AND IF SUCH COURT IS NOT AVAILABLE AT THE TIME, SUCH OFFICER MUST BRING SUCH DEFENDANT BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

6. Before bringing a defendant arrested pursuant to a warrant before the local criminal court OR YOUTH PART OF A SUPERIOR COURT in which such warrant is returnable, a police officer must without unnecessary delay perform all fingerprinting and other preliminary police duties required in the particular case. In any case in which the defendant is not brought by a police officer before such court but, following his arrest in another county for an offense specified in subdivision one of section 160.10, is released by a local criminal court of such other county on his own recognizance or on bail for his appearance on a specified date before the local criminal court before which the warrant is returnable, the latter court must, upon arraignment of the defendant before it, direct that he be fingerprinted by the appropriate officer or agency, and that he appear at an appropriate designated time and place for such purpose.

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

1. A summons is a process issued by a local criminal court directing a defendant designated in an information, a prosecutor's information, a felony complaint or a misdemeanor complaint filed with such court, OR A YOUTH PART OF A SUPERIOR COURT DIRECTING A DEFENDANT DESIGNATED IN A FELONY COMPLAINT, or by a superior court directing a defendant designated in an indictment filed with such court, to appear before it at a designated future time in connection with such accusatory instrument. The sole function of a summons is to achieve a defendant's court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced.

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

S 130.30 Summons; when issuable.

A local criminal court OR YOUTH PART OF THE SUPERIOR COURT may issue a summons in any case in which, pursuant to section 120.20, it is authorized to issue a warrant of arrest based upon an information, a prosecutor's information, a felony complaint or a misdemeanor complaint. If such information, prosecutor's information, felony complaint or misdemeanor complaint is not sufficient on its face as prescribed in section 100.40, and if the court is satisfied that on the basis of the available facts or evidence it would be impossible to draw and file an authorized accusatory instrument that is sufficient on its face, the court must dismiss the accusatory instrument. A superior court may issue a summons in any case in which, pursuant to section 210.10, it is authorized to issue a warrant of arrest based upon an indictment.

S 19. Subdivision 1 of section 140.20 of the criminal procedure law is amended by adding a new paragraph (e) to read as follows:

(E) IF THE ARREST IS FOR A PERSON UNDER THE AGE OF SEVENTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE

OF EIGHTEEN, SUCH PERSON SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE SUPERIOR COURT. IF THE YOUTH PART IS NOT IN SESSION, SUCH PERSON SHALL BE BROUGHT BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

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

6. Upon arresting a juvenile offender without a warrant, the police officer shall immediately notify the parent or other person legally responsible for his OR HER care or the person with whom he OR SHE is domiciled, that the juvenile offender has been arrested, and the location of the facility where he OR SHE is being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW, THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

(A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;

(B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF LAW;

(C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTIONING; AND

(D) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER WITHOUT CHARGE IF HE OR SHE IS INDIGENT.

IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER, THE JUVENILE'S AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDERATIONS.

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

2. Upon arresting a person without a warrant, a peace officer, except as otherwise provided in subdivision three OR THREE-A, must without unnecessary delay bring him or cause him to be brought before a local criminal court, as provided in section 100.55 and subdivision one of section 140.20, and must without unnecessary delay file or cause to be filed therewith an appropriate accusatory instrument. If the offense which is the subject of the arrest is one of those specified in subdivision one of section 160.10, the arrested person must be fingerprinted and photographed as therein provided. In order to execute the required post-arrest functions, such arresting peace officer may perform such functions himself or he may enlist the aid of a police officer for the performance thereof in the manner provided in subdivision one of section 140.20.

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

3-A. IF THE ARREST IS FOR A PERSON UNDER THE AGE OF SEVENTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE

OF EIGHTEEN, SUCH PERSON SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE SUPERIOR COURT. IF THE YOUTH PART IS NOT IN SESSION, SUCH PERSON SHALL BE BROUGHT BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

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

5. Upon arresting a juvenile offender without a warrant, the peace officer shall immediately notify the parent or other person legally responsible for his care or the person with whom he OR SHE is domiciled, that the juvenile offender has been arrested, and the location of the facility where he OR SHE is being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

(A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;

(B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF LAW;

(C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTIONING; AND

(D) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER WITHOUT CHARGE IF HE OR SHE IS INDIGENT.

IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER, THE JUVENILE'S AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDERATIONS.

S 24. Subdivision 5 of section 140.40 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

5. If a police officer takes an arrested juvenile offender into custody, the police officer shall immediately notify the parent or other person legally responsible for his OR HER care or the person with whom he OR SHE is domiciled, that the juvenile offender has been arrested, and the location of the facility where he OR SHE is being detained. IF THE OFFICER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW THE OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVENILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

(A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;

(B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF LAW;

(C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUESTIONING; AND

(D) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PROVIDED FOR HIM OR HER WITHOUT CHARGE IF HE OR SHE IS INDIGENT.

IN DETERMINING THE SUITABILITY OF QUESTIONING AND DETERMINING THE REASONABLE PERIOD OF TIME FOR QUESTIONING SUCH A JUVENILE OFFENDER, THE JUVENILE'S AGE, THE PRESENCE OR ABSENCE OF HIS OR HER PARENTS OR OTHER PERSONS LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND NOTIFICATION PURSUANT TO THIS SUBDIVISION SHALL BE INCLUDED AMONG RELEVANT CONSIDERATIONS.

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

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

1. When a juvenile offender is arraigned before [a local criminal court] THE YOUTH PART OF A SUPERIOR COURT, the provisions of [this section] ARTICLE SEVEN HUNDRED TWENTY-TWO OF THIS CHAPTER shall apply in lieu of the provisions of sections 180.30, 180.50 and 180.70 of this article.

S 27. The opening paragraph of section 180.80 of the criminal procedure law, as amended by chapter 556 of the laws of 1982, is amended to read as follows:

Upon application of a defendant against whom a felony complaint has been filed with a local criminal court OR THE YOUTH PART OF A SUPERIOR COURT, and who, since the time of his arrest or subsequent thereto, has been held in custody pending disposition of such felony complaint, and who has been confined in such custody for a period of more than one hundred twenty hours or, in the event that a Saturday, Sunday or legal holiday occurs during such custody, one hundred forty-four hours, without either a disposition of the felony complaint or commencement of a hearing thereon, the [local criminal] court must release him on his own recognizance unless:

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

(a) Except as provided in subdivision six of section 200.20 of this chapter, a grand jury may not indict (i) a person thirteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) a person fourteen [or], fifteen, SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first

degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; subdivision four of section 265.02 of the penal law, where such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (III) A PERSON SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN YEARS OF AGE FOR ANY CONDUCT OR CRIME OTHER THAN CONDUCT CONSTITUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THE PENAL LAW; A CRIME THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; A CRIME DEFINED IN THE FOLLOWING SECTIONS OF THE PENAL LAW: SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE); 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); 130.95 (PREDATORY SEXUAL ASSAULT); 220.18 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.21 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE); 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE); 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THE PENAL LAW WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 OF THE PENAL LAW PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

(b) A grand jury may vote to file a request to remove a charge to the family court if it finds that a person [thirteen, fourteen or fifteen] SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age OR YOUNGER did an act which, if done by a person over the age of sixteen, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN, would constitute a crime provided (1) such act is one for which it may not indict; (2) it does not indict such person for a crime; and (3) the evidence before it is legally sufficient to establish that such person did such act and competent and admissible evidence before it provides reasonable cause to believe that such person did such act.

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

6. Where an indictment charges at least one offense against a defendant who was under the age of [sixteen] SEVENTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, EIGHTEEN at the time of the commission of the crime and who did not lack criminal responsibility for such crime by reason of infancy, the indictment may, in addition, charge in separate counts one or more other offenses for which such person would not have been criminally responsible by reason of infancy, if:

(a) the offense for which the defendant is criminally responsible and the one or more other offenses for which he OR SHE would not have been criminally responsible by reason of infancy are based upon the same act or upon the same criminal transaction, as that term is defined in subdivision two of section 40.10 of this chapter; or

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

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

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

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

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

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

(i) If the indictment charges a person fourteen [or], fifteen OR SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years old with the crime of murder in the second degree any plea of guilty entered pursuant to subdivision three or four must be a plea of guilty of a crime for which the defendant is criminally responsible;

(iii) Where the indictment does not charge a crime specified in subparagraph (i) of this paragraph, the district attorney may recommend removal of the action to the family court. Upon making such recommenda-

tion the district attorney shall submit a subscribed memorandum setting forth: (1) a recommendation that the interests of justice would best be served by removal of the action to the family court; and (2) if the indictment charges a thirteen year old with the crime of murder in the second degree, or a fourteen [or], fifteen OR SIXTEEN YEAR OLD, OR COMMENCING JANUARY FIRST TWO THOUSAND NINETEEN, SEVENTEEN year old with the crimes of rape in the first degree as defined in subdivision one of section 130.35 of the penal law, or criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law, or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter specific factors, one or more of which reasonably supports the recommendation, showing, (i) mitigating circumstances that bear directly upon the manner in which the crime was committed, or (ii) where the defendant was not the sole participant in the crime, that the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution, or (iii) possible deficiencies in proof of the crime, or (iv) where the juvenile offender has no previous adjudications of having committed a designated felony act, as defined in subdivision eight of section 301.2 of the family court act, regardless of the age of the offender at the time of commission of the act, that the criminal act was not part of a pattern of criminal behavior and, in view of the history of the offender, is not likely to be repeated.

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

2. Warrant. (A) Where the probation officer has requested that a probation warrant be issued, the court shall, within seventy-two hours of its receipt of the request, issue or deny the warrant or take any other lawful action including issuance of a notice to appear pursuant to subdivision one of this section. If at any time during the period of a sentence of probation or of conditional discharge the court has reasonable grounds to believe that the defendant has violated a condition of the sentence, the court may issue a warrant to a police officer or to an appropriate peace officer directing him or her to take the defendant into custody and bring the defendant before the court without unnecessary delay; provided, however, if the court in which the warrant is returnable is a superior court, and such court is not available, and the warrant is addressed to a police officer or appropriate probation officer certified as a peace officer, such executing officer may UNLESS OTHERWISE SPECIFIED UNDER PARAGRAPH (B) OF THIS SECTION, bring the defendant to the local correctional facility of the county in which such court sits, to be detained there until not later than the commencement of the next session of such court occurring on the next business day; or if the court in which the warrant is returnable is a local criminal court, and such court is not available, and the warrant is addressed to a police officer or appropriate probation officer certified as a peace officer, such executing officer must without unnecessary delay bring the defendant before an alternate local criminal court, as provided in subdivision five of section 120.90 of this chapter. A court which issues such a warrant may attach thereto a summary of the basis for the warrant. In any case where a defendant arrested upon the warrant is brought before a local criminal court other than the court in which the warrant is returnable, such local criminal court shall consider such summary before issuing a securing order with respect to the defendant.

(B) IF THE COURT IN WHICH THE WARRANT IS RETURNABLE IS A SUPERIOR COURT, AND SUCH COURT IS NOT AVAILABLE, AND THE WARRANT IS ADDRESSED TO A POLICE OFFICER OR APPROPRIATE PROBATION OFFICER CERTIFIED AS A PEACE OFFICER, SUCH EXECUTING OFFICER SHALL, WHERE A DEFENDANT IS SIXTEEN YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS AN OFFENSE OR A VIOLATION OF HIS OR HER PROBATION OR CONDITIONAL DISCHARGE IMPOSED FOR AN OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, OR WHERE A DEFENDANT IS SEVENTEEN YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS AN OFFENSE OR A VIOLATION OF HIS OR HER PROBATION OR CONDITIONAL DISCHARGE IMPOSED FOR AN OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, BRING THE DEFENDANT TO A JUVENILE DETENTION FACILITY, TO BE DETAINED THERE UNTIL NOT LATER THAN THE COMMENCEMENT OF THE NEXT SESSION OF SUCH COURT OCCURRING ON THE NEXT BUSINESS DAY.

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

S 410.60 Appearance before court.

(A) A person who has been taken into custody pursuant to section 410.40 or section 410.50 of this article for violation of a condition of a sentence of probation or a sentence of conditional discharge must forthwith be brought before the court that imposed the sentence. Where a violation of probation petition and report has been filed and the person has not been taken into custody nor has a warrant been issued, an initial court appearance shall occur within ten business days of the court's issuance of a notice to appear. If the court has reasonable cause to believe that such person has violated a condition of the sentence, it may commit him OR HER to the custody of the sheriff or fix bail or release such person on his OR HER own recognizance for future appearance at a hearing to be held in accordance with section 410.70 of this article. If the court does not have reasonable cause to believe that such person has violated a condition of the sentence, it must direct that he OR SHE be released.

(B) A JUVENILE OFFENDER WHO HAS BEEN TAKEN INTO CUSTODY PURSUANT TO SECTION 410.40 OR SECTION 410.50 OF THIS ARTICLE FOR VIOLATION OF A CONDITION OF A SENTENCE OF PROBATION OR A SENTENCE OF CONDITIONAL DISCHARGE MUST FORTHWITH BE BROUGHT BEFORE THE COURT THAT IMPOSED THE SENTENCE. WHERE A VIOLATION OF PROBATION PETITION AND REPORT HAS BEEN FILED AND THE PERSON HAS NOT BEEN TAKEN INTO CUSTODY NOR HAS A WARRANT BEEN ISSUED, AN INITIAL COURT APPEARANCE SHALL OCCUR WITHIN TEN BUSINESS DAYS OF THE COURT'S ISSUANCE OF A NOTICE TO APPEAR. IF THE COURT HAS REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MAY COMMIT HIM OR HER TO THE CUSTODY OF THE SHERIFF OR FIX BAIL OR RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR FUTURE APPEARANCE AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION 410.70 OF THIS ARTICLE. PROVIDED, HOWEVER, NOTHING HEREIN SHALL AUTHORIZE A JUVENILE TO BE DETAINED FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT SUCCESS. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT THAT THE JUVENILE BE RELEASED.

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

5. Revocation; modification; continuation. (A) At the conclusion of the hearing the court may revoke, continue or modify the sentence of probation or conditional discharge. Where the court revokes the sentence, it must impose sentence as specified in subdivisions three and four of section 60.01 of the penal law. Where the court continues or modifies the sentence, it must vacate the declaration of delinquency and direct that the defendant be released. If the alleged violation is sustained and the court continues or modifies the sentence, it may extend the sentence up to the period of interruption specified in subdivision two of section 65.15 of the penal law, but any time spent in custody in any correctional institution OR JUVENILE DETENTION FACILITY pursuant to section 410.40 OR 410.60 of this article shall be credited against the term of the sentence. Provided further, where the alleged violation is sustained and the court continues or modifies the sentence, the court may also extend the remaining period of probation up to the maximum term authorized by section 65.00 of the penal law. Provided, however, a defendant shall receive credit for the time during which he or she was supervised under the original probation sentence prior to any declaration of delinquency and for any time spent in custody pursuant to this article for an alleged violation of probation.

(B) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, NOTHING HEREIN SHALL AUTHORIZE THE PLACEMENT OF A JUVENILE FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT SUCCESS.

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

S 410.90-A SUPERIOR COURT; YOUTH PART.

NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, ALL PROCEEDINGS RELATING TO A JUVENILE OFFENDER SHALL BE HEARD IN THE YOUTH PART OF THE SUPERIOR COURT HAVING JURISDICTION AND ANY INTRASTATE TRANSFERS UNDER THIS ARTICLE SHALL BE BETWEEN COURTS DESIGNATED AS A YOUTH PART PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-TWO OF THIS CHAPTER.

S 36. Section 510.15 of the criminal procedure law, as amended by chapter 411 of the laws of 1979, subdivision 1 as designated and subdivision 2 as added by chapter 359 of the laws of 1980, is amended to read as follows:

S 510.15 Commitment of principal under [sixteen] SEVENTEEN OR EIGHTEEN.

1. When a principal who is (A) under the age of sixteen; OR (B) COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN A PRINCIPAL WHO IS UNDER THE AGE OF SEVENTEEN WHO COMMITTED AN OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN; OR (C) COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PRINCIPAL WHO IS UNDER THE AGE OF EIGHTEEN WHO COMMITTED AN OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, is committed to the custody of the sheriff the court must direct that the principal be taken to and lodged in a place certified by the [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile detention facility for the reception of children. Where such a direction is made the sheriff shall deliver the principal in accordance therewith and such

person shall although lodged and cared for in a juvenile detention facility continue to be deemed to be in the custody of the sheriff. No principal under the age [of sixteen] SPECIFIED to whom the provisions of this section may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of a crime or under arrest and charged with the commission of a crime without the approval of the [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES in the case of each principal and the statement of its reasons therefor. The sheriff shall not be liable for any acts done to or by such principal resulting from negligence in the detention of and care for such principal, when the principal is not in the actual custody of the sheriff.

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

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

1. "Youth" means a person charged with a crime alleged to have been committed when he OR SHE was at least sixteen years old and less than [nineteen] TWENTY-ONE years old or a person charged with being a juvenile offender as defined in subdivision forty-two of section 1.20 of this chapter.

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

S 30.00 Infancy.

1. Except as provided in [subdivision] SUBDIVISIONS two AND THREE of this section, a person less than [sixteen] SEVENTEEN years old, OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON LESS THAN EIGHTEEN YEARS OLD is not criminally responsible for conduct.

2. A person thirteen, fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON SEVENTEEN years of age is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [the penal law] THIS CHAPTER; and a person fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age is criminally responsible for acts constituting the crimes defined in section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of

section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [the penal law] THIS CHAPTER.

3. A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN YEARS OLD IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; ACTS CONSTITUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THIS CHAPTER; ACTS CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR MANSLAUGHTER); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE); 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THIS CHAPTER WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; 130.95 (PREDATORY SEXUAL ASSAULT); 220.18 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.21 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE); 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE); 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THIS CHAPTER WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE 490 OF THIS CHAPTER; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

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

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

(2) If the sentence is to be imposed upon a youthful offender finding which has been substituted for a conviction for any felony, AND THE PERSON IS EIGHTEEN YEARS OF AGE OR YOUNGER, the court must impose a

sentence authorized to be imposed upon a person convicted of a class E felony provided, however, that (A) the court must not impose a sentence of [conditional discharge or] unconditional discharge if the youthful offender finding was substituted for a conviction of a felony defined in article two hundred twenty of this chapter; AND (B) NOTWITHSTANDING PARAGRAPH (E) OF SUBDIVISION TWO OF SECTION 70.00 OF THIS TITLE, IF A TERM OF IMPRISONMENT IS IMPOSED, SUCH TERM SHALL BE A DEFINITE SENTENCE OF ONE YEAR OR LESS, OR A DETERMINATE SENTENCE, THE TERM OF WHICH MUST BE AT LEAST ONE YEAR AND MUST NOT EXCEED THREE YEARS, AND MUST INCLUDE, AS A PART THEREOF, A PERIOD OF POST RELEASE SUPERVISION IN ACCORDANCE WITH SUBDIVISION TWO-B OF SECTION 70.45 OF THIS TITLE. IN ANY CASE, WHERE A COURT IMPOSES A SENTENCE OF IMPRISONMENT IN CONJUNCTION WITH A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, SUCH IMPRISONMENT TERM SHALL NOT BE IN EXCESS OF SIX MONTHS, OR IN THE CASE OF AN INTERMITTENT TERM, NOT IN EXCESS OF FOUR MONTHS IN ACCORDANCE WITH PARAGRAPH (D) OF SUBDIVISION TWO OF SECTION 60.01 OF THIS ARTICLE. IF THE SENTENCE IS TO BE IMPOSED UPON A YOUTHFUL OFFENDER FINDING WHICH HAS BEEN SUBSTITUTED FOR A CONVICTION OF ANY FELONY, AND THE PERSON IS NINETEEN OR TWENTY YEARS OF AGE, THE COURT MUST SENTENCE SUCH PERSON PURSUANT TO THE PROVISIONS OF THIS ARTICLE APPLICABLE TO A PERSON TWENTY-ONE YEARS OF AGE OR OLDER CONVICTED OF THE SAME OFFENSE.

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

S 60.10 Authorized disposition; juvenile offender.

1. WHEN A JUVENILE OFFENDER IS CONVICTED OF A CLASS A FELONY, OTHER THAN MURDER IN THE SECOND DEGREE AS DEFINED BY SECTION 125.25, ARSON IN THE FIRST DEGREE AS DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION 135.25 OF THIS CHAPTER, THE COURT SHALL SENTENCE THE DEFENDANT TO IMPRISONMENT PURSUANT TO THE PROVISIONS OF SECTION 70.00, 70.06, 70.07, 70.08, OR 70.71 OF THIS CHAPTER, AS APPLICABLE. When a juvenile offender is convicted of [a] ANY OTHER crime, the court shall sentence the defendant to imprisonment in accordance with section 70.05 or sentence [him] THE DEFENDANT upon a youthful offender finding in accordance with section 60.02 of this [chapter] ARTICLE.

2. Subdivision one of this section shall apply when sentencing a juvenile offender notwithstanding the provisions of any other law that deals with the authorized sentence for persons who are not juvenile offenders. Provided, however, that the limitation prescribed by this section shall not be deemed or construed to bar use of a conviction of a juvenile offender, other than a juvenile offender who has been adjudicated a youthful offender pursuant to section 720.20 of the criminal procedure law, as a previous or predicate felony offender under section 70.04, 70.06, 70.07, 70.08 [or], 70.10, 70.70, 70.71, 70.80, OR 485.10 OF THIS CHAPTER, when sentencing a person who commits a felony after [he] SUCH PERSON has reached the age of [sixteen] SEVENTEEN AS OF JANUARY FIRST, TWO THOUSAND EIGHTEEN, AND EIGHTEEN AS OF JANUARY FIRST, TWO THOUSAND NINETEEN.

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

S 70.05 Sentence of imprisonment for juvenile offender.

1. [Indeterminate sentence] SENTENCE. A sentence of imprisonment for a JUVENILE OFFENDER CONVICTED OF A CLASS A felony OTHER THAN MURDER IN THE

SECOND DEGREE AS DEFINED BY SECTION 125.25, ARSON IN THE FIRST DEGREE AS DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION 135.25 OF THIS CHAPTER, SHALL BE IMPOSED BY THE COURT PURSUANT TO THE PROVISIONS OF SECTION 70.00, 70.06, 70.07, 70.08, OR 70.71 OF THIS CHAPTER, AS APPLICABLE. A SENTENCE OF IMPRISONMENT FOR THE CLASS A-1 FELONY OF MURDER IN THE SECOND DEGREE committed by a juvenile offender shall be an indeterminate sentence. When such a sentence is imposed, the court shall impose [a] THE MINIMUM PERIOD OF IMPRISONMENT AND maximum term in accordance with the provisions of subdivision two of this section [and the minimum period of imprisonment shall be as provided in subdivision three of this section]. EXCEPT AS PROVIDED HEREIN, A SENTENCE OF IMPRISONMENT FOR ANY OTHER FELONY COMMITTED BY A JUVENILE OFFENDER SHALL BE A DETERMINATE SENTENCE. WHEN SUCH A SENTENCE IS IMPOSED, THE COURT SHALL IMPOSE A TERM OF IMPRISONMENT IN WHOLE OR HALF YEARS IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION AND A PERIOD OF POST-RELEASE SUPERVISION IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION TWO-B OF SECTION 70.45 OF THIS ARTICLE. The court shall further provide that where a juvenile offender is under placement pursuant to article three of the family court act, any sentence imposed pursuant to this section which is to be served consecutively with such placement shall be served in a facility designated pursuant to subdivision four of section 70.20 of this article prior to service of the placement in any previously designated facility.

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

(a)] For the class A felony of murder in the second degree, the MAXIMUM term shall be life imprisonment[;], AND THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE SPECIFIED IN THE SENTENCE AS FOLLOWS:

(A) WHERE THE DEFENDANT WAS THIRTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE AT LEAST FIVE YEARS BUT SHALL NOT EXCEED NINE YEARS;

(B) WHERE THE DEFENDANT WAS AT LEAST FOURTEEN YEARS OLD BUT LESS THAN SEVENTEEN YEARS OLD, AND, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, WHERE THE DEFENDANT WAS AT LEAST FOURTEEN YEARS OLD BUT LESS THAN EIGHTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE AT LEAST SEVEN AND ONE HALF YEARS BUT SHALL NOT EXCEED FIFTEEN YEARS.

[(b)] 3. DETERMINATE SENTENCE. (A) For the class A felony of arson in the first degree, or for the class A felony of kidnapping in the first degree the DETERMINATE term shall be fixed by the court, and shall be at least [twelve] FOUR years but shall not exceed fifteen years;

[(c)] (B)(I) For a class B felony, OTHER THAN A CLASS B VIOLENT FELONY AS DEFINED BY SECTION 70.02 OF THIS ARTICLE, the DETERMINATE term shall be fixed by the court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [ten] SEVEN years;

(II) FOR A CLASS B VIOLENT FELONY AS DEFINED BY SECTION 70.02 OF THIS ARTICLE, THE DETERMINATE TERM SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST FIVE YEARS BUT SHALL NOT EXCEED TWENTY-FIVE YEARS; PROVIDED, HOWEVER, THAT WHERE THE COURT, HAVING REGARD TO THE NATURE AND CIRCUMSTANCES OF THE CRIME AND TO THE HISTORY AND CHARACTER OF THE DEFENDANT, IS OF THE OPINION THAT IT WOULD BE UNDULY HARSH TO IMPOSE A DETERMINATE SENTENCE OF NO LESS THAN FIVE YEARS AND NO MORE THAN TWENTY-FIVE YEARS, THE COURT MAY IMPOSE A DETERMINATE SENTENCE OF NO LESS THAN ONE YEAR AND NO MORE THAN SEVEN YEARS;

[(d)] (C) For a class C felony, the DETERMINATE term shall be fixed by the court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [seven] FIVE years; and

[(e)] (D) For a class D felony, the DETERMINATE term shall be fixed by the court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [four] THREE years; AND

(E) FOR A CLASS E FELONY, WHERE THE DEFENDANT WAS SIXTEEN YEARS OLD, AND COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, WHERE THE DEFENDANT WAS SIXTEEN OR SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE DETERMINATE TERM SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST ONE YEAR BUT SHALL NOT EXCEED TWO YEARS.

[3. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence for a juvenile offender shall be specified in the sentence as follows:

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

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

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

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

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

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

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

(d) Nothing in this subdivision shall preclude a parent or legal guardian of an inmate who is not yet eighteen years of age from making a motion on notice to the department of corrections and community supervision pursuant to article twenty-two of the civil practice law and

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

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

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

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

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

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

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

(a) Notwithstanding any other provision of law to the contrary, a juvenile offender[,] or a juvenile offender who is adjudicated a youthful offender [and], WHO IS given an indeterminate or a definite sentence, AND WHO IS UNDER THE AGE OF TWENTY-ONE AT THE TIME OF SENTENCING, shall be committed to the custody of the commissioner of the office of children and family services who shall arrange for the confinement of such offender in [secure] facilities of the office. The release or transfer of such offenders from the office of children and family services shall be governed by section five hundred eight of the executive law. IF THE JUVENILE OFFENDER IS CONVICTED OR, IF THE JUVENILE OFFENDER WHO IS ADJUDICATED A YOUTHFUL OFFENDER IS CONVICTED AND IS TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF SENTENCING, HE OR SHE SHALL BE DELIVERED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION.

(A-1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PERSON SIXTEEN YEARS OF AGE WHO COMMITS A VEHICLE AND TRAFFIC LAW OFFENSE THAT DOES NOT CONSTITUTE A JUVENILE OFFENDER OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN AND A PERSON SEVENTEEN YEARS OF AGE WHO COMMITS SUCH AN OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN WHO IS SENTENCED TO A TERM OF IMPRISONMENT WHO IS UNDER THE AGE OF TWENTY-ONE AT THE TIME HE OR SHE IS SENTENCED SHALL BE COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES WHO SHALL ARRANGE CONFINEMENT OF SUCH OFFENDER IN FACILITIES OF THE OFFICE.

(A-2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON WHO IS IN THE CUSTODY OF, OR IS COMMITTED TO, THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION WHO IS UNDER THE AGE OF EIGHTEEN SHALL, WITHIN THE DISCRETION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AND THE OFFICE OF CHILDREN AND FAMILY SERVICES, SUBJECT TO AVAILABLE CAPACITY, AND WHEN CONSISTENT WITH THE PERSON'S CIRCUMSTANCES, BE TRANSFERRED TO THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES WHO SHALL ARRANGE FOR THE CONFINEMENT OF SUCH OFFENDER IN FACILITIES OF THE OFFICE. THE PLACEMENT FACILITY AND RELEASE OR TRANSFER OF SUCH OFFENDERS FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL BE GOVERNED BY SECTION FIVE HUNDRED EIGHT OF THE EXECUTIVE LAW.

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

(f) [The aggregate maximum term of consecutive sentences imposed upon a juvenile offender for two or more crimes, not including a class A felony, committed before he has reached the age of sixteen, shall, if it exceeds ten years, be deemed to be ten years. If consecutive indeterminate sentences imposed upon a juvenile offender include a sentence for the class A felony of arson in the first degree or for the class A felony of kidnapping in the first degree, then the aggregate maximum term of such sentences shall, if it exceeds fifteen years, be deemed to be fifteen years. Where the aggregate maximum term of two or more consecutive sentences is reduced by a calculation made pursuant to this paragraph, the aggregate minimum period of imprisonment, if it exceeds one-half of the aggregate maximum term as so reduced, shall be deemed to be one-half of the aggregate maximum term as so reduced.] (I) THE AGGREGATE TERM OR MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED UPON A JUVENILE OFFENDER FOR TWO OR MORE CRIMES COMMITTED PRIOR TO THE TIME THE PERSON WAS IMPRISONED UNDER ANY OF SUCH SENTENCES, OTHER THAN TWO OR MORE SENTENCES THAT INCLUDE A SENTENCE FOR A CLASS A FELONY, OR A SENTENCE FOR A CLASS B VIOLENT FELONY, SHALL, IF IT EXCEEDS TEN YEARS, BE DEEMED TO BE TEN YEARS, PROVIDED:

(A) WHERE ALL OF SUCH CONSECUTIVE SENTENCES ARE DETERMINATE AND THE AGGREGATE TERM EXCEEDS TEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING A DETERMINATE TERM OF TEN YEARS; AND

(B) WHERE ALL OF SUCH CONSECUTIVE SENTENCES ARE INDETERMINATE AND THE AGGREGATE MAXIMUM TERM EXCEEDS TEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING AN INDETERMINATE SENTENCE, THE MAXIMUM TERM OF WHICH SHALL BE DEEMED TO BE TEN YEARS AND THE AGGREGATE MINIMUM PERIOD OF WHICH, IF IT EXCEEDS FIVE YEARS, SHALL BE DEEMED TO BE FIVE YEARS; AND

(C) WHERE ONE OR MORE OF SUCH CONSECUTIVE SENTENCES IS A DETERMINATE SENTENCE AND ONE OR MORE OF WHICH IS AN INDETERMINATE SENTENCE:

(1) IF THE AGGREGATE TERM OF THE DETERMINATE SENTENCES IS EQUAL TO OR EXCEEDS TEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING A DETERMINATE TERM OF TEN YEARS; AND

(2) IF THE TERM OR AGGREGATE TERM OF THE DETERMINATE SENTENCE OR SENTENCES IS LESS THAN TEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING AN INDETERMINATE SENTENCE, THE MAXIMUM TERM OF WHICH SHALL BE DEEMED TO BE TEN YEARS, AND THE MINIMUM PERIOD OF WHICH SHALL BE DEEMED TO BE FIVE YEARS OR SIX-SEVENTHS OF THE TERM OR AGGREGATE TERM OF THE DETERMINATE SENTENCE OR SENTENCES, WHICHEVER IS GREATER.

(II) THE AGGREGATE MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED UPON A JUVENILE OFFENDER FOR TWO OR MORE CRIMES COMMITTED PRIOR TO THE TIME THE PERSON WAS IMPRISONED UNDER ANY OF SUCH SENTENCES, AT LEAST ONE OF WHICH IS THE CLASS A FELONY OF ARSON IN THE FIRST DEGREE AS DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION 135.25 OF THIS CHAPTER BUT NO OTHER CLASS A FELONY, AND DOES NOT INCLUDE A SENTENCE IMPOSED FOR A CLASS B VIOLENT FELONY, SHALL, IF IT EXCEEDS FIFTEEN YEARS, BE DEEMED TO BE FIFTEEN YEARS, PROVIDED:

(A) WHERE ALL OF SUCH CONSECUTIVE SENTENCES ARE DETERMINATE AND THE AGGREGATE TERM EXCEEDS FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING A DETERMINATE TERM OF FIFTEEN YEARS; AND

(B) WHERE ALL OF SUCH CONSECUTIVE SENTENCES ARE INDETERMINATE AND THE AGGREGATE MAXIMUM TERM EXCEEDS FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING AN INDETERMINATE SENTENCE, THE MAXIMUM TERM OF WHICH SHALL BE DEEMED TO BE FIFTEEN YEARS AND THE AGGREGATE MINIMUM PERIOD OF WHICH, IF IT EXCEEDS SEVEN AND ONE-HALF YEARS, SHALL BE DEEMED TO BE SEVEN AND ONE-HALF YEARS; AND

(C) WHERE ONE OR MORE OF SUCH CONSECUTIVE SENTENCES IS A DETERMINATE SENTENCE AND ONE OR MORE OF WHICH IS AN INDETERMINATE SENTENCE:

(1) IF THE AGGREGATE TERM OF THE DETERMINATE SENTENCES IS EQUAL TO OR EXCEEDS FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING A DETERMINATE TERM OF FIFTEEN YEARS; AND

(2) IF THE TERM OR AGGREGATE TERM OF THE DETERMINATE SENTENCE OR SENTENCES IS LESS THAN FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERVING AN INDETERMINATE SENTENCE, THE MAXIMUM TERM OF WHICH SHALL BE DEEMED TO BE FIFTEEN YEARS, AND THE MINIMUM PERIOD OF WHICH SHALL BE DEEMED TO BE SEVEN AND ONE-HALF YEARS OR SIX-SEVENTHS OF THE TERM OR AGGREGATE TERM OF THE DETERMINATE SENTENCE OR SENTENCES, WHICHEVER IS GREATER.

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

2-B. PERIODS OF POST-RELEASE SUPERVISION FOR JUVENILE OFFENDERS AND YOUTHFUL OFFENDERS. (A) THE PERIOD OF POST-RELEASE SUPERVISION FOR A DETERMINATE SENTENCE IMPOSED UPON A YOUTHFUL OFFENDER OR A JUVENILE OFFENDER ADJUDICATED A YOUTHFUL OFFENDER MUST BE FIXED BY THE COURT AT ONE YEAR.

(B) THE PERIOD OF POST-RELEASE SUPERVISION FOR A DETERMINATE SENTENCE IMPOSED UPON A JUVENILE OFFENDER NOT ADJUDICATED A YOUTHFUL OFFENDER MUST BE FIXED BY THE COURT IN WHOLE OR HALF YEARS AS FOLLOWS:

(I) SUCH PERIOD SHALL BE ONE YEAR WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A CONVICTION OF A CLASS D OR CLASS E FELONY OFFENSE;

(II) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN TWO YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A CONVICTION OF A CLASS C FELONY OFFENSE;

(III) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN THREE YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A CONVICTION OF A CLASS B FELONY OFFENSE; PROVIDED, HOWEVER, THAT SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN FOUR YEARS; AND

(IV) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN FIVE YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A CONVICTION OF THE CLASS A FELONY OFFENSE OF ARSON IN THE FIRST DEGREE AS DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION 135.25 OF THIS CHAPTER, AND A FIVE-YEAR PERIOD SHALL BE IMPOSED PURSUANT TO SUBDIVISION TWO OF THIS SECTION WHENEVER A DETERMI-

NATE SENTENCE IMPOSED UPON A JUVENILE OFFENDER FOR ANY OTHER CLASS A FELONY.

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

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

(2) a person fourteen [or], fifteen OR SIXTEEN YEARS OLD OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [the penal law] THIS CHAPTER; AND

(3) A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN YEARS OLD WHO IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; ACTS CONSTITUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THIS CHAPTER; ACTS CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR MANSLAUGHTER); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE); 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR

WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); 130.95 (PREDATORY SEXUAL ASSAULT); 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE); 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THIS CHAPTER WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THIS CHAPTER WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THIS CHAPTER; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

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

42. "Juvenile offender" means (1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; [and] (2) a person fourteen [or], fifteen OR SIXTEEN YEARS OLD, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; AND (3) A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON SIXTEEN OR SEVENTEEN YEARS OLD WHO IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THE PENAL LAW; ACTS CONSTITUTING ANY CRIME IN THE PENAL LAW THAT IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY

NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE); 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); 130.95 (PREDATORY SEXUAL ASSAULT); 220.18 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.21 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE); 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE); 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THE PENAL LAW WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 OF THE PENAL LAW PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

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

(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, NO COUNTY JAIL SHALL BE USED FOR THE CONFINEMENT OF ANY PERSON UNDER THE AGE OF SEVENTEEN WHO IS SENTENCED FOR AN OFFENSE COMMITTED ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN, AND, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, NO COUNTY JAIL SHALL BE USED FOR THE CONFINEMENT OF ANY PERSON UNDER THE AGE OF EIGHTEEN WHO IS SENTENCED FOR AN OFFENSE COMMITTED ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN. PLACEMENT OF ANY PERSON WHO MAY NOT BE CONFINED TO A COUNTY JAIL PURSUANT TO THIS SUBDIVISION SHALL BE DETERMINED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES.

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

S 160.59 SEALING OF CERTAIN CONVICTIONS.

1. DEFINITIONS: AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS;

(A) "ELIGIBLE CONVICTION" SHALL MEAN ANY OFFENSE DEFINED IN THE LAWS OF THIS STATE OTHER THAN A SEX OFFENSE DEFINED IN ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW, AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED SIXTY-THREE OF THE PENAL LAW, A FELONY OFFENSE DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW, A VIOLENT FELONY OFFENSE DEFINED

IN SECTION 70.02 OF THE PENAL LAW, A CLASS A FELONY OFFENSE DEFINED IN THE PENAL LAW OTHER THAN A CLASS A FELONY OFFENSE DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW, OR AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW.

(B) "SENTENCING JUDGE" SHALL MEAN THE JUDGE WHO PRONOUNCED SENTENCE UPON THE CONVICTION UNDER CONSIDERATION, OR IF THAT JUDGE IS NO LONGER SITTING IN A COURT IN THE JURISDICTION IN WHICH THE CONVICTION WAS OBTAINED, ANY OTHER JUDGE WHO IS SITTING IN THE CRIMINAL COURT WHERE THE JUDGMENT OF CONVICTION WAS ENTERED.

2. (A) A DEFENDANT WHO HAS BEEN CONVICTED OF UP TO TWO ELIGIBLE OFFENSES BUT NOT MORE THAN ONE FELONY OFFENSE MAY APPLY TO THE COURT IN WHICH HE OR SHE WAS CONVICTED OF THE MOST SERIOUS OFFENSE TO HAVE SUCH CONVICTION SEALED. IF ALL OFFENSES ARE OFFENSES WITH THE SAME CLASSIFICATION, THE APPLICATION SHALL BE MADE TO THE COURT IN WHICH THE DEFENDANT WAS LAST CONVICTED.

(B) AN APPLICATION SHALL CONTAIN (I) A COPY OF A CERTIFICATE OF DISPOSITION OR OTHER SIMILAR DOCUMENTATION FOR ANY OFFENSE FOR WHICH THE DEFENDANT HAS BEEN CONVICTED, OR AN EXPLANATION OF WHY SUCH CERTIFICATE OR OTHER DOCUMENTATION IS NOT AVAILABLE; (II) A SWORN STATEMENT OF THE DEFENDANT AS TO WHETHER HE OR SHE HAS FILED, OR THEN INTENDS TO FILE, ANY APPLICATION FOR SEALING OF ANY OTHER ELIGIBLE OFFENSE; (III) A COPY OF ANY OTHER SUCH APPLICATION THAT HAS BEEN FILED; AND (IV) A STATEMENT AS TO THE CONVICTION OR CONVICTIONS FOR WHICH RELIEF IS BEING SOUGHT.

(C) A COPY OF ANY APPLICATION FOR SUCH SEALING SHALL BE SERVED UPON THE DISTRICT ATTORNEY OF THE COUNTY IN WHICH THE CONVICTION WAS OBTAINED.

(D) WHEN SUCH APPLICATION IS FILED WITH THE COURT, IT SHALL BE ASSIGNED TO THE SENTENCING JUDGE UNLESS MORE THAN ONE APPLICATION IS FILED IN WHICH CASE THE APPLICATION SHALL BE ASSIGNED TO THE COUNTY COURT OR THE SUPREME COURT OF THE COUNTY IN WHICH THE CRIMINAL COURT IS LOCATED, WHO SHALL REQUEST AND RECEIVE FROM THE DIVISION OF CRIMINAL JUSTICE SERVICES A FINGERPRINT BASED CRIMINAL HISTORY RECORD OF THE DEFENDANT, INCLUDING ANY SEALED OR SUPPRESSED RECORDS. THE DIVISION OF CRIMINAL JUSTICE SERVICES ALSO SHALL INCLUDE A CRIMINAL HISTORY REPORT, IF ANY, FROM THE FEDERAL BUREAU OF INVESTIGATION REGARDING ANY CRIMINAL HISTORY INFORMATION THAT OCCURRED IN OTHER JURISDICTIONS. THE DIVISION IS HEREBY AUTHORIZED TO RECEIVE SUCH INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION FOR THIS PURPOSE, AND TO MAKE SUCH INFORMATION AVAILABLE TO THE COURT, WHICH MAY MAKE THIS INFORMATION AVAILABLE TO THE DISTRICT ATTORNEY AND THE DEFENDANT.

3. THE SENTENCING JUDGE, OR COUNTY OR SUPREME COURT SHALL SUMMARILY DENY THE DEFENDANT'S APPLICATION WHEN:

(A) THE DEFENDANT IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW; OR

(B) THE DEFENDANT HAS PREVIOUSLY OBTAINED SEALING OF THE MAXIMUM NUMBER OF CONVICTIONS ALLOWABLE UNDER SECTION 160.58 OF THE CRIMINAL PROCEDURE LAW; OR

(C) THE DEFENDANT HAS PREVIOUSLY OBTAINED SEALING OF THE MAXIMUM NUMBER OF CONVICTIONS ALLOWABLE UNDER SUBDIVISION FOUR OF THIS SECTION; OR

(D) THE TIME PERIOD SPECIFIED IN SUBDIVISION FIVE OF THIS SECTION HAS NOT YET BEEN SATISFIED; OR

(E) THE DEFENDANT HAS AN UNDISPOSED ARREST OR CHARGE PENDING; OR

(F) THE DEFENDANT WAS CONVICTED OF ANY OFFENSE AFTER THE DATE OF THE ENTRY OF JUDGEMENT OF THE LAST CONVICTION FOR WHICH SEALING IS SOUGHT.

4. PROVIDED THAT THE APPLICATION IS NOT SUMMARILY DENIED FOR THE REASONS SET FORTH IN SUBDIVISION THREE OF THIS SECTION, A DEFENDANT WHO STANDS CONVICTED OF UP TO TWO ELIGIBLE OFFENSES, MAY OBTAIN SEALING OF NO MORE THAN TWO ELIGIBLE OFFENSES BUT NOT MORE THAN ONE FELONY OFFENSE.

5. ANY ELIGIBLE OFFENSE MAY BE SEALED ONLY AFTER AT LEAST TEN YEARS HAVE PASSED SINCE THE ENTRY OF THE JUDGMENT OF THE DEFENDANT'S LATEST CONVICTION OR, IF THE DEFENDANT WAS SENTENCED TO INCARCERATION, INCLUDING A PERIOD OF INCARCERATION IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION, THE DEFENDANT'S RELEASE FROM INCARCERATION IMPOSED ON HIS OR HER LATEST CONVICTION.

6. UPON DETERMINING THAT THE APPLICATION IS NOT SUBJECT TO MANDATORY DENIAL PURSUANT TO SUBDIVISION THREE OF THIS SECTION AND THAT THE APPLICATION IS OPPOSED BY THE DISTRICT ATTORNEY, THE SENTENCING JUDGE OR COUNTY OR SUPREME COURT SHALL CONDUCT A HEARING ON THE APPLICATION IN ORDER TO CONSIDER ANY EVIDENCE OFFERED BY EITHER PARTY THAT WOULD AID THE SENTENCING JUDGE IN HIS OR HER DECISION WHETHER TO SEAL THE RECORDS OF THE DEFENDANT'S CONVICTIONS. NO HEARING IS REQUIRED IF THE DISTRICT ATTORNEY DOES NOT OPPOSE THE APPLICATION.

7. IN CONSIDERING ANY SUCH APPLICATION, THE SENTENCING JUDGE OR COUNTY OR SUPREME COURT SHALL CONSIDER ANY RELEVANT FACTORS, INCLUDING BUT NOT LIMITED TO:

(A) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE DEFENDANT'S LAST CONVICTION;

(B) THE CIRCUMSTANCES AND SERIOUSNESS OF THE OFFENSE FOR WHICH THE DEFENDANT IS SEEKING RELIEF;

(C) THE CIRCUMSTANCES AND SERIOUSNESS OF ANY OTHER OFFENSES FOR WHICH THE DEFENDANT STANDS CONVICTED;

(D) THE CHARACTER OF THE DEFENDANT, INCLUDING ANY MEASURES THAT THE DEFENDANT HAS TAKEN TOWARD REHABILITATION, SUCH AS PARTICIPATING IN TREATMENT PROGRAMS, WORK, OR SCHOOLING, AND PARTICIPATING IN COMMUNITY SERVICE OR OTHER VOLUNTEER PROGRAMS;

(E) ANY STATEMENTS MADE BY THE VICTIM OF THE OFFENSE FOR WHICH THE DEFENDANT IS SEEKING RELIEF;

(F) THE IMPACT OF SEALING THE DEFENDANT'S RECORD UPON HIS OR HER REHABILITATION AND UPON HIS OR HER SUCCESSFUL AND PRODUCTIVE REENTRY AND REINTEGRATION INTO SOCIETY; AND

(G) THE IMPACT OF SEALING THE DEFENDANT'S RECORD ON PUBLIC SAFETY AND UPON THE PUBLIC'S CONFIDENCE IN AND RESPECT FOR THE LAW.

8. WHEN A SENTENCING JUDGE OR COUNTY OR SUPREME COURT ORDERS SEALING PURSUANT TO THIS SECTION, ALL OFFICIAL RECORDS AND PAPERS RELATING TO THE ARRESTS, PROSECUTIONS, AND CONVICTIONS, INCLUDING ALL DUPLICATES AND COPIES THEREOF, ON FILE WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES OR ANY COURT SHALL BE SEALED AND NOT MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY EXCEPT AS PROVIDED FOR IN SUBDIVISION NINE OF THIS SECTION; PROVIDED, HOWEVER, THE DIVISION SHALL RETAIN ANY FINGERPRINTS, PALMPRINTS AND PHOTOGRAPHS, OR DIGITAL IMAGES OF THE SAME. THE CLERK OF SUCH COURT SHALL IMMEDIATELY NOTIFY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE RECORDS THAT SHALL BE SEALED PURSUANT TO THIS SECTION. THE CLERK ALSO SHALL NOTIFY ANY COURT IN WHICH THE DEFENDANT HAS STATED, PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION, THAT HE OR SHE HAS FILED OR INTENDS TO FILE AN APPLICATION FOR SEALING OF ANY OTHER ELIGIBLE OFFENSE.

9. RECORDS SEALED PURSUANT TO THIS SECTION SHALL BE MADE AVAILABLE TO:

(A) THE DEFENDANT OR THE DEFENDANT'S DESIGNATED AGENT;

(B) QUALIFIED AGENCIES, AS DEFINED IN SUBDIVISION NINE OF SECTION EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW, AND FEDERAL AND STATE

LAW ENFORCEMENT AGENCIES, WHEN ACTING WITHIN THE SCOPE OF THEIR LAW ENFORCEMENT DUTIES; OR

(C) ANY STATE OR LOCAL OFFICER OR AGENCY WITH RESPONSIBILITY FOR THE ISSUANCE OF LICENSES TO POSSESS GUNS, WHEN THE PERSON HAS MADE APPLICATION FOR SUCH A LICENSE; OR

(D) ANY PROSPECTIVE EMPLOYER OF A POLICE OFFICER OR PEACE OFFICER AS THOSE TERMS ARE DEFINED IN SUBDIVISIONS THIRTY-THREE AND THIRTY-FOUR OF SECTION 1.20 OF THIS CHAPTER, IN RELATION TO AN APPLICATION FOR EMPLOYMENT AS A POLICE OFFICER OR PEACE OFFICER; PROVIDED, HOWEVER, THAT EVERY PERSON WHO IS AN APPLICANT FOR THE POSITION OF POLICE OFFICER OR PEACE OFFICER SHALL BE FURNISHED WITH A COPY OF ALL RECORDS OBTAINED UNDER THIS PARAGRAPH AND AFFORDED AN OPPORTUNITY TO MAKE AN EXPLANATION THERETO; OR

(E) THE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION OF THE FEDERAL BUREAU OF INVESTIGATION, FOR THE PURPOSES OF RESPONDING TO QUERIES TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM REGARDING ATTEMPTS TO PURCHASE OR OTHERWISE TAKE POSSESSION OF FIREARMS, AS DEFINED IN 18 USC 921 (A) (3).

S 48-a. Subdivision 16 of section 296 of the executive law, as separately amended by section 3 of part N and section 14 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

16. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.59 OR 160.58 of the criminal procedure law, in connection with the licensing, employment or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 OR 160.59 of the criminal procedure law. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a

conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 OR 160.59 of the criminal procedure law.

S 49. Subdivision 3 of section 720.15 of the criminal procedure law, as amended by chapter 774 of the laws of 1985, is amended to read as follows:

3. The provisions of subdivisions one and two of this section requiring or authorizing the accusatory instrument filed against a youth to be sealed, and the arraignment and all proceedings in the action to be conducted in private shall not apply in connection with a pending charge of committing any [felony] offense [as] defined in ARTICLE ONE HUNDRED THIRTY OR ARTICLE TWO HUNDRED SIXTY-THREE OF the penal law. [The provisions of subdivision one requiring the accusatory instrument filed against a youth to be sealed shall not apply where such youth has previously been adjudicated a youthful offender or convicted of a crime.]

S 50. Subdivision 1 of section 720.20 of the criminal procedure law, as amended by chapter 652 of the laws of 1974, is amended to read as follows:

1. Upon conviction of an eligible youth, the court must order a presentence investigation of the defendant. After receipt of a written report of the investigation and at the time of pronouncing sentence the court must determine whether or not the eligible youth is a youthful offender. Such determination shall be in accordance with the following criteria:

(a) If in the opinion of the court the interest of justice would be served by relieving the eligible youth from the onus of a criminal record and by not imposing an indeterminate term of imprisonment of more than four years, the court may, in its discretion, find the eligible youth is a youthful offender; [and]

(b) Where the conviction is had in a local criminal court and the eligible youth had not prior to commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, the court must find he is a youthful offender[.]; AND

(C) THERE SHALL BE A PRESUMPTION TO GRANT YOUTHFUL OFFENDER STATUS TO AN ELIGIBLE YOUTH WHO HAS NOT PREVIOUSLY BEEN CONVICTED AND SENTENCED FOR A FELONY, UNLESS THE DISTRICT ATTORNEY UPON MOTION WITH NOT LESS THAN SEVEN DAYS' NOTICE TO SUCH PERSON OR HIS OR HER ATTORNEY DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT THE INTERESTS OF JUSTICE REQUIRES OTHERWISE.

S 51. Intentionally omitted.

S 52. Intentionally omitted.

S 53. Intentionally omitted.

S 54. Paragraph (vi) of subdivision (a) and subdivision (e) of section 115 of the family court act, paragraph (vi) of subdivision (a) as amended and subdivision (e) as added by chapter 222 of the laws of 1994, are amended to read as follows:

(vi) proceedings concerning juvenile delinquency as set forth in article three THAT ARE COMMENCED IN FAMILY COURT.

(e) The family court has concurrent jurisdiction with the criminal court over all family offenses as defined in article eight of this act AND HAS CONCURRENT JURISDICTION WITH THE YOUTH PART OF A SUPERIOR COURT OVER ANY JUVENILE DELINQUENCY PROCEEDING RESULTING FROM THE REMOVAL OF THE CASE TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW.

S 55. Subdivision (b) of section 117 of the family court act is REPEALED and a new subdivision (b) is added to read as follows:

(B) THERE IS HEREBY ESTABLISHED IN THE FAMILY COURT IN THE CITY OF NEW YORK AT LEAST ONE "DESIGNATED FELONY ACT PART" WHICH SHALL BE HELD SEPARATE FROM ALL OTHER PROCEEDINGS OF THE COURT, AND SHALL HAVE JURISDICTION OVER ALL JUVENILE DELINQUENCY PROCEEDINGS INVOLVING AN ALLEGATION THAT A PERSON COMMITTED AN ACT THAT WOULD CONSTITUTE A DESIGNATED FELONY ACT AS DEFINED IN SUBDIVISION EIGHT OF SECTION 301.2 OF THIS CHAPTER THAT ARE NOT REFERRED TO THE YOUTH PART OF A SUPERIOR COURT. ALL SUCH PROCEEDINGS SHALL BE ORIGINATED IN OR BE TRANSFERRED TO SUCH PART FROM OTHER PARTS AS THEY ARE MADE KNOWN TO THE COURT. OUTSIDE THE CITY OF NEW YORK, ALL PROCEEDINGS INVOLVING SUCH AN ALLEGATION SHALL HAVE A HEARING PREFERENCE OVER EVERY OTHER PROCEEDING IN THE COURT, EXCEPT PROCEEDINGS UNDER ARTICLE TEN OF THIS CHAPTER.

S 56. Subdivision 1 of section 301.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. "Juvenile delinquent" means a person [over seven and less than sixteen years of age, who, having committed an act that would constitute a crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the criminal procedure law]:

(A) WHO IS:

(I) TEN OR ELEVEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTITUTE A CRIME AS DEFINED IN SECTION 125.27 (MURDER IN THE FIRST DEGREE) OR 125.25 (MURDER IN THE SECOND DEGREE) OF THE PENAL LAW IF COMMITTED BY AN ADULT; OR

(II) AT LEAST TWELVE YEARS OF AGE AND LESS THAN SIXTEEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTITUTE A CRIME IF COMMITTED BY AN ADULT; OR

(III) SIXTEEN YEARS OF AGE OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTITUTE A CRIME, OR DISORDERLY CONDUCT AS DEFINED IN SECTION 240.20 OF THE PENAL LAW, OR HARASSMENT IN THE SECOND DEGREE AS DEFINED IN SECTION 240.26 OF THE PENAL LAW IF COMMITTED BY AN ADULT; AND

(B) WHO IS EITHER:

(I) NOT CRIMINALLY RESPONSIBLE FOR SUCH CONDUCT BY REASON OF INFANCY; OR

(II) THE DEFENDANT IN AN ACTION BASED ON SUCH ACT THAT HAS BEEN ORDERED REMOVED TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW.

S 57. Subdivisions 8 and 9 of section 301.2 of the family court act, subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivision 9 as added by chapter 920 of the laws of 1982, are amended to read as follows:

8. "Designated felony act" means an act which, if done by an adult, would be a crime: (i) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the first degree); 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the second degree) but only where the abduction involved the use or threat of use of deadly physical

force; 150.15 (arson in the second degree) or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law committed by a person fourteen or fifteen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen [or], fifteen, OR SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in paragraph (i), (ii), or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; [or] (vi) other than a misdemeanor committed by a person at least [seven] TWELVE but less than [sixteen] SEVENTEEN years of age, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN A PERSON AT LEAST TWELVE BUT LESS THAN EIGHTEEN YEARS OF AGE, but only where there has been two prior findings by the court that such person has committed a prior felony; OR (VII) DEFINED IN SECTION 125.10 (CRIMINAL NEGLIGENT HOMICIDE) OF THE PENAL LAW; 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE) OF THE PENAL LAW; 125.15 (MANSLAUGHTER IN THE SECOND DEGREE) OF THE PENAL LAW; 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE) OF THE PENAL LAW; 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE) OF THE PENAL LAW; 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD) OF THE PENAL LAW; 130.95 (PREDATORY SEXUAL ASSAULT) OF THE PENAL LAW; 220.77 (OPERATING AS A MAJOR TRAFFICKER) OF THE PENAL LAW; 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE) OF THE PENAL LAW; 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE) OF THE PENAL LAW; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN 130.91 OF THE PENAL LAW WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW WHEN COMMITTED AS AN ACT OF TERRORISM; OR ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW, COMMITTED BY A PERSON AT LEAST TWELVE BUT LESS THAN SEVENTEEN YEARS OF AGE, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, LESS THAN EIGHTEEN YEARS OF AGE.

9. "Designated class A felony act" means a designated felony act [defined in paragraph (i) of subdivision eight] THAT WOULD CONSTITUTE A CLASS A FELONY IF COMMITTED BY AN ADULT.

S 58. Subdivision 1 of section 302.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. The family court has exclusive original jurisdiction over any proceeding to determine whether a person is a juvenile delinquent COMMENCED IN FAMILY COURT AND CONCURRENT JURISDICTION WITH THE YOUTH PART OF A SUPERIOR COURT OVER ANY SUCH PROCEEDING REMOVED TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW.

S 59. Section 304.1 of the family court act, as added by chapter 920 of the laws of 1982, subdivision 2 as amended by chapter 419 of the laws of 1987, is amended to read as follows:

S 304.1. Detention. 1. A facility certified by the [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile DETENTION facility must be operated in conformity with the regulations of the [state division for youth and shall be subject to the visitation and inspection of the state board of social welfare] OFFICE OF CHILDREN AND FAMILY SERVICES.

2. No child to whom the provisions of this article may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with crime without the approval of the [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES in the case of each child and the statement of its reasons therefor. The [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES shall promulgate and publish the rules which it shall apply in determining whether approval should be granted pursuant to this subdivision.

3. [The detention of a child under ten years of age in a secure detention facility shall not be directed under any of the provisions of this article.

4.] A detention facility which receives a child under subdivision four of section 305.2 OF THIS PART shall immediately notify the child's parent or other person legally responsible for his OR HER care or, if such legally responsible person is unavailable the person with whom the child resides, that he OR SHE has been placed in detention.

S 60. Subdivision 1 of section 304.2 of the family court act, as added by chapter 683 of the laws of 1984, is amended to read as follows:

(1) Upon application by the presentment agency, OR UPON APPLICATION BY THE PROBATION SERVICE AS PART OF THE ADJUSTMENT OF A CASE, the court may issue a temporary order of protection against a respondent for good cause shown, ex parte or upon notice, at any time after a juvenile is taken into custody, pursuant to section 305.1 or 305.2 or upon the issuance of an appearance ticket pursuant to section 307.1 or upon the filing of a petition pursuant to section 310.1 OF THIS PART.

S 61. Subdivision 1 of section 305.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

1. A private person may take a child [under the age of sixteen] WHO MAY BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody in cases in which [he] SUCH PRIVATE PERSON may arrest an adult for a crime under section 140.30 of the criminal procedure law.

S 62. Subdivision 2 of section 305.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

2. An officer may take a child [under the age of sixteen] WHO MAY BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody without a warrant

in cases in which [he] THE OFFICER may arrest a person for a crime under article one hundred forty of the criminal procedure law.

S 63. Paragraph (b) of subdivision 4 of section 305.2 of the family court act, as amended by chapter 492 of the laws of 1987, is amended to read as follows:

(b) forthwith and with all reasonable speed take the child directly, and without his first being taken to the police station house, to the family court located in the county in which the act occasioning the taking into custody allegedly was committed, OR, WHEN THE FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSIBLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO CONDUCT A HEARING UNDER SECTION 307.4 OF THIS PART, unless the officer determines that it is necessary to question the child, in which case he OR SHE may take the child to a facility designated by the chief administrator of the courts as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there question him OR HER for a reasonable period of time; or

S 64. Subdivision 1 of section 306.1 of the family court act, as amended by chapter 645 of the laws of 1996, is amended to read as follows:

1. Following the arrest of a child alleged to be a juvenile delinquent, or the filing of a delinquency petition involving a child who has not been arrested, the arresting officer or other appropriate police officer or agency shall take or cause to be taken fingerprints of such child if:

(a) the child is eleven years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class [A or B] A-I felony; [or] (b) THE CHILD IS TWELVE YEARS OF AGE OR OLDER AND THE CRIME WHICH IS THE SUBJECT OF THE ARREST OR WHICH IS CHARGED IN THE PETITION CONSTITUTES A CLASS A OR B FELONY; OR

(C) the child is thirteen years of age or older and the crime which is the subject of the arrest or which is charged in the petition constitutes a class C, D or E felony.

S 65. Subdivisions 2 and 4 of section 307.3 of the family court act, subdivision 2 as amended by chapter 419 of the laws of 1987 and subdivision 4 as added by chapter 920 of the laws of 1982, are amended to read as follows:

2. When practicable such agency may release a child before the filing of a petition to the custody of his OR HER parents or other person legally responsible for his OR HER care, or if such legally responsible person is unavailable, to a person with whom he OR SHE resides, when the events occasioning the taking into custody appear to involve allegations that the child committed a delinquent act; PROVIDED, HOWEVER, THAT SUCH AGENCY MUST RELEASE THE CHILD IF:

(A) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

(B) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

(I) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY TO ANOTHER PERSON;

(II) THE CHILD DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(III) THE CHILD HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT ACT ALSO DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON; AND

(IV) THE CHILD WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE AGENCY DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE CHILD'S RECORD.

4. If the agency for any reason does not release a child under this section, such child shall be brought before the appropriate family court, OR WHEN SUCH FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSIBLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT; PROVIDED, HOWEVER, THAT IF SUCH FAMILY COURT IS NOT IN SESSION AND IF A MAGISTRATE IS NOT AVAILABLE, SUCH YOUTH SHALL BE BROUGHT BEFORE SUCH FAMILY COURT within seventy-two hours or the next day the court is in session, whichever is sooner. Such agency shall thereupon file an application for an order pursuant to section 307.4 and shall forthwith serve a copy of the application upon the appropriate presentment agency. Nothing in this subdivision shall preclude the adjustment of suitable cases pursuant to section 308.1.

S 66. The section heading and subdivisions 1, 2, 3, 9, 12 and 13 of section 308.1 of the family court act, the section heading and subdivisions 1, 3, 9, 12 and 13 as added by chapter 920 of the laws of 1982 and subdivision 2 as amended by section 3 of part V of chapter 55 of the laws of 2012, are amended to read as follows:

[Rules of court for preliminary] PRELIMINARY procedure; ADJUSTMENT OF CASES. 1. [Rules of court shall authorize and determine the circumstances under which the] THE probation service may confer with any person seeking to have a juvenile delinquency petition filed, the potential respondent and other interested persons concerning the advisability of requesting that a petition be filed IN ACCORDANCE WITH THIS SECTION.

2. (A) Except as provided in subdivisions three [and], four, AND THIRTEEN of this section, the probation service may[, in accordance with rules of court,] ATTEMPT TO adjust [suitable cases] A CASE before a petition is filed IF THE PROBATION SERVICE DETERMINES THAT THE CASE IS SUITABLE FOR ADJUSTMENT BASED ON THE ASSESSED LEVEL OF RISK THAT THE CHILD WILL COMMIT ANOTHER ACT THAT WOULD CONSTITUTE A CRIME AS DETERMINED BY A VALIDATED RISK ASSESSMENT INSTRUMENT AND THE EXTENT OF ANY PHYSICAL INJURY TO THE VICTIM.

(B) IF A CHILD IS ASSESSED AT A LOW LEVEL OF RISK AND THE EVENTS IN THE CASE APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE A VIOLATION OR A MISDEMEANOR IF COMMITTED BY AN ADULT, THE PROBATION SERVICE MUST DILIGENTLY ATTEMPT TO ADJUST THE CASE. SUCH ATTEMPTS MAY INCLUDE THE USE OF A JUVENILE REVIEW BOARD COMPRISED OF APPROPRIATE COMMUNITY MEMBERS TO WORK WITH THE CHILD AND HIS OR HER FAMILY ON DEVELOPING RECOMMENDED ADJUSTMENT ACTIVITIES. THE PROBATION SERVICE MAY STOP ATTEMPTING TO ADJUST SUCH A CASE IF IT DETERMINES THAT THERE IS NO SUBSTANTIAL LIKELIHOOD THAT THE CHILD WILL BENEFIT FROM ATTEMPTS AT ADJUSTMENT IN THE TIME REMAINING FOR ADJUSTMENT OR THE TIME FOR ADJUSTMENT HAS EXPIRED.

(C) The inability of the respondent or his or her family to make restitution shall not be a factor in a decision to adjust a case or in a recommendation to the presentment agency pursuant to subdivision six of this section.

(D) THE PROBATION SERVICE MAY MAKE AN APPLICATION TO THE COURT FOR A TEMPORARY ORDER OF PROTECTION AS PART OF THE ADJUSTMENT OF A CASE IN ACCORDANCE WITH SECTION 304.2 OF THIS PART.

(E) Nothing in this section shall prohibit the probation service or the court from directing a respondent to obtain employment and to make restitution from the earnings from such employment. Nothing in this section shall prohibit the probation service or the court from directing an eligible person to complete an education reform program in accordance with section four hundred fifty-eight-l of the social services law.

3. The probation service shall not ATTEMPT TO adjust a case THAT COMMENCED IN FAMILY COURT in which the child has allegedly committed a designated felony act THAT INVOLVES ALLEGATIONS THAT THE CHILD CAUSED PHYSICAL INJURY TO A PERSON unless [it] THE PROBATION SERVICE has received the written approval of the court.

9. Efforts at adjustment [pursuant to rules of court] under this section may not extend for a period of more than two months [without], OR, FOR A PERIOD OF MORE THAN FOUR MONTHS IF THE PROBATION SERVICE DETERMINES THAT ADJUSTMENT BEYOND THE FIRST TWO MONTHS IS WARRANTED BECAUSE DOCUMENTED BARRIERS TO ADJUSTMENT EXIST OR CHANGES NEED TO BE MADE TO THE CHILD'S SERVICES PLAN, EXCEPT UPON leave of the court, which may extend the ADJUSTMENT period for an additional two months.

12. The probation service shall certify to the division of criminal justice services and to the appropriate police department or law enforcement agency whenever it adjusts a case in which the potential respondent's fingerprints were taken pursuant to section 306.1 in any manner other than the filing of a petition for juvenile delinquency for an act which, if committed by an adult, would constitute a felony, provided, however, in the case of a child [eleven or] twelve years of age, such certification shall be made only if the act would constitute a class A or B felony, OR, IN THE CASE OF A CHILD ELEVEN YEARS OF AGE, SUCH CERTIFICATION SHALL BE MADE ONLY IF THE ACT WOULD CONSTITUTE A CLASS A-1 FELONY.

13. The [provisions of this section] PROBATION SERVICE shall not [apply] ATTEMPT TO ADJUST A CASE where the petition is an order of removal to the family court pursuant to article seven hundred twenty-five of the criminal procedure law UNLESS IT HAS RECEIVED THE WRITTEN APPROVAL OF THE COURT.

S 67. Paragraph (c) of subdivision 3 of section 311.1 of the family court act, as added by chapter 920 of the laws of 1982, is amended to read as follows:

(c) the fact that the respondent is a person [under sixteen years of] OF THE NECESSARY age TO BE A JUVENILE DELINQUENT at the time of the alleged act or acts;

S 68. Subdivision 3 of section 320.5 of the family court act is amended by adding a new paragraph (a-1) to read as follows:

(A-1) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, THE COURT SHALL NOT DIRECT DETENTION IF:

(I) THE EVENTS UNDERLYING THE INITIAL APPEARANCE APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

(II) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

(1) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON;

(2) THE RESPONDENT DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(3) THE RESPONDENT HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT ACT DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON; AND

(4) THE RESPONDENT WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE COURT DETERMINES THAT DETENTION IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE COURT ORDER.

S 69. Paragraphs (a) and (b) of subdivision 5 of section 322.2 of the family court act, paragraph (a) as amended by chapter 41 of the laws of 2010 and paragraph (b) as added by chapter 920 of the laws of 1982, are amended to read as follows:

5. (a) If the court finds that there is probable cause to believe that the respondent committed a felony, it shall order the respondent committed to the custody of the commissioner of mental health or the commissioner of [mental retardation and] PERSONS WITH developmental disabilities for an initial period not to exceed one year from the date of such order. Such period may be extended annually upon further application to the court by the commissioner having custody or his or her designee. Such application must be made not more than sixty days prior to the expiration of such period on forms that have been prescribed by the chief administrator of the courts. At that time, the commissioner must give written notice of the application to the respondent, the counsel representing the respondent and the mental hygiene legal service if the respondent is at a residential facility. Upon receipt of such application, the court must conduct a hearing to determine the issue of capacity. If, at the conclusion of a hearing conducted pursuant to this subdivision, the court finds that the respondent is no longer incapacitated, he or she shall be returned to the family court for further proceedings pursuant to this article. If the court is satisfied that the respondent continues to be incapacitated, the court shall authorize continued custody of the respondent by the commissioner for a period not to exceed one year. Such extensions shall not continue beyond a reasonable period of time necessary to determine whether the respondent will attain the capacity to proceed to a fact finding hearing in the foreseeable future but in no event shall continue beyond the respondent's eighteenth birthday OR, IF THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE WHEN THE ACT WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY.

(b) If a respondent is in the custody of the commissioner upon the respondent's eighteenth birthday, OR IF THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE WHEN THE ACT RESULTING IN THE RESPONDENT'S PLACEMENT WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY, the commissioner shall notify the clerk of the court that the respondent was in his custody on such date and the court shall dismiss the petition.

S 70. Subdivisions 1 and 5 of section 325.1 of the family court act, subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision 5 as added by chapter 920 of the laws of 1982, are amended to read as follows:

1. At the initial appearance, if the respondent denies a charge contained in the petition and the court determines IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 320.5 OF THIS PART that [he] THE RESPONDENT shall be detained for more than three days pending a fact-finding hearing, the court shall schedule a probable-cause hearing to determine the issues specified in section 325.3 OF THIS PART.

5. Where the petition consists of an order of removal pursuant to article seven hundred twenty-five of the criminal procedure law, unless the removal was pursuant to subdivision three of section 725.05 of such law and the respondent was not afforded a probable cause hearing pursuant to subdivision [three] TWO of section [180.75] 725.20 of such law [for a reason other than his waiver thereof pursuant to subdivision two of section 180.75 of such law], the petition shall be deemed to be based upon a determination that probable cause exists to believe the respondent is a juvenile delinquent and the respondent shall not be entitled to any further inquiry on the subject of whether probable cause exists. After the filing of any such petition the court must, however, exercise independent, de novo discretion with respect to release or detention as set forth in section 320.5 OF THIS PART.

S 71. Paragraph (a) of subdivision 2 of section 352.2 of the family court act, as amended by chapter 880 of the laws of 1985, is amended to read as follows:

(a) In determining an appropriate order the court shall consider the needs and best interests of the respondent as well as the need for protection of the community. If the respondent has committed a designated felony act the court shall determine the appropriate disposition in [accord] ACCORDANCE with section 353.5 OF THIS PART. In all other cases the court shall order the least restrictive available alternative enumerated in subdivision one OF THIS SECTION which is consistent with the needs and best interests of the respondent and the need for protection of the community; PROVIDED, HOWEVER, THAT THE COURT SHALL NOT DIRECT THE PLACEMENT OF A RESPONDENT WITH A COMMISSIONER OF SOCIAL SERVICES OR THE OFFICE OF CHILDREN AND FAMILY SERVICES IF:

(I) THE RESPONDENT ONLY COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

(II) THE RESPONDENT ONLY COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

(1) THE ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON;

(2) THE RESPONDENT DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

(3) THE RESPONDENT HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT ACT DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON; AND

(4) THE RESPONDENT WAS ASSESSED AT A LOW RISK ON THE APPLICABLE PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES UNLESS THE COURT DETERMINES THAT SUCH A PLACEMENT IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE COURT ORDER.

S 72. The opening paragraph of subparagraph (iii) of paragraph (a) and paragraph (d) of subdivision 4 of section 353.5 of the family court act, as amended by section 6 of subpart A of part G of chapter 57 of the laws of 2012, are amended to read as follows:

after the period set under subparagraph (ii) of this paragraph, the respondent shall be placed in a residential facility for a period of twelve months; provided, however, that if the respondent has been placed from a family court in a social services district operating an approved juvenile justice services close to home initiative pursuant to section four hundred four of the social services law FOR AN ACT COMMITTED WHEN

THE RESPONDENT WAS UNDER SIXTEEN YEARS OF AGE, once the time frames in subparagraph (ii) of this paragraph are met:

(d) Upon the expiration of the initial period of placement, or any extension thereof, the placement may be extended in accordance with section 355.3 on a petition of any party or the office of children and family services, or, if applicable, a social services district operating an approved juvenile justice services close to home initiative pursuant to section four hundred four of the social services law, after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday, OR, FOR AN ACT THAT WAS COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR OLDER, THE RESPONDENT'S TWENTY-THIRD BIRTHDAY.

S 73. Paragraph (d) of subdivision 4 of section 353.5 of the family court act, as amended by chapter 398 of the laws of 1983, is amended to read as follows:

(d) Upon the expiration of the initial period of placement, or any extension thereof, the placement may be extended in accordance with section 355.3 on a petition of any party or the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES after a dispositional hearing, for an additional period not to exceed twelve months, but no initial placement or extension of placement under this section may continue beyond the respondent's twenty-first birthday, OR, FOR AN ACT THAT WAS COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR OLDER, THE RESPONDENT'S TWENTY-THIRD BIRTHDAY.

S 74. Subdivision 1, 2, 6 and 7 of section 354.1 of the family court act, subdivision 1 as added by chapter 920 of the laws of 1982, subdivisions 2, 6 and 7 as amended by chapter 645 of the laws of 1996, are amended to read as follows:

1. If a person whose fingerprints, palmprints or photographs were taken pursuant to section 306.1 or was initially fingerprinted as a juvenile offender and the action is subsequently removed to a family court pursuant to article seven hundred twenty-five of the criminal procedure law is adjudicated to be a juvenile delinquent for a felony, the family court shall forward or cause to be forwarded to the division of criminal justice services notification of such adjudication and such related information as may be required by such division, provided, however, in the case of a person eleven [or twelve] years of age such notification shall be provided only if the act upon which the adjudication is based would constitute a class [A or B] A-1 felony OR, IN THE CASE OF A PERSON TWELVE YEARS OF AGE, SUCH NOTIFICATION SHALL BE PROVIDED ONLY IF THE ACT UPON WHICH THE ADJUDICATION IS BASED WOULD CONSTITUTE A CLASS A OR B FELONY.

2. If a person whose fingerprints, palmprints or photographs were taken pursuant to section 306.1 or was initially fingerprinted as a juvenile offender and the action is subsequently removed to family court pursuant to article seven hundred twenty-five of the criminal procedure law has had all petitions disposed of by the family court in any manner other than an adjudication of juvenile delinquency for a felony, but in the case of acts committed when such person was eleven [or twelve] years of age which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE OF ACTS COMMITTED WHEN SUCH PERSON WAS TWELVE YEARS OF AGE WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, all such fingerprints, palmprints, photographs, and copies thereof, and all information relating to such allegations obtained by the division of criminal justice services pursuant to section 306.1 shall be destroyed forthwith.

The clerk of the court shall notify the commissioner of the division of criminal justice services and the heads of all police departments and law enforcement agencies having copies of such records, who shall destroy such records without unnecessary delay.

6. If a person fingerprinted pursuant to section 306.1 and subsequently adjudicated a juvenile delinquent for a felony, but in the case of acts committed when such a person was eleven [or twelve] years of age which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, is subsequently convicted of a crime, all fingerprints and related information obtained by the division of criminal justice services pursuant to such section and not destroyed pursuant to subdivisions two, five and seven or subdivision twelve of section 308.1 shall become part of such division's permanent adult criminal record for that person, notwithstanding section 381.2 or 381.3.

7. When a person fingerprinted pursuant to section 306.1 and subsequently adjudicated a juvenile delinquent for a felony, but in the case of acts committed when such person was eleven [or twelve] years of age which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, reaches the age of twenty-one, or has been discharged from placement under this act for at least three years, whichever occurs later, and has no criminal convictions or pending criminal actions which ultimately terminate in a criminal conviction, all fingerprints, palmprints, photographs, and related information and copies thereof obtained pursuant to section 306.1 in the possession of the division of criminal justice services, any police department, law enforcement agency or any other agency shall be destroyed forthwith. The division of criminal justice services shall notify the agency or agencies which forwarded fingerprints to such division pursuant to section 306.1 of their obligation to destroy those records in their possession. In the case of a pending criminal action which does not terminate in a criminal conviction, such records shall be destroyed forthwith upon such determination.

S 75. Subdivision 6 of section 355.3 of the family court act, as amended by chapter 663 of the laws of 1985, is amended to read as follows:

6. Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the respondent's eighteenth birthday without the child's consent FOR ACTS COMMITTED BEFORE THE RESPONDENT'S SIXTEENTH BIRTHDAY and in no event past the child's twenty-first birthday EXCEPT AS PROVIDED FOR IN SUBDIVISION FOUR OF SECTION 353.5.

S 76. Paragraph (b) of subdivision 3 of section 355.5 of the family court act, as amended by chapter 145 of the laws of 2000, is amended to read as follows:

(b) subsequent permanency hearings shall be held no later than every twelve months following the respondent's initial twelve months in placement BUT IN NO EVENT PAST THE RESPONDENT'S TWENTY-FIRST BIRTHDAY; provided, however, that they shall be held in conjunction with an extension of placement hearing held pursuant to section 355.3 of this [article] PART.

S 77. Section 360.3 of the family court act is amended by adding a new subdivision 7 to read as follows:

7. NOTHING HEREIN SHALL AUTHORIZE A RESPONDENT TO BE DETAINED UNDER SUBDIVISION TWO OF THIS SECTION OR PLACED UNDER SUBDIVISION SIX OF THIS

SECTION FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (A) THAT THE RESPONDENT POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (B) THE RESPONDENT IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT SUCCESS.

S 78. Subdivisions 5 and 6 of section 371 of the social services law, subdivision 5 as added by chapter 690 of the laws of 1962, and subdivision 6 as amended by chapter 596 of the laws of 2000, are amended to read as follows:

5. "Juvenile delinquent" means a person [over seven and less than sixteen years of age who does any act which, if done by an adult, would constitute a crime] AS DEFINED IN SECTION 301.2 OF THE FAMILY COURT ACT.

6. "Person in need of supervision" means a person [less than eighteen years of age who is habitually truant or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority] AS DEFINED IN SECTION SEVEN HUNDRED TWELVE OF THE FAMILY COURT ACT.

S 79. Subdivisions 3 and 4 of section 502 of the executive law, subdivision 3 as amended by section 1 of subpart B of part Q of chapter 58 of the laws of 2011 and subdivision 4 as added by chapter 465 of the laws of 1992, are amended to read as follows:

3. "Detention" means the temporary care and maintenance of youth held away from their homes pursuant to article three [or seven] of the family court act, or held pending a hearing for alleged violation of the conditions of release from an office of children and family services facility or authorized agency, or held pending a hearing for alleged violation of the condition of parole as a juvenile offender, or held pending return to a jurisdiction other than the one in which the youth is held, or held pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender or held pending a hearing on an extension of placement or held pending transfer to a facility upon commitment or placement by a court OR PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT IF THE PETITION PURSUANT TO SUCH ARTICLE WAS FILED PRIOR TO JANUARY FIRST, TWO THOUSAND NINETEEN. Only alleged or convicted juvenile offenders who have not attained their eighteenth OR, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, THEIR TWENTY-FIRST birthday shall be subject to detention in a detention facility.

4. For purposes of this article, the term "youth" shall [be synonymous with the term "child" and means] MEAN a person not less than seven years of age and not more than twenty OR COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, NOT MORE THAN TWENTY-TWO years of age.

S 80. Paragraph (a) of subdivision 2 and subdivision 5 of section 507-a of the executive law, as amended by chapter 465 of the laws of 1992, are amended to read as follows:

(a) Consistent with other provisions of law, only those youth who have reached the age of [seven] TEN but who have not reached the age of twenty-one may be placed in[, committed to or remain in] the [division's] custody OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. EXCEPT AS PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, NO YOUTH WHO HAS REACHED THE AGE OF TWENTY-ONE MAY REMAIN IN CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

(A-1) (I) A YOUTH WHO IS COMMITTED TO THE OFFICE OF CHILDREN AND FAMILY SERVICES AS A JUVENILE OFFENDER OR YOUTHFUL OFFENDER MAY REMAIN IN

THE CUSTODY OF THE OFFICE DURING THE PERIOD OF HIS OR HER SENTENCE BEYOND THE AGE OF TWENTY-ONE IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION FIVE OF SECTION FIVE HUNDRED EIGHT OF THIS TITLE BUT IN NO EVENT MAY SUCH A YOUTH REMAIN IN THE CUSTODY OF THE OFFICE BEYOND HIS OR HER TWENTY-THIRD BIRTHDAY; AND (II) A YOUTH FOUND TO HAVE COMMITTED A DESIGNATED CLASS A FELONY ACT WHO IS RESTRICTIVELY PLACED WITH THE OFFICE UNDER SUBDIVISION FOUR OF SECTION 353.5 OF THE FAMILY COURT ACT FOR COMMITTING AN ACT ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY MAY REMAIN IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES UP TO THE AGE OF TWENTY-THREE IN ACCORDANCE WITH HIS OR HER PLACEMENT ORDER.

(A-2) Whenever it shall appear to the satisfaction of the [division] OFFICE OF CHILDREN AND FAMILY SERVICES that any youth placed therewith is not of proper age to be so placed or is not properly placed, or is mentally or physically incapable of being materially benefited by the program of the [division] OFFICE, the [division] OFFICE shall cause the return of such youth to the county from which placement was made.

5. Consistent with other provisions of law, in the discretion of the [director, youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, YOUTH PLACED WITHIN THE OFFICE UNDER THE FAMILY COURT ACT who attain the age of eighteen while in [division] custody OF THE OFFICE AND WHO ARE NOT REQUIRED TO REMAIN IN THE PLACEMENT WITH THE OFFICE AS A RESULT OF A DISPOSITIONAL ORDER OF THE FAMILY COURT may reside in a non-secure facility until the age of twenty-one, provided that such youth attend a full-time vocational or educational program and are likely to benefit from such program.

S 81. Paragraphs (a), (b), (c), (d) and (e) of subdivision 2 and subdivision 4 of section 508 of the executive law are REPEALED.

S 82. Subdivisions 1, 2, 3, 5, 6, 7, 8 and 9 of section 508 of the executive law, subdivision 1 as amended by chapter 738 of the laws of 2004, subdivision 2 as amended by chapter 572 of the laws of 1985, subdivision 3 as added by chapter 481 of the laws of 1978 and renumbered by chapter 465 of the laws of 1992, subdivisions 5, 6 and 7 as amended by section 97 of subpart B of part C of chapter 62 of the laws of 2011, subdivision 8 as added by chapter 560 of the laws of 1984 and subdivision 9 as added by chapter 7 of the laws of 2007, are amended and a new subdivision 1-a is added to read as follows:

1. The office of children and family services shall maintain [secure] facilities for the care and confinement of juvenile offenders committed [for an indeterminate, determinate or definite sentence] TO THE OFFICE pursuant to the sentencing provisions of the penal law. Such facilities shall provide appropriate services to juvenile offenders including but not limited to residential care, educational and vocational training, physical and mental health services, and employment counseling.

1-A. (A) (I) THE STATE SHALL ESTABLISH ONE OR MORE FACILITIES WITH ENHANCED SECURITY FEATURES AND SPECIALLY TRAINED STAFF TO SERVE THOSE YOUTH SENTENCED FOR COMMITTING OFFENSES ON OR AFTER THEIR SIXTEENTH BIRTHDAY WHO ARE DETERMINED, BASED ON THE PLACEMENT CLASSIFICATION PROTOCOL ESTABLISHED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, TO NEED AN ENHANCED LEVEL OF SECURE CARE WHICH SHALL BE ADMINISTERED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES.

(II) A COUNCIL COMPRISED OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, THE COMMISSIONER OF THE STATE COMMISSION OF CORRECTION, AND THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL BE ESTABLISHED TO OVERSEE THE OPERATION OF THE FACILITY. THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COUNCIL. THE COUNCIL SHALL

HAVE THE POWER TO PERFORM ALL ACTS NECESSARY TO CARRY OUT ITS DUTIES INCLUDING MAKING UNANNOUNCED VISITS AND INSPECTIONS OF THE FACILITY AT ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE CONTRARY, THE COUNCIL MAY REQUEST AND THE OFFICE SHALL SUBMIT TO THE COUNCIL, TO THE EXTENT PERMITTED BY FEDERAL LAW, ALL INFORMATION IN THE FORM AND MANNER AND AT SUCH TIMES AS THE COUNCIL MAY REQUIRE THAT IS APPROPRIATE TO THE PURPOSES AND OPERATION OF THE COUNCIL. THE COUNCIL SHALL BE SUBJECT TO THE SAME LAWS AS APPLY TO THE OFFICE REGARDING THE PROTECTION AND CONFIDENTIALITY OF THE INFORMATION MADE AVAILABLE TO THE COUNCIL AND SHALL PREVENT ACCESS THERETO BY, OR THE DISTRIBUTION THEREOF TO, PERSONS NOT AUTHORIZED BY LAW.

(III) YOUTH DIVISION AIDES AND OTHER APPROPRIATE STAFF WORKING IN THE FACILITY SHALL RECEIVE SPECIALIZED TRAINING TO ADDRESS WORKING WITH THE TYPES OF YOUTH PLACED IN THE FACILITY, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO, TRAINING ON TACTICAL RESPONSES AND DE-ESCALATION TECHNIQUES. ANY APPLICANT FOR EMPLOYMENT IN THE FACILITY AS A YOUTH DIVISION AIDE SHALL BE SUBJECT TO THE SAME REQUIREMENTS AND PROCESSES FOR PSYCHOLOGICAL SCREENING AS APPLICANTS FOR EMPLOYMENT AS CORRECTIONAL OFFICERS WITH THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION PURSUANT TO SECTION EIGHT OF THE CORRECTION LAW INCLUDING THE RIGHT TO REVIEW BY THE INDEPENDENT ADVISORY BOARD ESTABLISHED PURSUANT TO SUCH SECTION, PROVIDED, HOWEVER, THAT WHEN REFERRED TO IN SUCH SECTION "DEPARTMENT" SHALL MEAN THE OFFICE OF CHILDREN AND FAMILY SERVICES AND "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. ALL STAFF OF THE FACILITY SHALL BE SUBJECT TO RANDOM DRUG TESTS.

(B) THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR THE STATE COMMISSION OF CORRECTION SHALL ASSIGN AN ASSISTANT COMMISSIONER TO ASSIST THE OFFICE OF CHILDREN AND FAMILY SERVICES, ON A PERMANENT BASIS, WITH THE SECURITY ISSUES RELATING TO OPERATING FACILITIES SERVING THE ADDITIONAL YOUTH SENTENCED TO THE OFFICE.

(C) THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR THE STATE COMMISSION OF CORRECTION AND THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL JOINTLY ESTABLISH A PLACEMENT CLASSIFICATION PROTOCOL TO BE USED BY THE ASSISTANT COMMISSIONER ASSIGNED TO THE OFFICE PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION AND AN OFFICE OF CHILDREN AND FAMILY SERVICES OFFICIAL DESIGNATED BY THE COMMISSIONER OF THE OFFICE TO DETERMINE THE APPROPRIATE LEVEL OF CARE FOR EACH YOUTH SENTENCED TO THE OFFICE. THE PROTOCOL SHALL INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, CONSIDERATION OF THE NATURE OF THE YOUTH'S OFFENSE AND THE YOUTH'S HISTORY AND SERVICE NEEDS.

(D) ANY NEW FACILITIES DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES TO SERVE THE ADDITIONAL YOUTH PLACED WITH THE OFFICE AS A RESULT OF RAISING THE AGE OF JUVENILE JURISDICTION SHALL, TO THE EXTENT PRACTICABLE, CONSIST OF SMALLER, MORE HOME-LIKE FACILITIES LOCATED NEAR THE YOUTHS' HOMES AND FAMILIES THAT PROVIDE GENDER-RESPONSIVE PROGRAMMING, SERVICES AND TREATMENT IN SMALL, CLOSELY SUPERVISED GROUPS THAT OFFER EXTENSIVE AND ON-GOING INDIVIDUAL ATTENTION AND ENCOURAGE SUPPORTIVE PEER RELATIONSHIPS.

2. Juvenile offenders COMMITTED TO THE OFFICE FOR COMMITTING CRIMES PRIOR TO THE AGE OF SIXTEEN shall be confined in such facilities until the age of twenty-one IN ACCORDANCE WITH THEIR SENTENCES, and shall not be released, discharged or permitted home visits except pursuant to the provisions of this section.

3. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall report in writing to the sentencing court and district attorney, not less than

once every six months during the period of confinement, on the status, adjustment, programs and progress of the offender.

[5.] 4. The office of children and family services may transfer an offender not less than eighteen [nor more than twenty-one] years of age to the department of corrections and community supervision if the commissioner of the office certifies to the commissioner of corrections and community supervision that there is no substantial likelihood that the youth will benefit from the programs offered by office facilities.

[6. At age twenty-one, all] 5. (A) ALL juvenile offenders COMMITTED TO THE OFFICE FOR COMMITTING A CRIME PRIOR TO THE YOUTH'S SIXTEENTH BIRTHDAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT shall be transferred AT AGE TWENTY-ONE to the custody of the department of corrections and community supervision for confinement pursuant to the correction law.

[7.] (B) ALL OFFENDERS COMMITTED OR TRANSFERRED TO THE OFFICE FOR COMMITTING A CRIME ON OR AFTER THEIR SIXTEENTH BIRTHDAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT SHALL BE TRANSFERRED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION FOR CONFINEMENT PURSUANT TO THE CORRECTION LAW AFTER COMPLETING TWO YEARS OF CARE IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES UNLESS THEY ARE WITHIN FOUR MONTHS OF COMPLETING THE IMPRISONMENT PORTION OF THEIR SENTENCE AND THE OFFICE DETERMINES, IN ITS DISCRETION, ON A CASE-BY-CASE BASIS THAT THE YOUTH SHOULD BE PERMITTED TO REMAIN WITH THE OFFICE FOR THE ADDITIONAL SHORT PERIOD OF TIME NECESSARY TO ENABLE THEM TO COMPLETE THEIR SENTENCE. IN MAKING SUCH A DETERMINATION, THE FACTORS THE OFFICE MAY CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, THE AGE OF THE YOUTH, THE AMOUNT OF TIME REMAINING ON THE YOUTH'S SENTENCE OF IMPRISONMENT, THE LEVEL OF THE YOUTH'S PARTICIPATION IN THE PROGRAM, THE YOUTH'S EDUCATIONAL AND VOCATIONAL PROGRESS, THE OPPORTUNITIES AVAILABLE TO THE YOUTH THROUGH THE OFFICE AND THROUGH THE DEPARTMENT, AND THE LENGTH OF THE YOUTH'S POST-RELEASE SUPERVISION SENTENCE. NOTHING IN THIS PARAGRAPH SHALL AUTHORIZE A YOUTH TO REMAIN IN AN OFFICE FACILITY BEYOND HIS OR HER TWENTY-THIRD BIRTHDAY.

(C) COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, ALL JUVENILE OFFENDERS WHO ARE ELIGIBLE TO BE RELEASED FROM AN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITY BEFORE THEY ARE REQUIRED TO BE TRANSFERRED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AND WHO ARE ABLE TO COMPLETE THE FULL-TERM OF THEIR POST-RELEASE SUPERVISION SENTENCES BEFORE THEY TURN TWENTY-THREE YEARS OF AGE SHALL REMAIN WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR POST-RELEASE SUPERVISION.

(D) COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, ALL JUVENILE OFFENDERS RELEASED FROM AN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITY BEFORE THEY ARE TRANSFERRED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION WHO ARE UNABLE TO COMPLETE THE FULL-TERM OF THEIR POST-RELEASE SUPERVISION SENTENCES BEFORE THEY TURN TWENTY-THREE YEARS OF AGE SHALL BE UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION UNTIL EXPIRATION OF THE MAXIMUM TERM OR PERIOD OF SENTENCE, OR EXPIRATION OF SUPERVISION, INCLUDING ANY POST-RELEASE SUPERVISION AS THE CASE MAY BE PROVIDED, HOWEVER, THAT THE OFFICE SHALL ASSIST SUCH DEPARTMENT IN PLANNING FOR THE YOUTH'S POST-RELEASE SUPERVISION.

6. While in the custody of the office of children and family services, an offender shall be subject to the rules and regulations of the office, except that his OR HER parole, POST-RELEASE SUPERVISION, temporary release and discharge shall be governed by the laws applicable to inmates of state correctional facilities and his OR HER transfer to

state hospitals in the office of mental health shall be governed by section five hundred nine of this chapter; PROVIDED, HOWEVER, THAT AN OTHERWISE ELIGIBLE JUVENILE OFFENDER MAY RECEIVE THE SIX-MONTH LIMITED CREDIT TIME ALLOWANCE FOR SUCCESSFUL PARTICIPATION IN ONE OR MORE PROGRAMS DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES THAT ARE COMPARABLE TO THE PROGRAMS SET FORTH IN SECTION EIGHT HUNDRED THREE-B OF THE CORRECTION LAW, TAKING INTO CONSIDERATION THE AGE OF JUVENILE OFFENDERS. The commissioner of the office of children and family services shall, however, establish and operate temporary release programs at office of children and family services facilities AND PROVIDE POST-RELEASE SUPERVISION for eligible juvenile offenders and [contract with the department of corrections and community supervision for the provision of parole] PROVIDE supervision [services] for temporary releasees AND JUVENILES ON POST-RELEASE SUPERVISION. The rules and regulations for these programs shall not be inconsistent with the laws for temporary release AND POST-RELEASE SUPERVISION applicable to inmates of state correctional facilities. For the purposes of temporary release programs for juvenile offenders only, when referred to or defined in article twenty-six of the correction law, "institution" shall mean any facility designated by the commissioner of the office of children and family services, "department" shall mean the office of children and family services, "inmate" shall mean a juvenile offender residing in an office of children and family services facility, and "commissioner" shall mean the [director] COMMISSIONER of the office of children and family services. FOR THE PURPOSES OF SUCH POST-RELEASE SUPERVISION FOR JUVENILE OFFENDERS UNDER PARAGRAPH (C) OF SUBDIVISION FIVE OF THIS SECTION ONLY, WHEN REFERRED TO IN SECTION 70.45 OF THE PENAL LAW OR ARTICLE TWELVE-B OF THE EXECUTIVE LAW, THE TERM "DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION", "DEPARTMENT", "DIVISION OF PAROLE", "DIVISION", "BOARD OF PAROLE" AND "BOARD" SHALL MEAN THE OFFICE OF CHILDREN AND FAMILY SERVICES, AND THE TERM "COMMISSIONER" SHALL MEAN THE OFFICE OF CHILDREN AND FAMILY SERVICES. Time spent in office of children and family services facilities and in juvenile detention facilities shall be credited towards the sentence imposed in the same manner and to the same extent applicable to inmates of state correctional facilities.

[8] 7. Whenever a juvenile offender or a juvenile offender adjudicated a youthful offender shall be delivered to the director of [a division for youth] AN OFFICE OF CHILDREN AND FAMILY SERVICES facility pursuant to a commitment to the [director of the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, the officer so delivering such person shall deliver to such facility director a certified copy of the sentence received by such officer from the clerk of the court by which such person shall have been sentenced, a copy of the report of the probation officer's investigation and report, any other pre-sentence memoranda filed with the court, a copy of the person's fingerprint records, a detailed summary of available medical records, psychiatric records and reports relating to assaults, or other violent acts, attempts at suicide or escape by the person while in the custody of a local detention facility.

[9] 8. Notwithstanding any provision of law, including section five hundred one-c of this article, the office of children and family services shall make records pertaining to a person convicted of a sex offense as defined in subdivision (p) of section 10.03 of the mental hygiene law available upon request to the commissioner of mental health or the commissioner of [mental retardation and] THE OFFICE FOR PERSONS

WITH developmental disabilities, as appropriate; a case review panel; and the attorney general; in accordance with the provisions of article ten of the mental hygiene law.

S 83. Section 712 of the family court act, as amended by chapter 920 of the laws of 1982, subdivision (a) as amended by section 7 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 465 of the laws of 1992, subdivision (g) as amended by section 2 of part B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended to read as follows:

S 712. Definitions. As used in this article, the following terms shall have the following meanings:

(a) "Person in need of supervision". A person less than eighteen years of age who does not attend school in accordance with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority, or who violates the provisions of section 221.05 or 230.00 of the penal law, or who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section four hundred forty-seven-a of the social services law, but only if the child consents to the filing of a petition under this article.

(b) ["Detention". The temporary care and maintenance of children away from their own homes as defined in section five hundred two of the executive law.

(c) "Secure detention facility". A facility characterized by physically restricting construction, hardware and procedures.

(d) "Non-secure detention facility". A facility characterized by the absence of physically restricting construction, hardware and procedures.

(e)] "Fact-finding hearing". A hearing to determine whether the respondent did the acts alleged to show that he OR SHE violated a law or is incorrigible, ungovernable or habitually disobedient and beyond the control of his OR HER parents, guardian or legal custodian.

[(f)] (C) "Dispositional hearing". A hearing to determine whether the respondent requires supervision or treatment.

[(g)] (D) "Aggravated circumstances". Aggravated circumstances shall have the same meaning as the definition of such term in subdivision (j) of section one thousand twelve of this act.

[(h)] (E) "Permanency hearing". A hearing held in accordance with paragraph (b) of subdivision two of section seven hundred fifty-four or section seven hundred fifty-six-a of this article for the purpose of reviewing the foster care status of the respondent and the appropriateness of the permanency plan developed by the social services official on behalf of such respondent.

[(i)] (F) "Diversion services". Services provided to children and families pursuant to section seven hundred thirty-five of this article for the purpose of avoiding the need to file a petition [or direct the detention of the child]. Diversion services shall include: efforts to adjust cases pursuant to this article before a petition is filed, or by order of the court, after the petition is filed but before fact-finding is commenced; and preventive services provided in accordance with section four hundred nine-a of the social services law to avert the placement of the child [into foster care], including crisis intervention and respite services. Diversion services may also include, in cases

where any person is seeking to file a petition that alleges that the child has a substance use disorder or is in need of immediate detoxification or substance use disorder services, an assessment for substance use disorder; provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services.

[(j)] (G) "Substance use disorder". The misuse of, dependence on, or addiction to alcohol and/or legal or illegal drugs leading to effects that are detrimental to the person's physical and mental health or the welfare of others.

[(k)] (H) "Assessment for substance use disorder". Assessment by a provider that has been certified by the office of alcoholism and substance abuse services of a person less than eighteen years of age where it is alleged that the youth is suffering from a substance use disorder which could make a youth a danger to himself or herself or others.

[(l)] (I) "A substance use disorder which could make a youth a danger to himself or herself or others". A substance use disorder that is accompanied by the dependence on, or the repeated use or abuse of, drugs or alcohol to the point of intoxication such that the person is in need of immediate detoxification or other substance use disorder services.

[(m)] (J) "Substance use disorder services". Substance use disorder services shall have the same meaning as provided for in section 1.03 of the mental hygiene law.

S 84. The part heading of part 2 of article 7 of the family court act is amended to read as follows:

CUSTODY [AND DETENTION]

S 85. Section 720 of the family court act, as amended by chapter 419 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c) of subdivision 5 as added by section 8 of part G of chapter 58 of the laws of 2010, is amended to read as follows:

S 720. Detention PRECLUDED. [1.] THE DETENTION OF A CHILD SHALL NOT BE DIRECTED UNDER ANY OF THE PROVISIONS OF THIS ARTICLE, EXCEPT AS OTHERWISE AUTHORIZED BY THE INTERSTATE COMPACT ON JUVENILES. No child to whom the provisions of this article may apply, shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with a crime.

[2. The detention of a child in a secure detention facility shall not be directed under any of the provisions of this article.

3. Detention of a person alleged to be or adjudicated as a person in need of supervision shall, except as provided in subdivision four of this section, be authorized only in a foster care program certified by the office of children and family services, or a certified or approved family boarding home, or a non-secure detention facility certified by the office and in accordance with section seven hundred thirty-nine of this article. The setting of the detention shall take into account (a) the proximity to the community in which the person alleged to be or adjudicated as a person in need of supervision lives with such person's parents or to which such person will be discharged, and (b) the existing educational setting of such person and the proximity of such setting to the location of the detention setting.

4. Whenever detention is authorized and ordered pursuant to this article, for a person alleged to be or adjudicated as a person in need of supervision, a family court in a city having a population of one million or more shall, notwithstanding any other provision of law, direct detention in a foster care facility established and maintained pursuant to the social services law. In all other respects, the detention of such a person in a foster care facility shall be subject to the identical terms and conditions for detention as are set forth in this article and in section two hundred thirty-five of this act.

5. (a) The court shall not order or direct detention under this article, unless the court determines that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services and that all available alternatives to detention have been exhausted; and

(b) Where the youth is sixteen years of age or older, the court shall not order or direct detention under this article, unless the court determines and states in its order that special circumstances exist to warrant such detention.

(c) If the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house as defined in subdivision two of section four hundred forty-seven-a of the social services law as an alternative to detention.]

S 86. Section 727 of the family court act is REPEALED.

S 87. The section heading and subdivisions (c) and (d) of section 728 of the family court act, subdivision (d) as added by chapter 145 of the laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision (d) as renumbered by section 5 of part E of chapter 57 of the laws of 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision (d) as added by section 10 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

Discharge[,] OR release [or detention] by judge after hearing and before filing of petition in custody cases.

(c) An order of release under this section may, but need not, be conditioned upon the giving of a recognizance in accord with [sections] SECTION seven hundred twenty-four (b) (i).

[(d) Upon a finding of facts and reasons which support a detention order pursuant to this section, the court shall also determine and state in any order directing detention:

(i) that there is no substantial likelihood that the youth and his or her family will continue to benefit from diversion services and that all available alternatives to detention have been exhausted; and

(ii) whether continuation of the child in the child's home would be contrary to the best interests of the child based upon, and limited to, the facts and circumstances available to the court at the time of the hearing held in accordance with this section; and

(iii) where appropriate, whether reasonable efforts were made prior to the date of the court hearing that resulted in the detention order, to prevent or eliminate the need for removal of the child from his or her home or, if the child had been removed from his or her home prior to the court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the child to safely return home; and

(iv) whether the setting of the detention takes into account the proximity to the community in which the person alleged to be or adjudicated

as a person in need of supervision lives with such person's parents or to which such person will be discharged, and the existing educational setting of such person and the proximity of such setting to the location of the detention setting.]

S 88. Section 729 of the family court act is REPEALED.

S 89. Subdivisions (b) and (f) and paragraph (i) of subdivision (d) of section 735 of the family court act, subdivision (b) as amended by chapter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended by chapter 535 of the laws of 2011 and subdivision (f) as added by section 7 of part E of chapter 57 of the laws of 2005, are amended to read as follows:

(b) The designated lead agency shall:

(i) confer with any person seeking to file a petition, the youth who may be a potential respondent, his or her family, and other interested persons, concerning the provision of diversion services before any petition may be filed; and

(ii) diligently attempt to prevent the filing of a petition under this article or, after the petition is filed, to prevent the placement of the youth into foster care; and

(iii) assess whether the youth would benefit from residential respite services; and

(iv) ASSESS WHETHER THE YOUTH IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW AND, IF SO, WHETHER SUCH YOUTH SHOULD BE REFERRED TO A SAFE HOUSE; AND

(V) determine whether alternatives to detention are appropriate to avoid remand of the youth to detention INCLUDING WHETHER THE YOUTH AND HIS OR HER FAMILY SHOULD BE REFERRED TO AN AVAILABLE FAMILY SUPPORT CENTER; and

[(v)] (VI) determine whether an assessment of the youth for substance use disorder by an office of alcoholism and substance abuse services certified provider is necessary when a person seeking to file a petition alleges in such petition that the youth is suffering from a substance use disorder which could make the youth a danger to himself or herself or others. Provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or for any substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services. The office of alcoholism and substance abuse services shall make a list of its certified providers available to the designated lead agency.

(i) providing, at the first contact, information on the availability of or a referral to services in the geographic area where the youth and his or her family are located that may be of benefit in avoiding the need to file a petition under this article; including the availability, for up to twenty-one days, of a residential respite program, if the youth and his or her parent or other person legally responsible for his or her care agree, and the availability of other non-residential crisis intervention programs such as A FAMILY SUPPORT CENTER, family crisis counseling or alternative dispute resolution programs or an educational program as defined in section four hundred fifty-eight-l of the social services law.

(f) Efforts to prevent the filing of a petition pursuant to this section may extend until the designated lead agency determines that there is no substantial likelihood that the youth and his or her family will benefit from further attempts. Efforts at diversion pursuant to

this section may continue after the filing of a petition where the designated lead agency determines that the youth and his or her family will benefit from further attempts to prevent PLACEMENT OF the youth [from entering foster care] IN ACCORDANCE WITH SECTION SEVEN HUNDRED FIFTY-SIX OF THIS ARTICLE.

S 90. Section 739 of the family court act, as amended by chapter 920 of the laws of 1982, subdivision (a) as amended by section 10 of part G of chapter 58 of the laws of 2010, subdivision (c) as added by chapter 145 of the laws of 2000, is amended to read as follows:

S 739. Release or [detention] REFERRAL after filing of petition and prior to order of disposition. [(a)] After the filing of a petition under section seven hundred thirty-two of this part, the court in its discretion may release the respondent [or direct his or her detention]. If the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house [as an alternative to detention. However, the court shall not direct detention unless it finds and states the facts and reasons for so finding that unless the respondent is detained there is a substantial probability that the respondent will not appear in court on the return date and all available alternatives to detention have been exhausted.

(b) Unless the respondent waives a determination that probable cause exists to believe that he is a person in need of supervision, no detention under this section may last more than three days (i) unless the court finds, pursuant to the evidentiary standards applicable to a hearing on a felony complaint in a criminal court, that such probable cause exists, or (ii) unless special circumstances exist, in which cases such detention may be extended not more than an additional three days exclusive of Saturdays, Sundays and public holidays.

(c) Upon a finding of facts and reasons which support a detention order pursuant to subdivision (a) of this section, the court shall also determine and state in any order directing detention:

(i) whether continuation of the respondent in the respondent's home would be contrary to the best interests of the respondent based upon, and limited to, the facts and circumstance available to the court at the time of the court's determination in accordance with this section; and

(ii) where appropriate, whether reasonable efforts were made prior to the date of the court order directing detention in accordance with this section, to prevent or eliminate the need for removal of the respondent from his or her home or, if the respondent had been removed from his or her home prior to the court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the respondent to safely return home].

S 91. Section 741-a of the family court act, as amended by section 3 of part B of chapter 327 of the laws of 2007, is amended to read as follows:

S 741-a. Notice and right to be heard. The foster parent caring for [the child] A SEXUALLY EXPLOITED CHILD PLACED IN ACCORDANCE WITH SECTION SEVEN HUNDRED FIFTY-SIX OF THIS ARTICLE or any pre-adoptive parent or relative providing care for the respondent shall be provided with notice of any permanency hearing held pursuant to this article by the social services official. Such foster parent, pre-adoptive parent or relative shall have the right to be heard at any such hearing; provided, however, no such foster parent, pre-adoptive parent or relative shall be construed to be a party to the hearing solely on the basis of such notice and right to be heard. The failure of the foster parent, pre-a-

doptive parent, or relative caring for the child to appear at a permanency hearing shall constitute a waiver of the right to be heard and such failure to appear shall not cause a delay of the permanency hearing nor shall such failure to appear be a ground for the invalidation of any order issued by the court pursuant to this section.

S 92. Section 747 of the family court act is REPEALED.

S 93. Section 748 of the family court act is REPEALED.

S 94. Subdivision (b) of section 749 of the family court act, as amended by chapter 806 of the laws of 1973, is amended to read as follows:

(b) On its own motion, the court may adjourn the proceedings on conclusion of a fact-finding hearing or during a dispositional hearing to enable it to make inquiry into the surroundings, conditions and capacities of the respondent. An [adjournment on the court's motion may not be for a period of more than ten days if the respondent is detained, in which case not more than a total of two such adjournments may be granted in the absence of special circumstances. If the respondent is not detained, an] adjournment may be for a reasonable time, but the total number of adjourned days may not exceed two months.

S 95. Paragraph (a) of subdivision 2 of section 754 of the family court act, as amended by chapter 7 of the laws of 1999, subparagraph (ii) of paragraph (a) as amended by section 20 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

(a) The order shall state the court's reasons for the particular disposition. If the court places the child in accordance with section seven hundred fifty-six of this part, the court in its order shall determine: (i) whether continuation in the child's home would be contrary to the best interest of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that such removal was in the child's best interest and, where appropriate, reasonable efforts were made to make it possible for the child to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circumstances, the court order shall include such a finding; and (ii) in the case of a child who has attained the age of fourteen, the services needed, if any, to assist the child to make the transition from foster care to independent living. [Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.]

S 96. Section 756 of the family court act, as amended by chapter 920 of the laws of 1982, paragraph (i) of subdivision (a) as amended by chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii) of subdivision (a) as amended by section 11 of part G of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of 1999, and subdivision (c) as amended by section 10 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

S 756. Placement. (a) (i) For purposes of section seven hundred fifty-four, the court may place the child in its own home or in the custody of a suitable relative or other suitable private person [or a commissioner of social services], subject to the orders of the court.

(ii) [Where the child is placed] IF THE COURT FINDS THAT THE RESPONDENT IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF

SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, THE COURT MAY PLACE THE CHILD with the commissioner of the local social services district[, the court] AND may direct the commissioner to place the child with an authorized agency or class of authorized agencies, including[, if the court finds that the respondent is a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law,] an available long-term safe house. Unless the dispositional order provides otherwise, the court so directing shall include one of the following alternatives to apply in the event that the commissioner is unable to so place the child:

(1) the commissioner shall apply to the court for an order to stay, modify, set aside, or vacate such directive pursuant to the provisions of section seven hundred sixty-two or seven hundred sixty-three; or

(2) the commissioner shall return the child to the family court for a new dispositional hearing and order.

(b) Placements under this section may be for an initial period of twelve months. The court may extend a placement pursuant to section seven hundred fifty-six-a. In its discretion, the court may recommend restitution or require services for public good pursuant to section seven hundred fifty-eight-a in conjunction with an order of placement. For the purposes of calculating the initial period of placement, such placement shall be deemed to have commenced sixty days after the date the child was removed from his or her home in accordance with the provisions of this article. [If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the best interests of the respondent.

(c) A placement pursuant to this section with the commissioner of social services shall not be directed in any detention facility, but the court may direct detention pending transfer to a placement authorized and ordered under this section for no more than than fifteen days after such order of placement is made. Such direction shall be subject to extension pursuant to subdivision three of section three hundred nine-ty-eight of the social services law, upon written documentation to the office of children and family services that the youth is in need of specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.]

S 97. Section 758-a of the family court act, as amended by chapter 73 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the laws of 2007, subdivision 2 as amended by chapter 309 of the laws of 1996, and subdivision 3 as separately amended by chapter 568 of the laws of 1979, is amended to read as follows:

S 758-a. Restitution. 1. In cases involving acts of [infants] CHILDREN over [ten] TWELVE and less than [sixteen] EIGHTEEN years of age, the court may

(a) recommend as a condition of placement, or order as a condition of probation or suspended judgment, restitution in an amount representing a fair and reasonable cost to replace the property or repair the damage caused by the [infant] CHILD, not, however, to exceed one thousand dollars. [In the case of a placement, the court may recommend that the infant pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the agency with which he is placed, and in the case of

probation or suspended judgment, the] THE court may require that the [infant] CHILD pay out of his or her own funds or earnings the amount of replacement or damage, either in a lump sum or in periodic payments in amounts set by the court; and/or

(b) order as a condition of placement, probation, or suspended judgment, services for the public good including in the case of a crime involving willful, malicious, or unlawful damage or destruction to real or personal property maintained as a cemetery plot, grave, burial place, or other place of interment of human remains, services for the maintenance and repair thereof, taking into consideration the age and physical condition of the [infant] CHILD.

2. [If the court recommends restitution or requires services for the public good in conjunction with an order of placement pursuant to section seven hundred fifty-six, the placement shall be made only to an authorized agency which has adopted rules and regulations for the supervision of such a program, which rules and regulations shall be subject to the approval of the state department of social services. Such rules and regulations shall include, but not be limited to provisions (i) assuring that the conditions of work, including wages, meet the standards therefor prescribed pursuant to the labor law; (ii) affording coverage to the child under the workers' compensation law as an employee of such agency, department or institution; (iii) assuring that the entity receiving such services shall not utilize the same to replace its regular employees; and (iv) providing for reports to the court not less frequently than every six months, unless the order provides otherwise.

3.] If the court requires restitution or services for the public good [as a condition of probation or suspended judgment], it shall provide that an agency or person supervise the restitution or services and that such agency or person report to the court not less frequently than every six months, unless the order provides otherwise. Upon the written notice sent by a school district to the court and the appropriate probation department or agency which submits probation recommendations or reports to the court, the court may provide that such school district shall supervise the performance of services for the public good.

[4.] 3. The court, upon receipt of the reports provided for in subdivision two [or three] of this section may, on its own motion or the motion of any party or the agency, hold a hearing to determine whether the [placement] CONDITION should be altered or modified.

S 98. Section 774 of the family court act is amended to read as follows:

S 774. Action on petition for transfer. On receiving a petition under section seven hundred seventy-three, the court may proceed under sections seven hundred thirty-seven, seven hundred thirty-eight or seven hundred thirty-nine with respect to the issuance of a summons or warrant [and sections seven hundred twenty-seven and seven hundred twenty-nine govern questions of detention and failure to comply with a promise to appear]. Due notice of the petition and a copy of the petition shall also be served personally or by mail upon the office of the locality chargeable for the support of the person involved and upon the person involved and his OR HER parents and other persons.

S 98-a. Article 6 of the social services law is amended by adding a new title 12 to read as follows:

TITLE 12

FAMILY SUPPORT CENTERS

SECTION 458-M. FAMILY SUPPORT CENTERS.

458-N. FUNDING FOR FAMILY SUPPORT CENTERS.

S 458-M. FAMILY SUPPORT CENTERS. 1. AS USED IN THIS TITLE, THE TERM "FAMILY SUPPORT CENTER" SHALL MAN A PROGRAM ESTABLISHED PURSUANT TO THIS TITLE TO PROVIDE COMMUNITY-BASED SUPPORTIVE SERVICES TO CHILDREN AND FAMILIES WITH THE GOAL OF PREVENTING A CHILD FROM BEING ADJUDICATED A PERSON IN NEED OF SUPERVISION AND HELP PREVENT THE OUT OF HOME PLACEMENTS OF SUCH YOUTH UNDER ARTICLE SEVEN OF THE FAMILY COURT ACT.

2. FAMILY SUPPORT CENTERS SHALL PROVIDE COMPREHENSIVE SERVICES TO SUCH CHILDREN AND THEIR FAMILIES, EITHER DIRECTLY OR THROUGH REFERRALS WITH PARTNER AGENCIES, INCLUDING, BUT NOT LIMITED TO:

(A) RAPID FAMILY ASSESSMENTS AND SCREENINGS;

(B) CRISIS INTERVENTION;

(C) FAMILY MEDIATION AND SKILLS BUILDING;

(D) MENTAL AND BEHAVIORAL HEALTH SERVICES INCLUDING COGNITIVE INTERVENTIONS;

(E) CASE MANAGEMENT;

(F) RESPITE SERVICES;

(G) EDUCATION ADVOCACY; AND

(H) OTHER FAMILY SUPPORT SERVICES.

3. THE SERVICES THAT ARE PROVIDED SHALL BE TRAUMA RESPONSIVE, FAMILY FOCUSED, GENDER-RESPONSIVE, AND EVIDENCE BASED OR INFORMED AND STRENGTHS BASED AND SHALL BE TAILORED TO THE INDIVIDUALIZED NEEDS OF THE CHILD AND FAMILY BASED ON THE ASSESSMENTS AND SCREENINGS CONDUCTED BY SUCH FAMILY SUPPORT CENTER.

4. FAMILY SUPPORT CENTERS SHALL HAVE THE CAPACITY TO SERVE FAMILIES OUTSIDE OF REGULAR BUSINESS HOURS INCLUDING EVENINGS AND WEEKENDS.

S 458-N. FUNDING FOR FAMILY SUPPORT CENTERS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, TO THE EXTENT THAT FUNDS ARE AVAILABLE FOR SUCH PURPOSE, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DISTRIBUTE FUNDING TO THE HIGHEST NEED SOCIAL SERVICES DISTRICTS TO CONTRACT WITH NOT-FOR-PROFIT CORPORATIONS TO OPERATE FAMILY SUPPORT CENTERS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND THE SPECIFIC PROGRAM MODEL REQUIREMENTS ISSUED BY THE OFFICE.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHEN DETERMINING THE HIGHEST NEED SOCIAL SERVICES DISTRICTS PURSUANT TO THIS SUBDIVISION, THE OFFICE MAY CONSIDER FACTORS THAT MAY INCLUDE, BUT ARE NOT NECESSARILY LIMITED TO:

(A) THE TOTAL AMOUNT OF AVAILABLE FUNDING AND THE AMOUNT OF FUNDING REQUIRED FOR FAMILY SUPPORT CENTERS TO MEET THE OBJECTIVES OUTLINED IN SECTION FOUR HUNDRED FIFTY-EIGHT-M OF THIS TITLE;

(B) RELEVANT, AVAILABLE STATISTICS REGARDING EACH DISTRICT, WHICH MAY INCLUDE, BUT NOT NECESSARILY BE LIMITED TO:

(I) THE AVAILABILITY OF SERVICES WITHIN SUCH DISTRICT TO PREVENT OR REDUCE DETENTION OR RESIDENTIAL PLACEMENT OF YOUTH PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT; AND

(II) RELATIVE TO THE YOUTH POPULATION OF SUCH SOCIAL SERVICES DISTRICT:

(1) THE NUMBER OF PETITIONS FILED PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT; OR

(2) THE NUMBER OF PLACEMENTS OF YOUTH INTO RESIDENTIAL CARE OR DETENTION PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT;

(C) ANY REPORTED PERFORMANCE OUTCOMES REPORTED TO THE OFFICE PURSUANT TO SUBDIVISION THREE OF THIS SECTION FOR PROGRAMS THAT PREVIOUSLY RECEIVED FUNDING PURSUANT TO THIS TITLE; OR

(D) OTHER APPROPRIATE FACTORS AS DETERMINED BY THE OFFICE.

3. SOCIAL SERVICES DISTRICTS RECEIVING FUNDING UNDER THIS TITLE SHALL REPORT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN THE FORM AND

MANNER AND AT SUCH TIMES AS DETERMINED BY THE OFFICE, ON THE PERFORMANCE OUTCOMES OF ANY FAMILY SUPPORT CENTER LOCATED WITHIN SUCH DISTRICT THAT RECEIVES FUNDING UNDER THIS TITLE.

S 98-b. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social services law, subdivision 3 as amended by chapter 419 of the laws of 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11 as added by chapter 514 of the laws of 1976 and subdivision 12 as amended by section 12 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

3. As to delinquent children [and persons in need of supervision]:

(a) Investigate complaints as to alleged delinquency of a child.

(b) Bring such case of alleged delinquency when necessary before the family court.

(c) Receive within fifteen days from the order of placement as a public charge any delinquent child committed or placed [or person in need of supervision placed] in his or her care by the family court provided, however, that the commissioner of the social services district with whom the child is placed may apply to the state commissioner or his or her designee for approval of an additional fifteen days, upon written documentation to the office of children and family services that the youth is in need of specialized treatment or placement and the diligent efforts by the commissioner of social services to locate an appropriate placement.

[3-a. As to delinquent children:

(a)] (D) (1) Conditionally release any juvenile delinquent placed with the district to aftercare whenever the district determines conditional release to be consistent with the needs and best interests of such juvenile delinquent, that suitable care and supervision can be provided, and that there is a reasonable probability that such juvenile delinquent can be conditionally released without endangering public safety; provided, however, that such conditional release shall be made in accordance with the regulations of the office of children and family services, and provided further that no juvenile delinquent while absent from a facility or program without the consent of the director of such facility or program shall be conditionally released by the district solely by reason of the absence.

(2) It shall be a condition of such release that a juvenile delinquent so released shall continue to be the responsibility of the social services district for the period provided in the order of placement.

(3) The social services district may provide clothing, services and other necessities for any conditionally released juvenile delinquent, as may be required, including medical care and services not provided to such juvenile delinquent as medical assistance for needy persons pursuant to title eleven of article five of this chapter.

(4) The social services district, pursuant to the regulations of the office of children and family services, may cause a juvenile delinquent to be returned to a facility operated and maintained by the district, or an authorized agency under contract with the district, at any time within the period of placement, where there is a violation of the conditions of release or a change of circumstances.

(5) Juvenile delinquents conditionally released by a social services district may be provided for as follows:

(i) If, in the opinion of the social services district, there is no suitable parent, relative or guardian to whom a juvenile delinquent can

be conditionally released, and suitable care cannot otherwise be secured, the district may conditionally release such juvenile delinquent to the care of any other suitable person; provided that where such suitable person has no legal relationship with the juvenile, the district shall advise such person of the procedures for obtaining custody or guardianship of the juvenile.

(ii) If a conditionally released juvenile delinquent is subject to article sixty-five of the education law or elects to participate in an educational program leading to a high school diploma, he or she shall be enrolled in a school or educational program leading to a high school diploma following release, or, if such release occurs during the summer recess, upon the commencement of the next school term. If a conditionally released juvenile delinquent is not subject to article sixty-five of the education law, and does not elect to participate in an educational program leading to a high school diploma, steps shall be taken, to the extent possible, to facilitate his or her gainful employment or enrollment in a vocational program following release.

[(b)] (E) When a juvenile delinquent placed with the social services district is absent from placement without consent, such absence shall interrupt the calculation of time for his or her placement. Such interruption shall continue until such juvenile delinquent returns to the facility or authorized agency in which he or she was placed. Provided, however, that any time spent by a juvenile delinquent in custody from the date of absence to the date placement resumes shall be credited against the time of such placement provided that such custody:

(1) was due to an arrest or surrender based upon the absence; or

(2) arose from an arrest or surrender on another charge which did not culminate in a conviction, adjudication or adjustment.

[(c)] (F) In addition to the other requirements of this section, no juvenile delinquent placed with a social services district operating an approved juvenile justice services close to home initiative pursuant to section four hundred four of this chapter pursuant to a restrictive placement under the family court act shall be released except pursuant to section 353.5 of the family court act.

11. In the case of a child who is adjudicated [a person in need of supervision or] a juvenile delinquent and is placed by the family court with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES and who is placed by [the division for youth] SUCH OFFICE with an authorized agency pursuant to court order, the social services official shall make expenditures in accordance with the regulations of the department for the care and maintenance of such child during the term of such placement subject to state reimbursement pursuant to SECTION ONE HUNDRED FIFTY-THREE-K OF this [title, or article nineteen-G of the executive law in applicable cases] ARTICLE.

12. A social services official shall be permitted to place persons adjudicated [in need of supervision or] delinquent[, and alleged persons to be in need of supervision] in detention pending transfer to a placement, in the same foster care facilities as are providing care to destitute, neglected, abused or abandoned children. Such foster care facilities shall not provide care to a youth in the care of a social services official as a convicted juvenile offender.

S 98-c. Paragraph (a) of subdivision 1 of section 409-a of the social services law, as amended by chapter 87 of the laws of 1993, subparagraph (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii) as amended by section 22 of part C of chapter 83 of the laws of 2002, is amended to read as follows:

(a) A social services official shall provide preventive services to a child and his or her family, in accordance with the family's service plan as required by section four hundred nine-e of this [chapter] ARTICLE and the social services district's child welfare services plan submitted and approved pursuant to section four hundred nine-d of this [chapter] ARTICLE, upon a finding by such official that [(i)] the child will be placed, returned to or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services the child will be able to remain with or be returned to his or her family, and for a former foster care youth under the age of twenty-one who was previously placed in the care and custody or custody and guardianship of the local commissioner of social services or other officer, board or department authorized to receive children as public charges where it is reasonable to believe that by providing such services the former foster care youth will avoid a return to foster care [or (ii) the child is the subject of a petition under article seven of the family court act, or has been determined by the assessment service established pursuant to section two hundred forty-three-a of the executive law, or by the probation service where no such assessment service has been designated, to be at risk of being the subject of such a petition, and the social services official determines that the child is at risk of placement into foster care]. Such finding shall be entered in the child's uniform case record established and maintained pursuant to section four hundred nine-f of this [chapter] ARTICLE. The commissioner shall promulgate regulations to assist social services officials in making determinations of eligibility for mandated preventive services pursuant to this [subparagraph] PARAGRAPH.

S 99. Subdivision 1, the opening paragraph of subdivision 2 and subparagraphs (i) and (iii) of paragraph (a) of subdivision 3 of section 529-b of the executive law, as added by section 3 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

1. (a) Notwithstanding any provision of law to the contrary, eligible expenditures by an eligible municipality for services to divert youth at risk of, alleged to be, or adjudicated as juvenile delinquents [or persons alleged or adjudicated to be in need of supervision], or youth alleged to be or convicted as juvenile offenders from placement in detention or in residential care shall be subject to state reimbursement under the supervision and treatment services for juveniles program for up to sixty-two percent of the municipality's expenditures, subject to available appropriations and exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution under the supervision and treatment services for juveniles program.

(b) The state funds appropriated for the supervision and treatment services for juveniles program shall be distributed to eligible municipalities by the office of children and family services based on a plan developed by the office which may consider historical information regarding the number of youth seen at probation intake for an alleged act of delinquency, THE NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION RECEIVING DIVERSION SERVICES UNDER SECTION SEVEN HUNDRED THIRTY-FIVE OF THE FAMILY COURT ACT, the number of youth remanded to detention, the number of juvenile delinquents placed with the office, the number of juvenile delinquents [and persons in need of supervision] placed in residential care with the municipality, the municipality's reduction in the use of detention and residential placements, and other factors as determined by the office. Such plan developed by the office shall be subject to the approval of the director of the budget. The office is

authorized, in its discretion, to make advance distributions to a municipality in anticipation of state reimbursement.

As used in this section, the term "municipality" shall mean a county, or a city having a population of one million or more, and "supervision and treatment services for juveniles" shall mean community-based services or programs designed to safely maintain youth in the community pending a family court disposition or conviction in criminal court and services or programs provided to youth adjudicated as juvenile delinquents [or persons in need of supervision,] or youth alleged to be juvenile offenders to prevent residential placement of such youth or a return to placement where such youth have been released to the community from residential placement OR PROGRAMS PROVIDED TO YOUTH ADJUDICATED PERSONS IN NEED OF SUPERVISION TO MAINTAIN SUCH YOUTH IN THEIR HOMES. Supervision and treatment services for juveniles may include but are not limited to services or programs that:

(i) an analysis that identifies the neighborhoods or communities from which the greatest number of juvenile delinquents [and persons in need of supervision] are remanded to detention or residentially placed AND FROM WHICH THE GREATEST NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION ARE OFFERED DIVERSION SERVICES;

(iii) a description of how the services and programs proposed for funding will reduce the number of youth from the municipality who are detained and residentially OR OTHERWISE placed; how such services and programs are family-focused; and whether such services and programs are capable of being replicated across multiple sites;

S 100. The opening paragraph and paragraph (a) of subdivision 2 and subdivisions 4, 5, 6 and 7 of section 530 of the executive law, the opening paragraph of subdivision 2 and subdivision 4 as amended by section 4 of subpart B of part Q of chapter 58 of the laws of 2011, paragraph (a) of subdivision 2 as amended by section 1 of part M of chapter 57 of the laws of 2012, subdivision 5 as amended by chapter 920 of the laws of 1982, subparagraphs 1, 2 and 4 of paragraph (a) and paragraph (b) of subdivision 5 as amended by section 5 of subpart B of part Q of chapter 58 of the laws of 2011, subdivision 6 as amended by chapter 880 of the laws of 1976, and subdivision 7 as amended by section 6 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

[Expenditures] EXCEPT AS PROVIDED FOR IN SUBDIVISION EIGHT OF THIS SECTION, EXPENDITURES made by municipalities in providing care, maintenance and supervision to youth in detention facilities designated pursuant to [sections seven hundred twenty and] SECTION 305.2 of the family court act and certified by [the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, shall be subject to reimbursement by the state, as follows:

(a) Notwithstanding any provision of law to the contrary, eligible expenditures by a municipality during a particular program year for the care, maintenance and supervision [in foster care programs certified by the office of children and family services, certified or approved family boarding homes, and non-secure detention facilities certified by the office for those youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement; and] in secure and non-secure detention facilities certified by the office in accordance with section five hundred three of this article for those youth alleged to be juvenile delinquents; adjudicated juvenile delinquents held pending transfer to a facility upon placement, and juvenile delinquents held at the request of

the office of children and family services pending extension of placement hearings or release revocation hearings or while awaiting disposition of such hearings; and youth alleged to be or convicted as juvenile offenders AND, PRIOR TO JANUARY FIRST, TWO THOUSAND NINETEEN, YOUTH ALLEGED TO BE PERSONS IN NEED OF SUPERVISION OR ADJUDICATED PERSONS IN NEED OF SUPERVISION HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT IN FOSTER CARE PROGRAMS CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, CERTIFIED OR APPROVED FAMILY BOARDING HOMES, AND NON-SECURE DETENTION FACILITIES CERTIFIED BY THE OFFICE, shall be subject to state reimbursement for up to fifty percent of the municipality's expenditures, exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution from funds that have been appropriated specifically therefor for that program year. Municipalities shall implement the use of detention risk assessment instruments in a manner prescribed by the office so as to inform detention decisions. Notwithstanding any other provision of state law to the contrary, data necessary for completion of a detention risk assessment instrument may be shared among law enforcement, probation, courts, detention administrators, detention providers, and the attorney for the child upon retention or appointment; solely for the purpose of accurate completion of such risk assessment instrument, and a copy of the completed detention risk assessment instrument shall be made available to the applicable detention provider, the attorney for the child and the court.

4. (a) The municipality must notify the office of children and family services of state aid received under other state aid formulas by each detention facility for which the municipality is seeking reimbursement pursuant to this section, including but not limited to, aid for education, probation and mental health services.

(b) EXCEPT AS PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION: (I) In computing reimbursement to the municipality pursuant to this section, the office shall insure that the aggregate of state aid under all state aid formulas shall not exceed fifty percent of the cost of care, maintenance and supervision provided to detainees eligible for state reimbursement under subdivision two of this section, exclusive of federal aid for such purposes not to exceed the amount of the municipality's distribution under the juvenile detention services program.

[(c)] (II) Reimbursement for administrative related expenditures as defined by the office of children and family services, for secure and nonsecure detention services shall not exceed seventeen percent of the total approved expenditures for facilities of twenty-five beds or more and shall not exceed twenty-one percent of the total approved expenditures for facilities with less than twenty-five beds.

5. (a) Except as provided in paragraph (b) of this subdivision, care, maintenance and supervision for the purpose of this section shall mean and include only:

(1) temporary care, maintenance and supervision provided TO alleged juvenile delinquents and persons in need of supervision in detention facilities certified pursuant to sections seven hundred twenty and 305.2 of the family court act by the office of children and family services, pending adjudication of alleged delinquency or alleged need of supervision by the family court, or pending transfer to institutions to which committed or placed by such court or while awaiting disposition by such court after adjudication or held pursuant to a securing order of a criminal court if the person named therein as principal is under [sixteen] SEVENTEEN YEARS OF AGE; or[,]

(1-A) COMMENCING ON JANUARY FIRST, TWO THOUSAND NINETEEN, TEMPORARY CARE, MAINTENANCE, AND SUPERVISION PROVIDED TO ALLEGED JUVENILE DELINQUENTS IN DETENTION FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, PENDING ADJUDICATION OF ALLEGED DELINQUENCY BY THE FAMILY COURT, OR PENDING TRANSFER TO INSTITUTIONS TO WHICH COMMITTED OR PLACED BY SUCH COURT OR WHILE AWAITING DISPOSITION BY SUCH COURT AFTER ADJUDICATION OR HELD PURSUANT TO A SECURING ORDER OF A CRIMINAL COURT IF THE PERSON NAMED THEREIN AS PRINCIPAL IS UNDER TWENTY-ONE; OR

(2) temporary care, maintenance and supervision provided juvenile delinquents in approved detention facilities at the request of the office of children and family services pending release revocation hearings or while awaiting disposition after such hearings; or

(3) temporary care, maintenance and supervision in approved detention facilities for youth held pursuant to the family court act or the interstate compact on juveniles, pending return to their place of residence or domicile[.]; OR

(4) PRIOR TO JANUARY FIRST, TWO THOUSAND NINETEEN, temporary care, maintenance and supervision provided youth detained in foster care facilities or certified or approved family boarding homes pursuant to article seven of the family court act.

(b) Payments made for reserved accommodations, whether or not in full time use, approved AND CERTIFIED by the office of children and family services [and certified pursuant to sections seven hundred twenty and 305.2 of the family court act], in order to assure that adequate accommodations will be available for the immediate reception and proper care therein of youth for which detention costs are reimbursable pursuant to paragraph (a) of this subdivision, shall be reimbursed as expenditures for care, maintenance and supervision under the provisions of this section, provided the office shall have given its prior approval for reserving such accommodations.

6. The [director of the division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES may adopt, amend, or rescind all rules and regulations, subject to the approval of the director of the budget and certification to the chairmen of the senate finance and assembly ways and means committees, necessary to carry out the provisions of this section.

7. The agency administering detention for each county and the city of New York shall submit to the office of children and family services, at such times and in such form and manner and containing such information as required by the office of children and family services, an annual report on youth remanded pursuant to article three or seven of the family court act who are detained during each calendar year including, commencing January first, two thousand twelve, the risk level of each detained youth as assessed by a detention risk assessment instrument approved by the office of children and family services PROVIDED, HOWEVER, THAT THE REPORT DUE JANUARY FIRST, TWO THOUSAND TWENTY AND THEREAFTER SHALL NOT BE REQUIRED TO CONTAIN ANY INFORMATION ON YOUTH WHO ARE SUBJECT TO ARTICLE SEVEN OF THE FAMILY COURT ACT. The office may require that such data on detention use be submitted to the office electronically. Such report shall include, but not be limited to, the reason for the court's determination in accordance with section 320.5 or seven hundred thirty-nine of the family court act, IF APPLICABLE, to detain the youth; the offense or offenses with which the youth is charged; and all other reasons why the youth remains detained. The office shall submit a compilation of all the separate reports to the governor and the legislature.

S 100-a. Subparagraph 1 of paragraph d of subdivision 3 of section 3214 of the education law, as amended by chapter 425 of the laws of 2002, is amended to read as follows:

(1) Consistent with the federal gun-free schools act, any public school pupil who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply to such a suspension of a nonpublic school pupil. A superintendent of schools, district superintendent of schools or community superintendent shall have the authority to modify this suspension requirement for each student on a case-by-case basis. The determination of a superintendent shall be subject to review by the board of education pursuant to paragraph c of this subdivision and the commissioner pursuant to section three hundred ten of this chapter. Nothing in this subdivision shall be deemed to authorize the suspension of a student with a disability in violation of the individuals with disabilities education act or article eighty-nine of this chapter. A superintendent shall refer the pupil under the age of sixteen who has been determined to have brought a weapon or firearm to school in violation of this subdivision to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act except a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law; PROVIDED HOWEVER, THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND EIGHTEEN, A SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF SEVENTEEN WHO HAS BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW; AND PROVIDED FURTHER THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND NINETEEN, A SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF EIGHTEEN WHO HAS BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW. A superintendent shall refer any pupil sixteen years of age or older or a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon or firearm to school in violation of this subdivision to the appropriate law enforcement officials.

S 100-b. Paragraph b of subdivision 4 of section 3214 of the education law, as amended by chapter 181 of the laws of 2000, is amended to read as follows:

b. The school authorities may institute proceedings before a court having jurisdiction to determine the liability of a person in parental relation to contribute towards the maintenance of a school delinquent

under [sixteen] SEVENTEEN years of age OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, UNDER EIGHTEEN YEARS OF AGE ordered to attend upon instruction under confinement. If the court shall find the person in parental relation able to contribute towards the maintenance of such a minor, it may issue an order fixing the amount to be paid weekly.

S 101. The executive law is amended by adding a new section 259-p to read as follows:

S 259-P. INTERSTATE DETENTION. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A DEFENDANT SUBJECT TO SECTION TWO HUNDRED FIFTY-NINE-MM OF THIS ARTICLE, MAY BE DETAINED AS AUTHORIZED BY THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION.

(2) A DEFENDANT SHALL BE DETAINED AT A LOCAL CORRECTIONAL FACILITY, EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

(3) (A) A DEFENDANT SIXTEEN YEARS OF AGE OR YOUNGER, WHO ALLEGEDLY COMMITS A CRIMINAL ACT OR VIOLATION OF HIS OR HER SUPERVISION ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN OR (B) A DEFENDANT SEVENTEEN YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS A CRIMINAL ACT OR VIOLATION OF HIS OR HER SUPERVISION ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, SHALL BE DETAINED IN A JUVENILE DETENTION FACILITY.

S 102. Section 153-k of the social services law is amended by adding a new subdivision 2-a to read as follows:

2-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR PREVENTIVE SERVICES, AFTERCARE SERVICES, INDEPENDENT LIVING SERVICES AND FOSTER CARE SERVICES PROVIDED TO YOUTH AGE SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

S 103. The opening paragraph of paragraph (a) of subdivision 8 of section 404 of the social services law, as added by section 1 of subpart A of part G of chapter 57 of the laws of 2012, is amended and a new paragraph (a-1) is added to read as follows:

Notwithstanding any other provision of law to the contrary[,] EXCEPT AS PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, eligible expenditures during the applicable time periods made by a social services district for an approved juvenile justice services close to home initiative shall, if approved by the department of family assistance, be subject to reimbursement with state funds only up to the extent of an annual appropriation made specifically therefor, after first deducting therefrom any federal funds properly received or to be received on account thereof; provided, however, that when such funds have been exhausted, a social services district may receive state reimbursement from other available state appropriations for that state fiscal year for eligible expenditures for services that otherwise would be reimbursable under such funding streams. Any claims submitted by a social services district for reimbursement for a particular state fiscal year for which the social services district does not receive state reimbursement from the annual appropriation for the approved close to home initiative may not be claimed against that district's appropriation for the initiative for the next or any subsequent state fiscal year.

(A-1) STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF ELIGIBLE EXPENDITURES MADE BY A SOCIAL SERVICES DISTRICT, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR

APPROVED JUVENILE JUSTICE SERVICES UNDER AN APPROVED CLOSE TO HOME INITIATIVE PROVIDED TO YOUTH SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

S 104. Subdivision 4 of section 246 of the executive law, as amended by section 10 of part D of chapter 56 of the laws of 2010, is amended to read as follows:

4. An approved plan and compliance with standards relating to the administration of probation services promulgated by the commissioner of the division of criminal justice services shall be a prerequisite to eligibility for state aid.

The commissioner of the division of criminal justice services may take into consideration granting additional state aid from an appropriation made for state aid for county probation services for counties or the city of New York when a county or the city of New York demonstrates that additional probation services were dedicated to intensive supervision programs[,] AND intensive programs for sex offenders [or programs defined as juvenile risk intervention services]. THE COMMISSIONER SHALL GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO JUVENILE RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPARTMENTS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES PERFORMED UNDER ARTICLE THREE OF THE FAMILY COURT ACT. The administration of such additional grants shall be made according to rules and regulations promulgated by the commissioner of the division of criminal justice services. Each county and the city of New York shall certify the total amount collected pursuant to section two hundred fifty-seven-c of this chapter. The commissioner of the division of criminal justice services shall thereupon certify to the comptroller for payment by the state out of funds appropriated for that purpose, the amount to which the county or the city of New York shall be entitled under this section. THE COMMISSIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR SUCH PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR A CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART IN ACCORDANCE WITH THE CRIMINAL PROCEDURE LAW. SUCH ADDITIONAL STATE AID SHALL BE MADE IN AN AMOUNT NECESSARY TO PAY ONE HUNDRED PERCENT OF THE EXPENDITURES FOR EVIDENCE-BASED PRACTICES AND JUVENILE RISK AND EVIDENCE-BASED INTERVENTION SERVICES PROVIDED TO YOUTH SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION.

S 105. The second undesignated paragraph of subdivision 4 of section 246 of the executive law, as added by chapter 479 of the laws of 1970, is amended to read as follows:

[The director shall thereupon certify to the comptroller for payment by the state out of funds appropriated for that purpose, the amount to which the county or the city of New York shall be entitled under this section.]

THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES MAY TAKE INTO CONSIDERATION GRANTING ADDITIONAL STATE AID FROM AN APPROPRIATION MADE FOR STATE AID FOR COUNTY PROBATION SERVICES FOR COUNTIES OR THE CITY OF NEW YORK WHEN A COUNTY OR THE CITY OF NEW YORK DEMONSTRATES THAT ADDITIONAL PROBATION SERVICES WERE DEDICATED TO INTENSIVE SUPERVISION PROGRAMS AND INTENSIVE PROGRAMS FOR SEX OFFENDERS. THE COMMISSIONER

SHALL GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO JUVENILE RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPARTMENTS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES PERFORMED UNDER ARTICLE THREE OF THE FAMILY COURT ACT. THE ADMINISTRATION OF SUCH ADDITIONAL GRANTS SHALL BE MADE ACCORDING TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES. EACH COUNTY AND THE CITY OF NEW YORK SHALL CERTIFY THE TOTAL AMOUNT COLLECTED PURSUANT TO SECTION TWO HUNDRED FIFTY-SEVEN-C OF THIS CHAPTER. THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL THEREUPON CERTIFY TO THE COMPTROLLER FOR PAYMENT BY THE STATE OUT OF FUNDS APPROPRIATED FOR THAT PURPOSE, THE AMOUNT TO WHICH THE COUNTY OR THE CITY OF NEW YORK SHALL BE ENTITLED UNDER THIS SECTION. THE COMMISSIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR SUCH PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR A CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART IN ACCORDANCE WITH THE CRIMINAL PROCEDURE LAW. SUCH ADDITIONAL STATE AID SHALL BE MADE IN AN AMOUNT NECESSARY TO PAY ONE HUNDRED PERCENT OF THE EXPENDITURES FOR EVIDENCE-BASED PRACTICES AND JUVENILE RISK AND EVIDENCE-BASED INTERVENTION SERVICES PROVIDED TO YOUTH SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION.

S 106. Section 529 of the executive law is amended by adding a new subdivision 5-b to read as follows:

5-B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO REIMBURSEMENT SHALL BE REQUIRED FROM A SOCIAL SERVICES DISTRICT FOR EXPENDITURES MADE BY THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE CARE, MAINTENANCE, SUPERVISION OR AFTERCARE SUPERVISION OF YOUTH SIXTEEN YEARS OF AGE OR OLDER THAT WOULD NOT OTHERWISE HAVE BEEN MADE ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE OR THAT AUTHORIZED THE PLACEMENT IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES OF CERTAIN OTHER YOUTH WHO COMMITTED A CRIME ON OR AFTER THEIR SIXTEENTH BIRTHDAYS.

S 106-a. Section 530 of the executive law is amended by adding a new subdivision 8 to read as follows:

8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, COMMENCING APRIL FIRST, TWO THOUSAND SEVENTEEN, STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF A MUNICIPALITY'S ELIGIBLE EXPENDITURES FOR THE CARE, MAINTENANCE AND SUPERVISION OF YOUTH SIXTEEN YEARS OF AGE OR OLDER IN NON-SECURE AND SECURE DETENTION FACILITIES WHEN SUCH DETENTION WOULD NOT OTHERWISE HAVE OCCURRED ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

S 107. Severability. If any clause, sentence, paragraph, subdivision, section or part contained in any 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 contained in any 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 108. This act shall take effect immediately; provided that:

a. sections forty-eight and forty-eight-a of this act shall take effect on the sixtieth day after this act shall have become a law and shall be deemed to apply to offenses committed prior to, on, or after such effective date;

b. sections one through forty-one, forty-four through forty-seven, forty-nine, fifty, fifty-four through eighty, one hundred-a, one hundred-b and one hundred one of this act shall take effect January 1, 2018; provided, however, that when the applicability of such provision is dependent on the age of the youth that is alleged or adjudicated to have been committed or is convicted of a crime or an act that would constitute a crime if committed by an adult:

(i) effective January 1, 2018, such provisions shall be deemed to apply to youth who have been alleged to have committed, adjudicated for, or convicted of, an offense that occurred on or after such effective date and who were 16 years of age at the time the offense occurred, and

(ii) effective January 1, 2019, such provisions shall be deemed to apply to youth who have been alleged to have committed, adjudicated for, or convicted of, an offense that occurred on or after such effective date and who were seventeen years of age at the time such offense occurred;

c. sections ninety-eight-a and one hundred two through one hundred six-a of this act shall take effect April 1, 2017;

d. sections eighty-three through ninety-eight and sections ninety-eight-b through one hundred of this act shall take effect January 1, 2019 and shall be deemed to be applicable to the detention or placement of youth pursuant to petitions filed pursuant to article seven of the family court act on or after such effective date;

e. sections forty-two and forty-three of this act shall take effect January 1, 2020;

f. the amendments to subdivision 1 of section 70.02 of the penal law made by section forty-two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith;

g. the amendments to paragraph d of section 3214 of the education law made by section fifty-one of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith;

h. the amendments to subdivision 4 of section 353.5 of the family court act made by section seventy-two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 11 of subpart A of part G of chapter 57 of the laws of 2012, as amended, when upon such date the provisions of section seventy-three of this act shall take effect;

i. the amendments to section 153-k of the social services law made by section one hundred two of this act shall not affect the expiration of such section and shall be deemed repealed therewith;

j. the amendments to subdivision 3-a of section 398 of the social services law made by section ninety-eight-b of this act shall not affect the expiration of such subdivision and shall be deemed repealed therewith;

k. the amendments to subparagraph (ii) of paragraph (a) of subdivision 1 of section 409-a of the social services law made by section ninety-eight-c of this act shall not affect the expiration of such subparagraph and shall be deemed to expire therewith;

l. the amendments to section 404 of the social services law made by section one hundred three of this act shall not affect the expiration of such section and shall be deemed repealed therewith;

m. the amendments to the second undesignated paragraph of subdivision 4 of section 246 of the executive law made by section one hundred four of this act shall be subject to the expiration and reversion of such undesignated paragraph as provided in subdivision (aa) of section 427 of chapter 55 of the laws of 1992, as amended, when upon such date section one hundred five of this act shall take effect; and

n. the amendments to paragraph (f) of subdivision 1 of section 70.30 of the penal law made by section forty-four-a of this act shall not affect the expiration and reversion of such paragraph and shall expire and be deemed repealed therewith.

PART O

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part I of chapter 56 of the laws of 2015, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least $141.00 for each month beginning on or after January first, two thousand [fifteen] SIXTEEN.

(b) in the case of each individual receiving residential care, an amount equal to at least $163.00 for each month beginning on or after January first, two thousand [fifteen] SIXTEEN.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least $193.00 for each month beginning on or after January first, two thousand [fifteen] SIXTEEN.

(d) for the period commencing January first, two thousand [sixteen] SEVENTEEN, the monthly personal needs allowance shall be an amount equal to the sum of the amounts set forth in subparagraphs one and two of this paragraph:

(1) the amounts specified in paragraphs (a), (b) and (c) of this subdivision; and

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two thousand [sixteen] SEVENTEEN, but prior to June thirtieth, two thousand [sixteen] SEVENTEEN, rounded to the nearest whole dollar.

S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part I of chapter 56 of the laws of 2015, are amended to read as follows:

(a) On and after January first, two thousand [fifteen] SIXTEEN, for an eligible individual living alone, $820.00; and for an eligible couple living alone, $1204.00.

(b) On and after January first, two thousand [fifteen] SIXTEEN, for an eligible individual living with others with or without in-kind income, $756.00; and for an eligible couple living with others with or without in-kind income, $1146.00.

(c) On and after January first, two thousand [fifteen] SIXTEEN, (i) for an eligible individual receiving family care, $999.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, $961.48; and (iv) for an eligible couple receiving such care in any other county in the

state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [fifteen] SIXTEEN, (i) for an eligible individual receiving residential care, $1168.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, $1138.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand [fifteen] SIXTEEN, for an eligible individual receiving enhanced residential care, $1427.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand [sixteen] SEVENTEEN but prior to June thirtieth, two thousand [sixteen] SEVENTEEN.

S 3. This act shall take effect December 31, 2016.

## PART P

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program, a sum not to exceed twenty-two million two hundred ninety-two thousand dollars for the fiscal year ending March 31, 2017. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed twenty-two million two hundred ninety-two thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2015-2016 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2016. Notwithstanding any other provision of law, such funds may be used by the corporation in support of contracts scheduled to expire in the fiscal year ending March 31, 2017 for as many as 10 additional years; in support of contracts for new eligible projects for a period not to exceed 5 years; and in support of contracts

which reach their 25 year maximum in and/or prior to the fiscal year ending March 31, 2017 for an additional one year period.

S 2. Notwithstanding any other provision of law, the housing finance agency may provide, for costs associated with the rehabilitation of Mitchell Lama housing projects, a sum not to exceed forty-two million dollars for the fiscal year ending March 31, 2017. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing finance agency, for the purposes of reimbursing any costs associated with Mitchell Lama housing projects authorized by this section, a total sum not to exceed forty-two million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2015-2016 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2017.

S 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed eight million four hundred seventy-nine thousand dollars for the fiscal year ending March 31, 2017. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed eight million four hundred seventy-nine thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2015-2016 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2016.

S 4. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed three million five hundred thirty-nine thousand dollars for the fiscal year ending March 31, 2017. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the

housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed three million five hundred thirty-nine thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2015-2016 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2016.

S 5. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural and urban community investment fund program created pursuant to article XXVII of the private housing finance law, a sum not to exceed thirty-five million two hundred fifty thousand dollars for the fiscal year ending March 31, 2017. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural and urban community investment fund program contracts authorized by this section, a total sum not to exceed thirty-five million two hundred fifty thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2015-2016 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2017.

S 6. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant to article XVIII of the private housing finance law, a sum not to exceed ten million dollars for the fiscal year ending March 31, 2017. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of carrying out the provisions of the low income housing trust fund program created pursuant to article XVIII of the private housing finance law authorized by this section, a total sum not to exceed ten million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an

amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2015-2016 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2017.

S 7. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the homes for working families program for deposit in the housing trust fund created pursuant to section 59-a of the private housing finance law and subject to the provisions of article XVIII of the private housing finance law, a sum not to exceed twelve million seven hundred fifty thousand dollars for the fiscal year ending March 31, 2017. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with homes for working families program contracts authorized by this section, a total sum not to exceed twelve million seven hundred fifty thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2015-2016 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2017.

S 8. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under those programs, in accordance with the requirements of those programs, a sum not to exceed fifteen million six hundred ninety thousand dollars for the fiscal year ending March 31, 2017. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of the programs. Notwithstanding any other provision of law, and subject to the approval of the director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed fifteen million six hundred ninety thousand dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance

fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2015-2016 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than March 31, 2017.

S 9. 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 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 P of this act shall be as specifically set forth in the last section of such Parts.