

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

S. 6406--A

A. 9006--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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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 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 chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, in relation to the effectiveness thereof; to amend 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, in relation to the effectiveness thereof; to amend chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions; and to amend the education law, 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 guardi-

anship 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); to utilize reserves in the mortgage insurance fund for various housing purposes (Part P); and to amend Part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part Q)

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

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

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 1 of part A of chapter 56 of the laws of
15 2015, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand eleven--two thousand twelve school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the product of the amount
30 approved by the commissioner in the contract for excellence for the two
31 thousand nine--two thousand ten school year, multiplied by the
32 district's gap elimination adjustment percentage and provided further
33 that, a school district that submitted a contract for excellence for the

1 two thousand eleven--two thousand twelve school year, unless all schools
2 in the district are identified as in good standing, shall submit a
3 contract for excellence for the two thousand twelve--two thousand thir-
4 teen school year which shall, notwithstanding the requirements of
5 subparagraph (vi) of paragraph a of subdivision two of this section,
6 provide for the expenditure of an amount which shall be not less than
7 the amount approved by the commissioner in the contract for excellence
8 for the two thousand eleven--two thousand twelve school year and
9 provided further that, a school district that submitted a contract for
10 excellence for the two thousand twelve--two thousand thirteen school
11 year, unless all schools in the district are identified as in good
12 standing, shall submit a contract for excellence for the two thousand
13 thirteen--two thousand fourteen school year which shall, notwithstanding
14 the requirements of subparagraph (vi) of paragraph a of subdivision two
15 of this section, provide for the expenditure of an amount which shall be
16 not less than the amount approved by the commissioner in the contract
17 for excellence for the two thousand twelve--two thousand thirteen school
18 year and provided further that, a school district that submitted a
19 contract for excellence for the two thousand thirteen--two thousand
20 fourteen school year, unless all schools in the district are identified
21 as in good standing, shall submit a contract for excellence for the two
22 thousand fourteen--two thousand fifteen school year which shall,
23 notwithstanding the requirements of subparagraph (vi) of paragraph a of
24 subdivision two of this section, provide for the expenditure of an
25 amount which shall be not less than the amount approved by the commis-
26 sioner in the contract for excellence for the two thousand thirteen--two
27 thousand fourteen school year; and provided further that, a school
28 district that submitted a contract for excellence for the two thousand
29 fourteen--two thousand fifteen school year, unless all schools in the
30 district are identified as in good standing, shall submit a contract for
31 excellence for the two thousand fifteen--two thousand sixteen school
32 year which shall, notwithstanding the requirements of subparagraph (vi)
33 of paragraph a of subdivision two of this section, provide for the
34 expenditure of an amount which shall be not less than the amount
35 approved by the commissioner in the contract for excellence for the two
36 thousand fourteen--two thousand fifteen school year; AND PROVIDED
37 FURTHER THAT A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE
38 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, UNLESS
39 ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL
40 SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND SIXTEEN--TWO THOU-
41 SAND SEVENTEEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS
42 OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION,
43 PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN
44 THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE
45 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR. For
46 purposes of this paragraph, the "gap elimination adjustment percentage"
47 shall be calculated as the sum of one minus the quotient of the sum of
48 the school district's net gap elimination adjustment for two thousand
49 ten--two thousand eleven computed pursuant to chapter fifty-three of the
50 laws of two thousand ten, making appropriations for the support of
51 government, plus the school district's gap elimination adjustment for
52 two thousand eleven--two thousand twelve as computed pursuant to chapter
53 fifty-three of the laws of two thousand eleven, making appropriations
54 for the support of the local assistance budget, including support for
55 general support for public schools, divided by the total aid for adjust-
56 ment computed pursuant to chapter fifty-three of the laws of two thou-

1 sand eleven, making appropriations for the local assistance budget,
2 including support for general support for public schools. Provided,
3 further, that such amount shall be expended to support and maintain
4 allowable programs and activities approved in the two thousand nine--two
5 thousand ten school year or to support new or expanded allowable
6 programs and activities in the current year.

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

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

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

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

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

36 Each school district shall be eligible to receive a high tax aid
37 apportionment in the two thousand eight--two thousand nine school year,
38 which shall equal the greater of (i) the sum of the tier 1 high tax aid
39 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
40 tax aid apportionment or (ii) the product of the apportionment received
41 by the school district pursuant to this subdivision in the two thousand
42 seven--two thousand eight school year, multiplied by the due-minimum
43 factor, which shall equal, for districts with an alternate pupil wealth
44 ratio computed pursuant to paragraph b of subdivision three of this
45 section that is less than two, seventy percent (0.70), and for all other
46 districts, fifty percent (0.50). Each school district shall be eligible
47 to receive a high tax aid apportionment in the two thousand nine--two
48 thousand ten through two thousand twelve--two thousand thirteen school
49 years in the amount set forth for such school district as "HIGH TAX AID"
50 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
51 listing produced by the commissioner in support of the budget for the
52 two thousand nine--two thousand ten school year and entitled "SA0910".
53 Each school district shall be eligible to receive a high tax aid appor-
54 tionment in the two thousand thirteen--two thousand fourteen through
55 [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO
56 THOUSAND SEVENTEEN school years equal to the greater of (1) the amount

1 set forth for such school district as "HIGH TAX AID" under the heading
2 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
3 the commissioner in support of the budget for the two thousand nine--two
4 thousand ten school year and entitled "SA0910" or (2) the amount set
5 forth for such school district as "HIGH TAX AID" under the heading
6 "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by
7 the commissioner in support of the executive budget for the 2013-14
8 fiscal year and entitled "BT131-4".

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

12 Notwithstanding any provision of law to the contrary, for aid payable
13 in the two thousand eight--two thousand nine school year, the grant to
14 each eligible school district for universal prekindergarten aid shall be
15 computed pursuant to this subdivision, and for the two thousand nine--
16 two thousand ten and two thousand ten--two thousand eleven school years,
17 each school district shall be eligible for a maximum grant equal to the
18 amount computed for such school district for the base year in the elec-
19 tronic data file produced by the commissioner in support of the two
20 thousand nine--two thousand ten education, labor and family assistance
21 budget, provided, however, that in the case of a district implementing
22 programs for the first time or implementing expansion programs in the
23 two thousand eight--two thousand nine school year where such programs
24 operate for a minimum of ninety days in any one school year as provided
25 in section 151-1.4 of the regulations of the commissioner, for the two
26 thousand nine--two thousand ten and two thousand ten--two thousand elev-
27 en school years, such school district shall be eligible for a maximum
28 grant equal to the amount computed pursuant to paragraph a of subdivi-
29 sion nine of this section in the two thousand eight--two thousand nine
30 school year, and for the two thousand eleven--two thousand twelve school
31 year each school district shall be eligible for a maximum grant equal to
32 the amount set forth for such school district as "UNIVERSAL PREKINDER-
33 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid
34 computer listing produced by the commissioner in support of the enacted
35 budget for the 2011-12 school year and entitled "SA111-2", and for two
36 thousand twelve--two thousand thirteen through two thousand [fifteen]
37 SIXTEEN--two thousand [sixteen] SEVENTEEN school years each school
38 district shall be eligible for a maximum grant equal to the greater of
39 (i) the amount set forth for such school district as "UNIVERSAL PREKIN-
40 DERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid
41 computer listing produced by the commissioner in support of the enacted
42 budget for the 2011-12 school year and entitled "SA111-2", or (ii) the
43 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"
44 under the heading "2010-11 BASE YEAR AIDS" in the school aid computer
45 listing produced by the commissioner on May fifteenth, two thousand
46 eleven pursuant to paragraph b of subdivision twenty-one of section
47 three hundred five of this chapter, and provided further that the maxi-
48 mum grant shall not exceed the total actual grant expenditures incurred
49 by the school district in the current school year as approved by the
50 commissioner.

51 S 6. Paragraph h of subdivision 17 of section 3602 of the education
52 law, as added by section 5-b of part A of chapter 56 of the laws of
53 2015, is amended and a new paragraph i is added to read as follows:

54 h. [The gap elimination adjustment restoration amount for the two
55 thousand sixteen--two thousand seventeen school year and thereafter
56 shall equal the product of the gap elimination percentage for such

1 district and the gap elimination adjustment restoration allocation
2 established pursuant to subdivision eighteen of this section] THE GAP
3 ELIMINATION ADJUSTMENT RESTORATION AMOUNT FOR THE TWO THOUSAND SIXTEEN-
4 -TWO THOUSAND SEVENTEEN SCHOOL YEAR FOR A SCHOOL DISTRICT SHALL BE
5 COMPUTED BASED ON DATA ON FILE WITH THE COMMISSIONER AND IN THE DATABASE
6 USED BY THE COMMISSIONER TO PRODUCE AN UPDATED ELECTRONIC DATA FILE IN
7 SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO THOUSAND
8 SIXTEEN--TWO THOUSAND SEVENTEEN STATE FISCAL YEAR AND SHALL EQUAL THE
9 SUM OF THE SCALED EXTRAORDINARY NEEDS RESTORATION PLUS THE MINIMUM
10 RESTORATION, PROVIDED THAT SUCH GAP ELIMINATION ADJUSTMENT RESTORATION
11 AMOUNT SHALL NOT EXCEED THE GAP ELIMINATION ADJUSTMENT FOR THE BASE
12 YEAR.

13 (I) THE "SCALED EXTRAORDINARY NEEDS RESTORATION" SHALL EQUAL THE PROD-
14 UCT OF THE GRANT PER PUPIL MULTIPLIED BY THE STATE SHARING RATIO
15 COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION
16 MULTIPLIED BY THE BASE YEAR PUBLIC SCHOOL DISTRICT ENROLLMENT AS
17 COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE
18 OF THIS SECTION, WHERE (A) THE GRANT PER PUPIL SHALL BE SIXTY-SIX
19 DOLLARS (\$66.00) MULTIPLIED BY THE EXTRAORDINARY NEEDS INDEX TRUNCATED
20 TO TWO DECIMALS, AND (B) THE EXTRAORDINARY NEEDS INDEX SHALL EQUAL THE
21 QUOTIENT TRUNCATED TO THREE DECIMALS ARRIVED AT BY DIVIDING THE EXTRAOR-
22 DINARY NEEDS PERCENT COMPUTED PURSUANT TO PARAGRAPH W OF SUBDIVISION ONE
23 OF THIS SECTION BY THE STATEWIDE AVERAGE EXTRAORDINARY NEEDS PERCENT OF
24 FIFTY-FOUR AND EIGHT-TENTHS PERCENT (0.548).

25 (II) THE MINIMUM RESTORATION SHALL EQUAL THE PRODUCT OF THIRTY PERCENT
26 (0.3) MULTIPLIED BY THE GAP ELIMINATION ADJUSTMENT FOR THE BASE YEAR.

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

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

33 4. Total foundation aid. In addition to any other apportionment pursu-
34 ant to this chapter, a school district, other than a special act school
35 district as defined in subdivision eight of section four thousand one of
36 this chapter, shall be eligible for total foundation aid equal to the
37 product of total aidable foundation pupil units multiplied by the
38 district's selected foundation aid, which shall be the greater of five
39 hundred dollars (\$500) or foundation formula aid, provided, however that
40 for the two thousand seven--two thousand eight through two thousand
41 eight--two thousand nine school years, no school district shall receive
42 total foundation aid in excess of the sum of the total foundation aid
43 base for aid payable in the two thousand seven--two thousand eight
44 school year computed pursuant to subparagraph (i) of paragraph j of
45 subdivision one of this section, plus the phase-in foundation increase
46 computed pursuant to paragraph b of this subdivision, and provided
47 further that for the two thousand twelve--two thousand thirteen school
48 year, no school district shall receive total foundation aid in excess of
49 the sum of the total foundation aid base for aid payable in the two
50 thousand eleven--two thousand twelve school year computed pursuant to
51 SUBPARAGRAPH (II) OF paragraph j of subdivision one of this section,
52 plus the phase-in foundation increase computed pursuant to paragraph b
53 of this subdivision, and provided further that for the two thousand
54 thirteen--two thousand fourteen school year and thereafter, no school
55 district shall receive total foundation aid in excess of the sum of the
56 total foundation aid base computed pursuant to SUBPARAGRAPH (II) OF

1 paragraph j of subdivision one of this section, plus the phase-in foun-
2 dation increase computed pursuant to paragraph b of this subdivision,
3 AND PROVIDED FURTHER THAT FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND
4 SEVENTEEN SCHOOL YEAR, FOR A SCHOOL DISTRICT WHERE THE PHASE-IN FOUNDA-
5 TION INCREASE AND THE DUE MINIMUM ARE LESS THAN THE ALTERNATIVE MINIMUM
6 COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SECTION, SUCH DISTRICT SHALL
7 RECEIVE TOTAL FOUNDATION AID, IN LIEU OF SUCH PHASE-IN FOUNDATION
8 INCREASE OR DUE MINIMUM, EQUAL TO THE SUM OF THE FOUNDATION AID BASE
9 COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH J OF SUBDIVISION ONE
10 OF THIS SECTION, PLUS THE ALTERNATIVE MINIMUM COMPUTED PURSUANT TO PARA-
11 GRAPH B-2 OF THIS SECTION, and provided further that total foundation
12 aid shall not be less than the product of the total foundation aid base
13 computed pursuant to paragraph j of subdivision one of this section and
14 the due-minimum percent which shall be, for the two thousand twelve--two
15 thousand thirteen school year, one hundred and six-tenths percent
16 (1.006) and for the two thousand thirteen--two thousand fourteen school
17 year for city school districts of those cities having populations in
18 excess of one hundred twenty-five thousand and less than one million
19 inhabitants one hundred and one and one hundred and seventy-six thou-
20 sandths percent (1.01176), and for all other districts one hundred and
21 three-tenths percent (1.003), and for the two thousand fourteen--two
22 thousand fifteen school year one hundred and eighty-five hundredths
23 percent (1.0085), and for the two thousand fifteen--two thousand sixteen
24 school year, one hundred thirty-seven hundredths percent (1.0037), AND
25 FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, ONE
26 PLUS THE LESSER OF TWO PERCENT (0.02) OR THE PRODUCT OF TWENTY-THREE
27 HUNDREDTHS PERCENT (0.023) MULTIPLIED BY A CWR RATIO AND TRUNCATED TO
28 FOUR DECIMALS, WHERE SUCH CWR RATIO SHALL BE THE DIFFERENCE OBTAINED BY
29 SUBTRACTING FROM ONE AND THIRTY-SEVEN HUNDREDTHS (1.37) THE PRODUCT OF
30 ONE AND FIFTY-FIVE HUNDREDTHS (1.55) MULTIPLIED BY THE COMBINED WEALTH
31 RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF
32 PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION TRUNCATED TO THREE
33 DECIMALS, PROVIDED HOWEVER THAT SUCH CWR RATIO SHALL NOT BE GREATER THAN
34 ONE NOR LESS THAN ZERO, subject to allocation pursuant to the provisions
35 of subdivision eighteen of this section and any provisions of a chapter
36 of the laws of New York as described therein, nor more than the product
37 of such total foundation aid base and one hundred fifteen percent, and
38 provided further that for the two thousand nine--two thousand ten
39 through two thousand eleven--two thousand twelve school years, each
40 school district shall receive total foundation aid in an amount equal to
41 the amount apportioned to such school district for the two thousand
42 eight--two thousand nine school year pursuant to this subdivision. Total
43 aidable foundation pupil units shall be calculated pursuant to paragraph
44 g of subdivision two of this section. For the purposes of calculating
45 aid pursuant to this subdivision, aid for the city school district of
46 the city of New York shall be calculated on a citywide basis.

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

52 (1) The foundation amount shall reflect the average per pupil cost of
53 general education instruction in successful school districts, as deter-
54 mined by a statistical analysis of the costs of special education and
55 general education in successful school districts, provided that the
56 foundation amount shall be adjusted annually to reflect the percentage

1 increase in the consumer price index as computed pursuant to PARAGRAPH E
 2 OF SUBDIVISION FOUR OF section two thousand [twenty-two] TWENTY-THREE of
 3 this chapter, provided that for the two thousand eight--two thousand
 4 nine school year, for the purpose of such adjustment, the percentage
 5 increase in the consumer price index shall be deemed to be two and nine-
 6 tenths percent (0.029), and provided further that the foundation amount
 7 for the two thousand seven--two thousand eight school year shall be five
 8 thousand two hundred fifty-eight dollars, and provided further that for
 9 the two thousand seven--two thousand eight through two thousand
 10 [fifteen] SIXTEEN--two thousand [sixteen] SEVENTEEN school years, the
 11 foundation amount shall be further adjusted by the phase-in foundation
 12 percent established pursuant to paragraph b of this subdivision.

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

| 19 | Labor Force Region | Index |
|----|--------------------|-------|
| 20 | Capital District | 1.124 |
| 21 | Southern Tier | 1.045 |
| 22 | Western New York | 1.091 |
| 23 | Hudson Valley | 1.314 |
| 24 | Long Island/NYC | 1.425 |
| 25 | Finger Lakes | 1.141 |
| 26 | Central New York | 1.103 |
| 27 | Mohawk Valley | 1.000 |
| 28 | North Country | 1.000 |

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

34 (4) The expected minimum local contribution shall equal the lesser of
 35 (i) the product of (A) the quotient arrived at when the selected actual
 36 valuation is divided by total wealth foundation pupil units, multiplied
 37 by (B) the product of the local tax factor, multiplied by the income
 38 wealth index, or (ii) the product of (A) the product of the foundation
 39 amount, the regional cost index, and the pupil need index, multiplied by
 40 (B) the positive difference, if any, of one minus the state sharing
 41 ratio for total foundation aid. The local tax factor shall be estab-
 42 lished by May first of each year by determining the product, computed to
 43 four decimal places without rounding, of ninety percent multiplied by
 44 the quotient of the sum of the statewide average tax rate as computed by
 45 the commissioner for the current year in accordance with the provisions
 46 of paragraph e of subdivision one of section thirty-six hundred nine-e
 47 of this part plus the statewide average tax rate computed by the commis-
 48 sioner for the base year in accordance with such provisions plus the
 49 statewide average tax rate computed by the commissioner for the year
 50 prior to the base year in accordance with such provisions, divided by
 51 three, provided however that for the two thousand seven--two thousand
 52 eight school year, such local tax factor shall be sixteen thousandths
 53 (0.016), and provided further that for the two thousand eight--two thou-
 54 sand nine school year, such local tax factor shall be one hundred
 55 fifty-four ten thousandths (0.0154). The income wealth index shall be
 56 calculated pursuant to paragraph d of subdivision three of this section,

1 provided, however, that for the purposes of computing the expected mini-
2 mum local contribution the income wealth index shall not be less than
3 sixty-five percent (0.65) and shall not be more than two hundred percent
4 (2.0) and provided however that such income wealth index shall not be
5 more than ninety-five percent (0.95) for the two thousand eight--two
6 thousand nine school year, and provided further that such income wealth
7 index shall not be less than zero for the two thousand thirteen--two
8 thousand fourteen school year. The selected actual valuation shall be
9 calculated pursuant to paragraph c of subdivision one of this section.
10 Total wealth foundation pupil units shall be calculated pursuant to
11 paragraph h of subdivision two of this section.

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

18 (2) (i) Phase-in foundation percent. The phase-in foundation percent
19 shall equal one hundred thirteen and fourteen one hundredths percent
20 (1.1314) for the two thousand eleven--two thousand twelve school year,
21 one hundred ten and thirty-eight hundredths percent (1.1038) for the two
22 thousand twelve--two thousand thirteen school year, one hundred seven
23 and sixty-eight hundredths percent (1.0768) for the two thousand thir-
24 teen--two thousand fourteen school year, one hundred five and six
25 hundredths percent (1.0506) for the two thousand fourteen--two thousand
26 fifteen school year, and one hundred two and five tenths percent
27 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

28 (ii) Phase-in foundation increase factor. For the two thousand
29 eleven--two thousand twelve school year, the phase-in foundation
30 increase factor shall equal thirty-seven and one-half percent (0.375)
31 and the phase-in due minimum percent shall equal nineteen and forty-one
32 hundredths percent (0.1941), for the two thousand twelve--two thousand
33 thirteen school year the phase-in foundation increase factor shall equal
34 one and seven-tenths percent (0.017), for the two thousand thirteen--two
35 thousand fourteen school year the phase-in foundation increase factor
36 shall equal (1) for a city school district in a city having a population
37 of one million or more, five and twenty-three hundredths percent
38 (0.0523) or (2) for all other school districts zero percent, for the two
39 thousand fourteen--two thousand fifteen school year the phase-in founda-
40 tion increase factor shall equal (1) for a city school district of a
41 city having a population of one million or more, four and thirty-two
42 hundredths percent (0.0432) or (2) for a school district other than a
43 city school district having a population of one million or more for
44 which (A) the quotient of the positive difference of the foundation
45 formula aid minus the foundation aid base computed pursuant to paragraph
46 j of subdivision one of this section divided by the foundation formula
47 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
48 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
49 (3) for all other school districts, four and thirty-one hundredths
50 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
51 school year the phase-in foundation increase factor shall equal: (1) for
52 a city school district of a city having a population of one million or
53 more, thirteen and two hundred seventy-four thousandths percent
54 (0.13274); or (2) for districts where the quotient arrived at when
55 dividing (A) the product of the total aidable foundation pupil units
56 multiplied by the district's selected foundation aid less the total

1 foundation aid base computed pursuant to paragraph j of subdivision one
2 of this section divided by (B) the product of the total aidable founda-
3 tion pupil units multiplied by the district's selected foundation aid is
4 greater than nineteen percent (0.19), and where the district's combined
5 wealth ratio is less than thirty-three hundredths (0.33), seven and
6 seventy-five hundredths percent (0.0775); or (3) for any other district
7 designated as high need pursuant to clause (c) of subparagraph two of
8 paragraph c of subdivision six of this section for the school aid
9 computer listing produced by the commissioner in support of the enacted
10 budget for the two thousand seven--two thousand eight school year and
11 entitled "SA0708", four percent (0.04); or (4) for a city school
12 district in a city having a population of one hundred twenty-five thou-
13 sand or more but less than one million, fourteen percent (0.14); or (5)
14 for school districts that were designated as small city school districts
15 or central school districts whose boundaries include a portion of a
16 small city for the school aid computer listing produced by the commis-
17 sioner in support of the enacted budget for the two thousand fourteen--
18 two thousand fifteen school year and entitled "SA1415", four and seven
19 hundred fifty- one thousandths percent (0.04751); or (6) for all other
20 districts one percent (0.01), and for THE TWO THOUSAND SIXTEEN--TWO
21 THOUSAND SEVENTEEN SCHOOL YEAR THE PHASE-IN FOUNDATION INCREASE FACTOR
22 SHALL EQUAL THE GREATER OF: (1) FOR A CITY SCHOOL DISTRICT OF A CITY
23 HAVING A POPULATION OF ONE MILLION OR MORE, NINE AND THIRTY-TWO
24 HUNDREDTHS PERCENT (0.0932); OR (2) FOR A CITY SCHOOL DISTRICT OF A CITY
25 HAVING A POPULATION OF MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND BUT
26 LESS THAN ONE MILLION, THREE AND ONE-HALF PERCENT (0.035); OR (3) FOR A
27 DISTRICT WITH A SPARSITY COUNT COMPUTED PURSUANT TO PARAGRAPH R OF
28 SUBDIVISION ONE OF THIS SECTION GREATER THAN ZERO, THE LESSER OF (I) THE
29 PRODUCT OF NINE AND THIRTY-TWO HUNDREDTHS PERCENT (0.0932) MULTIPLIED BY
30 THE PHASE-IN CWR SPARSITY RATIO TRUNCATED TO FOUR DECIMALS, WHERE SUCH
31 PHASE-IN CWR SPARSITY RATIO SHALL BE THE DIFFERENCE OBTAINED BY
32 SUBTRACTING FROM ONE AND THIRTY-SEVEN HUNDREDTHS (1.37) THE PRODUCT OF
33 ONE AND THIRTY-FIVE HUNDREDTHS (1.35) MULTIPLIED BY THE COMBINED WEALTH
34 RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF
35 PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION TRUNCATED TO THREE
36 DECIMALS, PROVIDED HOWEVER THAT SUCH PHASE-IN CWR SPARSITY RATIO SHALL
37 NOT BE GREATER THAN ONE NOR LESS THAN ZERO OR (II) SIX PERCENT (0.06);
38 OR (4) THE LESSER OF (I) THE PRODUCT OF THREE AND ONE-HALF PERCENT
39 (0.035) MULTIPLIED BY THE PHASE-IN CWR RATIO TRUNCATED TO FOUR DECIMALS,
40 WHERE SUCH PHASE-IN CWR RATIO SHALL BE THE DIFFERENCE OBTAINED BY
41 SUBTRACTING FROM ONE AND THIRTY-SEVEN HUNDREDTHS (1.37) THE PRODUCT OF
42 ONE AND THREE-TENTHS (1.30) MULTIPLIED BY THE COMBINED WEALTH RATIO FOR
43 TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH
44 C OF SUBDIVISION THREE OF THIS SECTION TRUNCATED TO THREE DECIMALS,
45 PROVIDED HOWEVER THAT SUCH PHASE-IN CWR RATIO SHALL NOT BE GREATER THAN
46 ONE NOR LESS THAN ZERO OR (II) THREE PERCENT (0.03); AND FOR the two
47 thousand [sixteen--two thousand seventeen] SEVENTEEN--TWO THOUSAND EIGH-
48 TEEN school year and thereafter the commissioner shall annually deter-
49 mine the phase-in foundation increase factor subject to allocation
50 pursuant to the provisions of subdivision eighteen of this section and
51 any provisions of a chapter of the laws of New York as described there-
52 in.

53 b-1. Notwithstanding any other provision of law to the contrary, for
54 the two thousand seven--two thousand eight school year and thereafter,
55 the additional amount payable to each school district pursuant to this
56 subdivision in the current year as total foundation aid, after deducting

1 the total foundation aid base, shall be deemed a state grant in aid
2 identified by the commissioner for general use for purposes of section
3 seventeen hundred eighteen of this chapter.

4 B-2. ALTERNATIVE MINIMUM. THE ALTERNATIVE MINIMUM SHALL BE THE POSI-
5 TIVE DIFFERENCE, IF ANY, OBTAINED BY SUBTRACTING THE ALTERNATIVE
6 INCREASE FROM THE PRODUCT OF THE ALTERNATIVE BASE MULTIPLIED BY TWO
7 PERCENT (0.02). FOR PURPOSES OF THIS SUBDIVISION, "ALTERNATIVE BASE"
8 SHALL MEAN A SCHOOL DISTRICT'S APPORTIONMENT OF FOUNDATION AID FOR THE
9 TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AS SET FORTH FOR
10 EACH SCHOOL DISTRICT AS "2015-16 FOUNDATION AID" IN THE SCHOOL AID
11 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECU-
12 TIVE BUDGET REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN
13 SCHOOL YEAR AND ENTITLED "BT161-7" MINUS THE GAP ELIMINATION ADJUSTMENT
14 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR. FOR
15 PURPOSES OF THIS SUBDIVISION, "ALTERNATIVE INCREASE" SHALL MEAN THE SUM
16 OF (1) THE GAP ELIMINATION ADJUSTMENT RESTORATION COMPUTED FOR THE TWO
17 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR PURSUANT TO PARA-
18 GRAPH H OF SUBDIVISION SEVENTEEN OF THIS SECTION AS SET FORTH FOR EACH
19 SCHOOL DISTRICT AS "2016-17 GEA RESTORATION" IN THE SCHOOL AID COMPUTER
20 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET
21 REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR
22 AND ENTITLED "BT161-7", PLUS (2) COMMUNITY SCHOOLS AID COMPUTED FOR THE
23 TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR PURSUANT TO
24 SUBDIVISION NINETEEN OF THIS SECTION AS SET FORTH FOR EACH SCHOOL
25 DISTRICT AS "2016-17 COMMUNITY SCHOOLS AID" IN THE SCHOOL AID COMPUTER
26 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET
27 REQUEST FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR
28 AND ENTITLED "BT161-7".

29 B-3. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBDIVISION TO THE
30 CONTRARY, FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL
31 YEAR, NO SCHOOL DISTRICT SHALL BE ELIGIBLE FOR AN APPORTIONMENT OF FOUN-
32 DATION AID IN EXCESS OF THE AMOUNT APPORTIONED TO SUCH SCHOOL DISTRICT
33 IN TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR UNLESS (I) THE
34 DISTRICT WAS DESIGNATED AS HIGH OR AVERAGE NEED PURSUANT TO CLAUSE (C)
35 OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION
36 FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
37 SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND
38 EIGHT SCHOOL YEAR AND ENTITLED "SA0708," (II) THE DISTRICT WAS DESIG-
39 NATED AS HIGH OR AVERAGE NEED PURSUANT TO THE REGULATIONS OF THE COMMIS-
40 SIONER IN THE MOST RECENTLY AVAILABLE STUDY INCLUDED IN THE SCHOOL AID
41 COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED
42 BUDGET FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN STATE FISCAL
43 YEAR AND ENTITLED "SA131-4" OR (III) THE DISTRICT'S ALTERNATIVE INCREASE
44 COMPUTED PURSUANT TO PARAGRAPH B-2 OF THIS SUBDIVISION IS LESS THAN THE
45 PRODUCT OF THE ALTERNATIVE BASE COMPUTED PURSUANT TO PARAGRAPH B-2 OF
46 THIS SUBDIVISION MULTIPLIED BY THREE PERCENT (0.03).

47 c. Public excess cost aid setaside. Each school district shall set
48 aside from its total foundation aid computed for the current year pursu-
49 ant to this subdivision an amount equal to the product of: (i) the
50 difference between the amount the school district was eligible to
51 receive in the two thousand six--two thousand seven school year pursuant
52 to or in lieu of paragraph six of subdivision nineteen of this section
53 as such paragraph existed on June thirtieth, two thousand seven, minus
54 the amount such district was eligible to receive pursuant to or in lieu
55 of paragraph five of subdivision nineteen of this section as such para-
56 graph existed on June thirtieth, two thousand seven, in such school

1 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.

8 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.

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

15 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.

18 A. DEFINITIONS.

19 (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.

24 (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".

35 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).

44 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

1 NEEDS PERCENT OF FIFTY-FOUR AND EIGHT-TENTHS PERCENT (0.548) OR (II) TEN
2 THOUSAND DOLLARS (\$10,000).

3 D. SCHOOL DISTRICTS SHALL USE AMOUNTS APPORTIONED PURSUANT TO THIS
4 SUBDIVISION TO SUPPORT THE TRANSFORMATION OF SCHOOL BUILDINGS INTO
5 COMMUNITY HUBS TO DELIVER CO-LOCATED OR SCHOOL-LINKED ACADEMIC, HEALTH,
6 MENTAL HEALTH, NUTRITION, COUNSELING, LEGAL AND/OR OTHER SERVICES TO
7 STUDENTS AND THEIR FAMILIES, INCLUDING BUT NOT LIMITED TO PROVIDING A
8 COMMUNITY SCHOOL SITE COORDINATOR, OR TO SUPPORT OTHER COSTS INCURRED TO
9 MAXIMIZE STUDENTS' ACADEMIC ACHIEVEMENT.

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

13 a. State aid adjustments. All errors or omissions in the apportionment
14 shall be corrected by the commissioner. Whenever a school district has
15 been apportioned less money than that to which it is entitled, the
16 commissioner may allot to such district the balance to which it is enti-
17 tled. Whenever a school district has been apportioned more money than
18 that to which it is entitled, the commissioner may, by an order, direct
19 such moneys to be paid back to the state to be credited to the general
20 fund local assistance account for state aid to the schools, or may
21 deduct such amount from the next apportionment to be made to said
22 district, provided, however, that, upon notification of excess payments
23 of aid for which a recovery must be made by the state through deduction
24 of future aid payments, a school district may request that such excess
25 payments be recovered by deducting such excess payments from the
26 payments due to such school district and payable in the month of June in
27 (i) the school year in which such notification was received and (ii) the
28 two succeeding school years, provided further that there shall be no
29 interest penalty assessed against such district or collected by the
30 state. Such request shall be made to the commissioner in such form as
31 the commissioner shall prescribe, and shall be based on documentation
32 that the total amount to be recovered is in excess of one percent of the
33 district's total general fund expenditures for the preceding school
34 year. The amount to be deducted in the first year shall be the greater
35 of (i) the sum of the amount of such excess payments that is recognized
36 as a liability due to other governments by the district for the preced-
37 ing school year and the positive remainder of the district's unreserved
38 fund balance at the close of the preceding school year less the product
39 of the district's total general fund expenditures for the preceding
40 school year multiplied by five percent, or (ii) one-third of such excess
41 payments. The amount to be recovered in the second year shall equal the
42 lesser of the remaining amount of such excess payments to be recovered
43 or one-third of such excess payments, and the remaining amount of such
44 excess payments shall be recovered in the third year. Provided further
45 that, notwithstanding any other provisions of this subdivision, any
46 pending payment of moneys due to such district as a prior year adjust-
47 ment payable pursuant to paragraph c of this subdivision for aid claims
48 that had been previously paid as current year aid payments in excess of
49 the amount to which the district is entitled and for which recovery of
50 excess payments is to be made pursuant to this paragraph, shall be
51 reduced at the time of actual payment by any remaining unrecovered
52 balance of such excess payments, and the remaining scheduled deductions
53 of such excess payments pursuant to this paragraph shall be reduced by
54 the commissioner to reflect the amount so recovered. [The commissioner
55 shall certify no payment to a school district based on a claim submitted
56 later than three years after the close of the school year in which such

1 payment was first to be made. For claims for which payment is first to
2 be made in the nineteen hundred ninety-six--ninety-seven school year,
3 the commissioner shall certify no payment to a school district based on
4 a claim submitted later than two years after the close of such school
5 year.] For claims for which payment is first to be made [in the nineteen
6 hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND
7 FIFTEEN--TWO THOUSAND SIXTEEN school year [and thereafter], the commis-
8 sioner shall certify no payment to a school district based on a claim
9 submitted later than one year after the close of such school year. FOR
10 CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND
11 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, THE COMMIS-
12 SIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT BASED ON A CLAIM
13 SUBMITTED LATER THAN THE FIRST OF NOVEMBER OF SUCH SCHOOL YEAR.
14 Provided, however, no payments shall be barred or reduced where such
15 payment is required as a result of a final audit of the state. [It is
16 further provided that, until June thirtieth, nineteen hundred ninety-
17 six, the commissioner may grant a waiver from the provisions of this
18 section for any school district if it is in the best educational inter-
19 ests of the district pursuant to guidelines developed by the commis-
20 sioner and approved by the director of the budget.] FURTHER PROVIDED THAT
21 FOR ANY APPORTIONMENTS PROVIDED PURSUANT TO SECTIONS SEVEN HUNDRED ONE,
22 SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE, SEVEN HUNDRED
23 FIFTY-THREE, NINETEEN HUNDRED FIFTY, THIRTY-SIX HUNDRED TWO, THIRTY-SIX
24 HUNDRED TWO-B, THIRTY-SIX HUNDRED TWO-C, THIRTY-SIX HUNDRED TWO-E AND
25 FORTY-FOUR HUNDRED FIVE OF THIS CHAPTER FOR THE TWO THOUSAND
26 FIFTEEN--TWO THOUSAND SIXTEEN AND TWO THOUSAND SIXTEEN--TWO THOUSAND
27 SEVENTEEN SCHOOL YEARS, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A
28 SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A,
29 ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
30 PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE
31 USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMIS-
32 SIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE TWO
33 THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN STATE FISCAL YEAR AND ENTITLED
34 "BT161-7", AND FURTHER PROVIDED THAT FOR ANY APPORTIONMENTS PROVIDED
35 PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN, SEVEN
36 HUNDRED FIFTY-ONE, SEVEN HUNDRED FIFTY-THREE NINETEEN HUNDRED FIFTY,
37 THIRTY-SIX HUNDRED TWO, THIRTY-SIX HUNDRED TWO-B, THIRTY-SIX HUNDRED
38 TWO-C, THIRTY-SIX HUNDRED TWO-E AND FORTY-FOUR HUNDRED FIVE OF THIS
39 CHAPTER FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL
40 YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A
41 SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A,
42 ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS
43 PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE
44 USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMIS-
45 SIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST SUBMITTED FOR THE
46 STATE FISCAL YEAR IN WHICH THE SCHOOL YEAR COMMENCES.

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

50 For aid payable in the two thousand seven--two thousand eight school
51 year through the two thousand fifteen--two thousand sixteen school year,
52 "moneys apportioned" shall mean the lesser of (i) the sum of one hundred
53 percent of the respective amount set forth for each school district as
54 payable pursuant to this section in the school aid computer listing for
55 the current year produced by the commissioner in support of the budget
56 which includes the appropriation for the general support for public

1 schools for the prescribed payments and individualized payments due
2 prior to April first for the current year plus the apportionment payable
3 during the current school year pursuant to subdivision six-a and subdi-
4 vision fifteen of section thirty-six hundred two of this part minus any
5 reductions to current year aids pursuant to subdivision seven of section
6 thirty-six hundred four of this part or any deduction from apportionment
7 payable pursuant to this chapter for collection of a school district
8 basic contribution as defined in subdivision eight of section forty-four
9 hundred one of this chapter, less any grants provided pursuant to
10 subparagraph two-a of paragraph b of subdivision four of section nine-
11 ty-two-c of the state finance law, less any grants provided pursuant to
12 subdivision six of section ninety-seven-nnnn of the state finance law,
13 less any grants provided pursuant to subdivision twelve of section thir-
14 ty-six hundred forty-one of this article, or (ii) the apportionment
15 calculated by the commissioner based on data on file at the time the
16 payment is processed; provided however, that for the purposes of any
17 payments made pursuant to this section prior to the first business day
18 of June of the current year, moneys apportioned shall not include any
19 aids payable pursuant to subdivisions six and fourteen, if applicable,
20 of section thirty-six hundred two of this part as current year aid for
21 debt service on bond anticipation notes and/or bonds first issued in the
22 current year or any aids payable for full-day kindergarten for the
23 current year pursuant to subdivision nine of section thirty-six hundred
24 two of this part. The definitions of "base year" and "current year" as
25 set forth in subdivision one of section thirty-six hundred two of this
26 part shall apply to this section. [For aid payable in the two thousand
27 fourteen--two thousand fifteen school year, reference to such "school
28 aid computer listing for the current year" shall mean the printouts
29 entitled "SA141-5". For aid payable in the two thousand fifteen--two
30 thousand sixteen school year, reference to such "school aid computer
31 listing for the current year" shall mean the printouts entitled
32 "SA151-6".] FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND
33 SEVENTEEN SCHOOL YEAR AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN
34 THE LESSER OF: (I) THE SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE
35 AMOUNT SET FORTH FOR EACH SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS
36 SECTION IN THE SCHOOL AID COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED
37 BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH
38 INCLUDES THE APPROPRIATION FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS
39 FOR THE PRESCRIBED PAYMENTS AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO
40 APRIL FIRST FOR THE CURRENT YEAR PLUS THE APPORTIONMENT PAYABLE DURING
41 THE CURRENT SCHOOL YEAR PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF
42 SECTION THIRTY-SIX HUNDRED TWO OF THIS PART MINUS ANY REDUCTIONS TO
43 CURRENT YEAR AIDS PURSUANT TO SUBDIVISION SEVEN OF SECTION THIRTY-SIX
44 HUNDRED FOUR OF THIS PART OR ANY DEDUCTION FROM APPORTIONMENT PAYABLE
45 PURSUANT TO THIS CHAPTER FOR COLLECTION OF A SCHOOL DISTRICT BASIC
46 CONTRIBUTION AS DEFINED IN SUBDIVISION EIGHT OF SECTION FORTY-FOUR
47 HUNDRED ONE OF THIS CHAPTER, LESS ANY GRANTS PROVIDED PURSUANT TO
48 SUBPARAGRAPH TWO-A OF PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINE-
49 TY-TWO-C OF THE STATE FINANCE LAW, LESS ANY GRANTS PROVIDED PURSUANT TO
50 SUBDIVISION SIX OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW,
51 LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF SECTION THIR-
52 TY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPORTIONMENT
53 CALCULATED BY THE COMMISSIONER BASED ON DATA ON FILE AT THE TIME THE
54 PAYMENT IS PROCESSED; PROVIDED HOWEVER, THAT FOR THE PURPOSES OF ANY
55 PAYMENTS MADE PURSUANT TO THIS SECTION PRIOR TO THE FIRST BUSINESS DAY
56 OF JUNE OF THE CURRENT YEAR, MONEYS APPORTIONED SHALL NOT INCLUDE ANY

1 AIDS PAYABLE PURSUANT TO SUBDIVISIONS SIX AND FOURTEEN, IF APPLICABLE,
2 OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART AS CURRENT YEAR AID FOR
3 DEBT SERVICE ON BOND ANTICIPATION NOTES AND/OR BONDS FIRST ISSUED IN THE
4 CURRENT YEAR OR ANY AIDS PAYABLE FOR FULL-DAY KINDERGARTEN FOR THE
5 CURRENT YEAR PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX HUNDRED
6 TWO OF THIS PART. FOR AID PAYABLE IN THE TWO THOUSAND SIXTEEN--TWO THOU-
7 SAND SEVENTEEN SCHOOL YEAR, REFERENCE TO SUCH "SCHOOL AID COMPUTER LIST-
8 ING FOR THE CURRENT YEAR" SHALL MEAN THE PRINTOUTS ENTITLED "BT161-7".

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

12 (5) For a new charter school whose charter is granted or for an exist-
13 ing charter school whose expansion of grade level, pursuant to this
14 article, is approved by their charter entity [before October first, two
15 thousand sixteen], if the appeal results in a determination in favor of
16 the charter school, the city school district shall pay the charter
17 school an amount attributable to the grade level expansion or the forma-
18 tion of the new charter school that is equal to the lesser of:

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

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

30 (6) [For a new charter school whose charter is granted or for an
31 existing charter school whose expansion of grade level, pursuant to this
32 article, is approved by their charter entity on or after October first,
33 two thousand sixteen, if the appeal results in a determination in favor
34 of the charter school, the city school district shall pay the charter
35 school an amount attributable to the grade level expansion or the forma-
36 tion of the new charter school that is equal to the maximum cost allow-
37 ance established by the commissioner for leases aidable under subdivi-
38 sion six of section thirty-six hundred two of this chapter.

39 (7)] An arbitration in an appeal pursuant to this paragraph shall be
40 conducted by a single arbitrator selected in accordance with this
41 subparagraph from a list of arbitrators from the American arbitration
42 association's panel of labor arbitrators, with relevant biographical
43 information, submitted by such association to the commissioner pursuant
44 to paragraph a of subdivision three of section three thousand twenty-a
45 of this chapter. Upon request by the charter school, the commissioner
46 shall forthwith send a copy of such list and biographical information
47 simultaneously to the charter school and city school district. The
48 parties shall, by mutual agreement, select an arbitrator from the list
49 within fifteen days from receipt of the list, and if the parties fail to
50 agree on an arbitrator within such fifteen day period or fail within
51 such fifteen day period to notify the commissioner that an arbitrator
52 has been selected, the commissioner shall appoint an arbitrator from the
53 list to serve as the arbitrator. The arbitration shall be conducted in
54 accordance with the American arbitration association's rules for labor
55 arbitration, except that the arbitrator shall conduct a pre-hearing
56 conference within ten to fifteen days of agreeing to serve and the arbi-

1 tration shall be completed and a decision rendered within the time
2 frames prescribed for hearings pursuant to section three thousand twen-
3 ty-a of this chapter. The arbitrator's fee shall not exceed the rate
4 established by the commissioner for hearings conducted pursuant to
5 section three thousand twenty-a of this chapter, and the cost of such
6 fee, the arbitrator's necessary travel and other reasonable expenses,
7 and all other hearing expenses shall be borne equally by the parties to
8 the arbitration.

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

12 6-g. Charter schools facilities aid. a. The city school district of
13 the city of New York, upon documenting that it has incurred total aggre-
14 gate expenses of forty million dollars or more pursuant to [subpara-
15 graphs] SUBPARAGRAPH five [and six] of paragraph (e) of subdivision
16 three of section twenty-eight hundred fifty-three of this chapter, shall
17 be eligible for an apportionment pursuant to this subdivision for its
18 annual approved expenditures for the lease of space for charter schools
19 incurred in the base year in accordance with paragraph (e) of subdivi-
20 sion three of section twenty-eight hundred fifty-three of this chapter.

21 b. The apportionment shall equal the product of (1) the sum of:
22 [(A)] for aid payable for expenses incurred pursuant to subparagraph
23 five of paragraph (e) of subdivision three of section twenty-eight
24 hundred fifty-three of this chapter where the charter school prevails on
25 appeal, the annual approved expenses incurred by the city school
26 district pursuant to such subparagraph five[; and

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

32 (2) six-tenths.

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

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

46 S 12. Subdivision 1 of section 2856 of the education law, as amended
47 by chapter 378 of the laws of 2007, paragraph (a) as amended and para-
48 graph (d) as added by section 3 of part BB of chapter 56 of the laws of
49 2014, paragraph (c) as added by chapter 375 of the laws of 2007, is
50 amended to read as follows:

51 1. (a) The enrollment of students attending charter schools shall be
52 included in the enrollment, attendance, membership and, if applicable,
53 count of students with disabilities of the school district in which the
54 pupil resides. The charter school shall report all such data to the
55 school districts of residence in a timely manner. Each school district
56 shall report such enrollment, attendance and count of students with

1 disabilities to the department. The school district of residence shall
2 pay directly to the charter school for each student enrolled in the
3 charter school who resides in the school district the charter school
4 basic tuition, which shall be:

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

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

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

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

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

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

1 which the charter school basic tuition for the two thousand ten--two
2 thousand eleven school year is greater than the charter school basic
3 tuition for the current year pursuant to the provisions of subparagraph
4 (i) of this paragraph, the positive difference of the charter school
5 basic tuition for the two thousand ten--two thousand eleven school year
6 minus the charter school basic tuition for the current year pursuant to
7 the provisions of subparagraph (i) of this paragraph.

8 (b) The school district shall also pay directly to the charter school
9 any federal or state aid attributable to a student with a disability
10 attending charter school in proportion to the level of services for such
11 student with a disability that the charter school provides directly or
12 indirectly. Notwithstanding anything in this section to the contrary,
13 amounts payable pursuant to this subdivision from state or local funds
14 may be reduced pursuant to an agreement between the school and the char-
15 ter entity set forth in the charter. Payments made pursuant to this
16 subdivision shall be made by the school district in six substantially
17 equal installments each year beginning on the first business day of July
18 and every two months thereafter. Amounts payable under this subdivision
19 shall be determined by the commissioner. Amounts payable to a charter
20 school in its first year of operation shall be based on the projections
21 of initial-year enrollment set forth in the charter until actual enroll-
22 ment data is reported to the school district by the charter school. Such
23 projections shall be reconciled with the actual enrollment as actual
24 enrollment data is so reported and at the end of the school's first year
25 of operation and each subsequent year based on a final report of actual
26 enrollment by the charter school, and any necessary adjustments result-
27 ing from such final report shall be made to payments during the school's
28 following year of operation.

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

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

48 S 13. Subdivision 1 of section 2856 of the education law, as amended
49 by section 22 of part A of chapter 58 of the laws of 2011, paragraph (a)
50 as amended and paragraph (c) as added by section 4 of part BB of chapter
51 56 of the laws of 2014, is amended to read as follows:

52 1. (a) The enrollment of students attending charter schools shall be
53 included in the enrollment, attendance and, if applicable, count of
54 students with disabilities of the school district in which the pupil
55 resides. The charter school shall report all such data to the school
56 districts of residence in a timely manner. Each school district shall

1 report such enrollment, attendance and count of students with disabili-
2 ties to the department. The school district of residence shall pay
3 directly to the charter school for each student enrolled in the charter
4 school who resides in the school district the charter school basic
5 tuition which shall be:

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

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

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

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

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

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

1 school year five hundred dollars, and (B) for a school district for
2 which the charter school basic tuition for the two thousand ten--two
3 thousand eleven school year is greater than the charter school basic
4 tuition for the current year pursuant to the provisions of subparagraph
5 (i) of this paragraph, the positive difference of the charter school
6 basic tuition for the two thousand ten--two thousand eleven school year
7 minus the charter school basic tuition for the current year pursuant to
8 the provisions of subparagraph (i) of this paragraph.

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

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

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

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

53 (ii) divide the sum of such numbers by the number of such pupils who
54 took each of such tests, plus pupils, other than pupils with disabili-
55 ties and ENGLISH LANGUAGE LEARNER pupils [with limited English profi-
56 ciency] as defined by the commissioner who are exempt from taking such

1 tests, provided, however, that a district which in any of the applicable
2 school years did not maintain a home school or employed fewer than eight
3 teachers, and which in the base year employed eight or more teachers,
4 may use the scores in a later test as designated by the commissioner for
5 the purposes of this paragraph;

6 S 15. Paragraph o of subdivision 1 of section 3602 of the education
7 law, as amended by section 11 of part B of chapter 57 of the laws of
8 2007, is amended to read as follows:

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

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

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

28 S 17. Paragraph d of subdivision 4 of section 3602-f of the education
29 law, as added by section 83-a of part L of chapter 405 of the laws of
30 1999, is amended to read as follows:

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

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

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

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

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

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

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

54 2. BEFORE SUBMITTING AN APPLICATION FOR A WAIVER, THE LOCAL SCHOOL
55 DISTRICT, APPROVED PRIVATE SCHOOL OR BOARD OF COOPERATIVE EDUCATIONAL
56 SERVICES SHALL PROVIDE NOTICE OF THE PROPOSED WAIVER TO THE PARENTS OR

1 PERSONS IN PARENTAL RELATIONSHIP TO THE STUDENTS THAT WOULD BE IMPACTED
2 BY THE WAIVER IF GRANTED. SUCH NOTICE SHALL BE IN A FORM AND MANNER THAT
3 WILL ENSURE THAT SUCH PARENTS AND PERSONS IN PARENTAL RELATIONSHIP WILL
4 BE AWARE OF ALL RELEVANT CHANGES THAT WOULD OCCUR UNDER THE WAIVER, AND
5 SHALL INCLUDE INFORMATION ON THE FORM, MANNER AND DATE BY WHICH PARENTS
6 MAY SUBMIT WRITTEN COMMENTS ON THE PROPOSED WAIVER. THE LOCAL SCHOOL
7 DISTRICT, APPROVED PRIVATE SCHOOL, OR BOARD OF COOPERATIVE EDUCATIONAL
8 SERVICES SHALL PROVIDE AT LEAST SIXTY DAYS FOR SUCH PARENTS AND PERSONS
9 IN PARENTAL RELATIONSHIP TO SUBMIT WRITTEN COMMENTS, AND SHALL INCLUDE
10 IN THE WAIVER APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO
11 SUBDIVISION ONE OF THIS SECTION ANY WRITTEN COMMENTS RECEIVED FROM SUCH
12 PARENTS OR PERSONS IN PARENTAL RELATION TO SUCH STUDENTS.

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

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

31 S 21. Notwithstanding any provision of law to the contrary, for the
32 2016-2017 school year and thereafter, any pre-kindergarten program
33 receiving state funds that is identified by the office of children and
34 family services, the department of health and mental hygiene of the city
35 of New York, or the state education department as needing extraordinary
36 quality support shall participate in QUALITYstarsNY as a condition of
37 continued receipt of state funds, unless such participation would be
38 contrary to an existing contract with the department. The state educa-
39 tion department shall include such participation as a condition of
40 continued receipt of state funds in any new contract or contract renewal
41 or application for renewal of funding for any state-funded pre-kinder-
42 garten program for the 2016-2017 school year or thereafter.

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

46 1. Creation.

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

54 (b) The membership of the board shall consist of three persons
55 appointed by the governor, of which one shall be upon the recommendation
56 of the temporary president of the senate and one upon the recommendation

1 of the speaker of the assembly. The term of the members first appointed
2 shall continue until March 31, 2017, and thereafter their successors
3 shall serve for a term of one year ending on March 31 in each year. Upon
4 recommendation of the nominating party, the governor shall replace any
5 member in accordance with the provision contained in this subdivision
6 for the appointment of members. The members of the board shall vote
7 among themselves to determine who shall serve as chair. The board shall
8 act by unanimous vote of the members of the board. Any determination of
9 the board shall be evidenced by a certification thereof executed by all
10 the members. Each member of the board shall be entitled to designate a
11 representative to attend meetings of the board on the designating
12 member's behalf, and to vote or otherwise act on the designating
13 member's behalf in the designating member's absence. Notice of such
14 designation shall be furnished in writing to the board by the designat-
15 ing member. A representative shall serve at the pleasure of the desig-
16 nating member during the member's term of office. A representative shall
17 not be authorized to delegate any of his or her duties or functions to
18 any other person.

19 (c) Every officer, employee, or member of a governing or other board
20 of any school district, program or other entity offering pre-kindergar-
21 ten services, and every New York state regent and every officer or
22 employee of the board of regents or the department of education shall be
23 ineligible for appointment as a member, representative, officer, employ-
24 ee or agent of the board.

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

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

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

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

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

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

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

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

50 (b) The office of children and family services shall serve as staff to
51 the empire state pre-kindergarten grant board, with the cooperation of
52 any other state agency, and shall assist in tasks including but not
53 limited to the drafting of any requests for proposals, the scoring of
54 applications pursuant to the criteria in such requests for proposals,
55 the preparation of draft award lists, and the preparation of any other

1 information or materials which would assist the board in carrying out
2 its duties.

3 (c) Notwithstanding any provision of law to the contrary, the board
4 shall have final approval authority over any request for proposals used
5 to distribute any grant funding for pre-kindergarten programs pursuant
6 to paragraph (a) of this subdivision, provided that any request for
7 proposals issued after the effective date of this section shall contain
8 a requirement that any awardee identified by the office of children and
9 family services, the department of health and mental hygiene of the city
10 of New York, or the state education department as needing extraordinary
11 quality support shall participate in QUALITYstarsNY as a condition of
12 continued receipt of state funds.

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

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

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

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

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

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

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

48 b. For projects approved by the commissioner authorized to receive
49 additional building aid pursuant to this subdivision for the purchase of
50 stationary metal detectors, security cameras or other security devices
51 approved by the commissioner that increase the safety of students and
52 school personnel, provided that for purposes of this paragraph such
53 other security devices shall be limited to electronic security systems
54 and hardened doors, and provided that for projects approved by the
55 commissioner on or after the first day of July two thousand thirteen and
56 before the first day of July [two thousand sixteen] TWO THOUSAND SEVEN-

1 TEEN such additional aid shall equal the product of (i) the building aid
2 ratio computed for use in the current year pursuant to paragraph c of
3 subdivision six of this section plus ten percentage points, except that
4 in no case shall this amount exceed one hundred percent, and (ii) the
5 actual approved expenditures incurred in the base year pursuant to this
6 subdivision, provided that the limitations on cost allowances prescribed
7 by paragraph a of subdivision six of this section shall not apply, and
8 provided further that any projects aided under this paragraph must be
9 included in a district's school safety plan. The commissioner shall
10 annually prescribe a special cost allowance for metal detectors, and
11 security cameras, and the approved expenditures shall not exceed such
12 cost allowance.

13 S 25. Section 2 of chapter 552 of the laws of 1995 amending the educa-
14 tion law relating to contracts for the transportation of school chil-
15 dren, as amended by chapter 116 of the laws of 2013, is amended to read
16 as follows:

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

21 S 26. Paragraph b of subdivision 2 of section 3612 of the education
22 law, as amended by section 8 of part A of chapter 56 of the laws of
23 2015, is amended to read as follows:

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

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

46 6. Notwithstanding any other law, rule or regulation to the contrary,
47 the board of education of a city school district with a population of
48 one hundred twenty-five thousand or more inhabitants shall be permitted
49 to establish maximum class sizes for special classes for certain
50 students with disabilities in accordance with the provisions of this
51 subdivision. For the purpose of obtaining relief from any adverse fiscal
52 impact from under-utilization of special education resources due to low
53 student attendance in special education classes at the middle and
54 secondary level as determined by the commissioner, such boards of educa-
55 tion shall, during the school years nineteen hundred ninety-five--nine-
56 ty-six through June thirtieth, two thousand [sixteen] SEVENTEEN of the

1 [two thousand fifteen--two thousand sixteen] TWO THOUSAND SIXTEEN--TWO
2 THOUSAND SEVENTEEN school year, be authorized to increase class sizes in
3 special classes containing students with disabilities whose age ranges
4 are equivalent to those of students in middle and secondary schools as
5 defined by the commissioner for purposes of this section by up to but
6 not to exceed one and two tenths times the applicable maximum class size
7 specified in regulations of the commissioner rounded up to the nearest
8 whole number, provided that in a city school district having a popu-
9 lation of one million or more, classes that have a maximum class size of
10 fifteen may be increased by no more than one student and provided that
11 the projected average class size shall not exceed the maximum specified
12 in the applicable regulation, provided that such authorization shall
13 terminate on June thirtieth, two thousand. Such authorization shall be
14 granted upon filing of a notice by such a board of education with the
15 commissioner stating the board's intention to increase such class sizes
16 and a certification that the board will conduct a study of attendance
17 problems at the secondary level and will implement a corrective action
18 plan to increase the rate of attendance of students in such classes to
19 at least the rate for students attending regular education classes in
20 secondary schools of the district. Such corrective action plan shall be
21 submitted for approval by the commissioner by a date during the school
22 year in which such board increases class sizes as provided pursuant to
23 this subdivision to be prescribed by the commissioner. Upon at least
24 thirty days notice to the board of education, after conclusion of the
25 school year in which such board increases class sizes as provided pursu-
26 ant to this subdivision, the commissioner shall be authorized to termi-
27 nate such authorization upon a finding that the board has failed to
28 develop or implement an approved corrective action plan.

29 S 28. Subdivision b of section 2 of chapter 756 of the laws of 1992,
30 relating to funding a program for work force education conducted by the
31 consortium for worker education in New York city, as amended by section
32 13 of part A of chapter 56 of the laws of 2015, is amended to read as
33 follows:

34 b. Reimbursement for programs approved in accordance with subdivision
35 a of this section for the 2012--2013 school year shall not exceed 63.3
36 percent of the lesser of such approvable costs per contact hour or
37 twelve dollars and thirty-five cents per contact hour, reimbursement for
38 the 2013--2014 school year shall not exceed 62.3 percent of the lesser
39 of such approvable costs per contact hour or twelve dollars and sixty-
40 five cents per contact hour, reimbursement for the 2014--2015 school
41 year shall not exceed 61.6 percent of the lesser of such approvable
42 costs per contact hour or thirteen dollars per contact hour, [and]
43 reimbursement for the 2015--2016 school year shall not exceed 60.7
44 percent of the lesser of such approvable costs per contact hour or thir-
45 teen dollars and forty cents per contact hour, AND REIMBURSEMENT FOR THE
46 2016--2017 SCHOOL YEAR SHALL NOT EXCEED 60.3 PERCENT OF THE LESSER OF
47 SUCH APPROVABLE COSTS PER CONTACT HOUR OR THIRTEEN DOLLARS EIGHTY CENTS
48 PER CONTACT HOUR where a contact hour represents sixty minutes of
49 instruction services provided to an eligible adult. Notwithstanding any
50 other provision of law to the contrary, for the 2012--2013 school year
51 such contact hours shall not exceed one million six hundred sixty-four
52 thousand five hundred thirty-two (1,664,532) hours; whereas for the
53 2013--2014 school year such contact hours shall not exceed one million
54 six hundred forty-nine thousand seven hundred forty-six (1,649,746)
55 hours; whereas for the 2014--2015 school year such contact hours shall
56 not exceed one million six hundred twenty-five thousand (1,625,000)

1 hours; whereas for the 2015--2016 school year such contact hours shall
2 not exceed one million five hundred ninety-nine thousand fifteen
3 (1,599,015) HOURS; WHEREAS FOR THE 2016--2017 SCHOOL YEAR SUCH CONTACT
4 HOURS SHALL NOT EXCEED ONE MILLION THREE HUNDRED EIGHTY-TWO THOUSAND TWO
5 HUNDRED ELEVEN (1,382,211). Notwithstanding any other provision of law
6 to the contrary, the apportionment calculated for the city school
7 district of the city of New York pursuant to subdivision 11 of section
8 3602 of the education law shall be computed as if such contact hours
9 provided by the consortium for worker education, not to exceed the
10 contact hours set forth herein, were eligible for aid in accordance with
11 the provisions of such subdivision 11 of section 3602 of the education
12 law.

13 S 29. Section 4 of chapter 756 of the laws of 1992, relating to fund-
14 ing a program for work force education conducted by the consortium for
15 worker education in New York city, is amended by adding a new subdivi-
16 sion u to read as follows:

17 U. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
18 COMPLETION OF PAYMENTS FOR THE 2016--2017 SCHOOL YEAR. NOTWITHSTANDING
19 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER SHALL WITHHOLD A
20 PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL
21 DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF
22 THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE
23 ELEMENTARY AND SECONDARY EDUCATION FUND LOCAL ASSISTANCE ACCOUNT AND
24 SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS
25 (\$11,500,000).

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

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

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

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

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

46 2-a. On or before the first day of February each year, the commission-
47 er of [health] EDUCATION shall provide a written report to the temporary
48 president of the senate, speaker of the assembly, chair of the senate
49 finance committee, chair of the assembly ways and means committee, chair
50 of the senate committee on health, chair of the assembly health commit-
51 tee, the state comptroller and the public. Such report shall include how
52 the monies of the fund were utilized during the preceding calendar year,
53 and shall include:

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

56 (ii) recipients of awards from the fund;

1 (iii) the amount awarded to each;
2 (iv) the purposes for which such awards were granted; and
3 (v) a summary financial plan for such monies which shall include esti-
4 mates of all receipts and all disbursements for the current and succeed-
5 ing fiscal years, along with the actual results from the prior fiscal
6 year.

7 3. [The moneys in said account shall be retained by the fund and shall
8 be released by the commissioner of taxation and finance only upon
9 certificates signed by the commissioner of education or his or her
10 designee and only for the purposes set forth in this section.] MONEYS
11 SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMP-
12 TROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF EDUCA-
13 TION.

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

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

26 1. Sections one through seventy of this act shall be deemed to have
27 been in full force and effect as of April 1, 1994 provided, however,
28 that sections one, two, twenty-four, twenty-five and twenty-seven
29 through seventy of this act shall expire and be deemed repealed on March
30 31, 2000; provided, however, that section twenty of this act shall apply
31 only to hearings commenced prior to September 1, 1994, and provided
32 further that section twenty-six of this act shall expire and be deemed
33 repealed on March 31, 1997; and provided further that sections four
34 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
35 twenty-one-a of this act shall expire and be deemed repealed on March
36 31, 1997; and provided further that sections three, fifteen, seventeen,
37 twenty, twenty-two and twenty-three of this act shall expire and be
38 deemed repealed on March 31, [2017] 2018.

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

44 (22) sections one hundred twelve, one hundred thirteen, one hundred
45 fourteen, one hundred fifteen and one hundred sixteen of this act shall
46 take effect on July 1, 1995; provided, however, that section one hundred
47 thirteen of this act shall remain in full force and effect until July 1,
48 [2016] 2017 at which time it shall be deemed repealed;

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

54 S 34. Section 12 of chapter 147 of the laws of 2001, amending the
55 education law relating to conditional appointment of school district,

1 charter school or BOCES employees, as amended by section 19 of part A of
2 chapter 56 of the laws of 2015, is amended to read as follows:

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

6 S 35. Section 4 of chapter 425 of the laws of 2002, amending the
7 education law relating to the provision of supplemental educational
8 services, attendance at a safe public school and the suspension of
9 pupils who bring a firearm to or possess a firearm at a school, as
10 amended by section 20 of part A of chapter 56 of the laws of 2015, is
11 amended to read as follows:

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

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

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

21 S 37. School bus driver training. In addition to apportionments other-
22 wise provided by section 3602 of the education law, for aid payable in
23 the 2016--2017 school year, the commissioner of education shall allocate
24 school bus driver training grants to school districts and boards of
25 cooperative educational services pursuant to sections 3650-a, 3650-b and
26 3650-c of the education law, or for contracts directly with not-for-pro-
27 fit educational organizations for the purposes of this section. Such
28 payments shall not exceed four hundred thousand dollars (\$400,000) per
29 school year.

30 S 38. Special apportionment for salary expenses. a. Notwithstanding
31 any other provision of law, upon application to the commissioner of
32 education, not sooner than the first day of the second full business
33 week of June 2017 and not later than the last day of the third full
34 business week of June 2017, a school district eligible for an apportion-
35 ment pursuant to section 3602 of the education law shall be eligible to
36 receive an apportionment pursuant to this section, for the school year
37 ending June 30, 2017, for salary expenses incurred between April 1 and
38 June 30, 2016 and such apportionment shall not exceed the sum of (i) the
39 deficit reduction assessment of 1990--1991 as determined by the commis-
40 sioner of education, pursuant to paragraph f of subdivision 1 of section
41 3602 of the education law, as in effect through June 30, 1993, plus (ii)
42 186 percent of such amount for a city school district in a city with a
43 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
44 such amount for a city school district in a city with a population of
45 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
46 ing to the latest federal census, plus (iv) the net gap elimination
47 adjustment for 2010--2011, as determined by the commissioner of educa-
48 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
49 nation adjustment for 2011--2012 as determined by the commissioner of
50 education pursuant to subdivision 17 of section 3602 of the education
51 law, and provided further that such apportionment shall not exceed such
52 salary expenses. Such application shall be made by a school district,
53 after the board of education or trustees have adopted a resolution to do
54 so and in the case of a city school district in a city with a population
55 in excess of 125,000 inhabitants, with the approval of the mayor of such
56 city.

1 b. The claim for an apportionment to be paid to a school district
2 pursuant to subdivision a of this section shall be submitted to the
3 commissioner of education on a form prescribed for such purpose, and
4 shall be payable upon determination by such commissioner that the form
5 has been submitted as prescribed. Such approved amounts shall be payable
6 on the same day in September of the school year following the year in
7 which application was made as funds provided pursuant to subparagraph
8 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
9 law, on the audit and warrant of the state comptroller on vouchers
10 certified or approved by the commissioner of education in the manner
11 prescribed by law from moneys in the state lottery fund and from the
12 general fund to the extent that the amount paid to a school district
13 pursuant to this section exceeds the amount, if any, due such school
14 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
15 section 3609-a of the education law in the school year following the
16 year in which application was made.

17 c. Notwithstanding the provisions of section 3609-a of the education
18 law, an amount equal to the amount paid to a school district pursuant to
19 subdivisions a and b of this section shall first be deducted from the
20 following payments due the school district during the school year
21 following the year in which application was made pursuant to subpara-
22 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
23 section 3609-a of the education law in the following order: the lottery
24 apportionment payable pursuant to subparagraph (2) of such paragraph
25 followed by the fixed fall payments payable pursuant to subparagraph (4)
26 of such paragraph and then followed by the district's payments to the
27 teachers' retirement system pursuant to subparagraph (1) of such para-
28 graph, and any remainder to be deducted from the individualized payments
29 due the district pursuant to paragraph b of such subdivision shall be
30 deducted on a chronological basis starting with the earliest payment due
31 the district.

32 S 39. Special apportionment for public pension accruals. a. Notwith-
33 standing any other provision of law, upon application to the commission-
34 er of education, not later than June 30, 2017, a school district eligi-
35 ble for an apportionment pursuant to section 3602 of the education law
36 shall be eligible to receive an apportionment pursuant to this section,
37 for the school year ending June 30, 2017 and such apportionment shall
38 not exceed the additional accruals required to be made by school
39 districts in the 2004--2005 and 2005--2006 school years associated with
40 changes for such public pension liabilities. The amount of such addi-
41 tional accrual shall be certified to the commissioner of education by
42 the president of the board of education or the trustees or, in the case
43 of a city school district in a city with a population in excess of
44 125,000 inhabitants, the mayor of such city. Such application shall be
45 made by a school district, after the board of education or trustees have
46 adopted a resolution to do so and in the case of a city school district
47 in a city with a population in excess of 125,000 inhabitants, with the
48 approval of the mayor of such city.

49 b. The claim for an apportionment to be paid to a school district
50 pursuant to subdivision a of this section shall be submitted to the
51 commissioner of education on a form prescribed for such purpose, and
52 shall be payable upon determination by such commissioner that the form
53 has been submitted as prescribed. Such approved amounts shall be payable
54 on the same day in September of the school year following the year in
55 which application was made as funds provided pursuant to subparagraph
56 (4) of paragraph b of subdivision 4 of section 92-c of the state finance

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

9 c. Notwithstanding the provisions of section 3609-a of the education
10 law, an amount equal to the amount paid to a school district pursuant to
11 subdivisions a and b of this section shall first be deducted from the
12 following payments due the school district during the school year
13 following the year in which application was made pursuant to subpara-
14 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
15 section 3609-a of the education law in the following order: the lottery
16 apportionment payable pursuant to subparagraph (2) of such paragraph
17 followed by the fixed fall payments payable pursuant to subparagraph (4)
18 of such paragraph and then followed by the district's payments to the
19 teachers' retirement system pursuant to subparagraph (1) of such para-
20 graph, and any remainder to be deducted from the individualized payments
21 due the district pursuant to paragraph b of such subdivision shall be
22 deducted on a chronological basis starting with the earliest payment due
23 the district.

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

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

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

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

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

50 S 42. The amounts specified in this section shall be a set aside from
51 the state funds which each such district is receiving from the total
52 foundation aid: for the purpose of the development, maintenance or
53 expansion of magnet schools or magnet school programs for the 2016--2017
54 school year. To the city school district of the city of New York there
55 shall be paid forty-eight million one hundred seventy-five thousand
56 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)

1 for the Andrew Jackson High School; to the Buffalo city school district,
2 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
3 Rochester city school district, fifteen million dollars (\$15,000,000);
4 to the Syracuse city school district, thirteen million dollars
5 (\$13,000,000); to the Yonkers city school district, forty-nine million
6 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
7 district, four million six hundred forty-five thousand dollars
8 (\$4,645,000); to the Poughkeepsie city school district, two million four
9 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
10 city school district, two million dollars (\$2,000,000); to the New
11 Rochelle city school district, one million four hundred ten thousand
12 dollars (\$1,410,000); to the Schenectady city school district, one
13 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
14 city school district, one million one hundred fifty thousand dollars
15 (\$1,150,000); to the White Plains city school district, nine hundred
16 thousand dollars (\$900,000); to the Niagara Falls city school district,
17 six hundred thousand dollars (\$600,000); to the Albany city school
18 district, three million five hundred fifty thousand dollars
19 (\$3,550,000); to the Utica city school district, two million dollars
20 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
21 thousand dollars (\$566,000); to the Middletown city school district,
22 four hundred thousand dollars (\$400,000); to the Freeport union free
23 school district, four hundred thousand dollars (\$400,000); to the Green-
24 burgh central school district, three hundred thousand dollars
25 (\$300,000); to the Amsterdam city school district, eight hundred thou-
26 sand dollars (\$800,000); to the Peekskill city school district, two
27 hundred thousand dollars (\$200,000); and to the Hudson city school
28 district, four hundred thousand dollars (\$400,000). Notwithstanding the
29 provisions of this section, a school district receiving a grant pursuant
30 to this section may use such grant funds for: (i) any instructional or
31 instructional support costs associated with the operation of a magnet
32 school; or (ii) any instructional or instructional support costs associ-
33 ated with implementation of an alternative approach to reduction of
34 racial isolation and/or enhancement of the instructional program and
35 raising of standards in elementary and secondary schools of school
36 districts having substantial concentrations of minority students. The
37 commissioner of education shall not be authorized to withhold magnet
38 grant funds from a school district that used such funds in accordance
39 with this section, notwithstanding any inconsistency with a request for
40 proposals issued by such commissioner. For the purpose of attendance
41 improvement and dropout prevention for the 2016--2017 school year, for
42 any city school district in a city having a population of more than one
43 million, the set aside for attendance improvement and dropout prevention
44 shall equal the amount set aside in the base year. For the 2016--2017
45 school year, it is further provided that any city school district in a
46 city having a population of more than one million shall allocate at
47 least one-third of any increase from base year levels in funds set aside
48 pursuant to the requirements of this section to community-based organ-
49 izations. Any increase required pursuant to this section to community-
50 based organizations must be in addition to allocations provided to
51 community-based organizations in the base year. For the purpose of
52 teacher support for the 2016--2017 school year: to the city school
53 district of the city of New York, sixty-two million seven hundred seven
54 thousand dollars (\$62,707,000); to the Buffalo city school district, one
55 million seven hundred forty-one thousand dollars (\$1,741,000); to the
56 Rochester city school district, one million seventy-six thousand dollars

1 (\$1,076,000); to the Yonkers city school district, one million one
2 hundred forty-seven thousand dollars (\$1,147,000); and to the Syracuse
3 city school district, eight hundred nine thousand dollars (\$809,000).
4 All funds made available to a school district pursuant to this section
5 shall be distributed among teachers including prekindergarten teachers
6 and teachers of adult vocational and academic subjects in accordance
7 with this section and shall be in addition to salaries heretofore or
8 hereafter negotiated or made available; provided, however, that all
9 funds distributed pursuant to this section for the current year shall be
10 deemed to incorporate all funds distributed pursuant to former subdivi-
11 sion 27 of section 3602 of the education law for prior years. In school
12 districts where the teachers are represented by certified or recognized
13 employee organizations, all salary increases funded pursuant to this
14 section shall be determined by separate collective negotiations
15 conducted pursuant to the provisions and procedures of article 14 of the
16 civil service law, notwithstanding the existence of a negotiated agree-
17 ment between a school district and a certified or recognized employee
18 organization.

19 S 43. Support of public libraries. The moneys appropriated for the
20 support of public libraries by a chapter of the laws of 2016 enacting
21 the aid to localities budget shall be apportioned for the 2016-2017
22 state fiscal year in accordance with the provisions of sections 271,
23 272, 273, 282, 284, and 285 of the education law as amended by the
24 provisions of this chapter and the provisions of this section, provided
25 that library construction aid pursuant to section 273-a of the education
26 law shall not be payable from the appropriations for the support of
27 public libraries and provided further that no library, library system or
28 program, as defined by the commissioner of education, shall receive less
29 total system or program aid than it received for the year 2001-2002
30 except as a result of a reduction adjustment necessary to conform to the
31 appropriations for support of public libraries. Notwithstanding any
32 other provision of law to the contrary the moneys appropriated for the
33 support of public libraries for the year 2016-2017 by a chapter of the
34 laws of 2016 enacting the education, labor and family assistance budget
35 shall fulfill the state's obligation to provide such aid and, pursuant
36 to a plan developed by the commissioner of education and approved by the
37 director of the budget, the aid payable to libraries and library systems
38 pursuant to such appropriations shall be reduced proportionately to
39 assure that the total amount of aid payable does not exceed the total
40 appropriations for such purpose.

41 S 44. Severability. The provisions of this act shall be severable, and
42 if the application of any clause, sentence, paragraph, subdivision,
43 section or part of this act to any person or circumstance shall be
44 adjudged by any court of competent jurisdiction to be invalid, such
45 judgment shall not necessarily affect, impair or invalidate the applica-
46 tion of any such clause, sentence, paragraph, subdivision, section, part
47 of this act or remainder thereof, as the case may be, to any other
48 person or circumstance, but shall be confined in its operation to the
49 clause, sentence, paragraph, subdivision, section or part thereof
50 directly involved in the controversy in which such judgment shall have
51 been rendered.

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

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

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

7 3. The amendments to subdivision 1 of section 2856 of the education
8 law made by section twelve of this act shall be subject to the expira-
9 tion and reversion of such subdivision pursuant to subdivision d of
10 section 27 of chapter 378 of the laws of 2007, as amended, when upon
11 such date the provisions of section thirteen of this act shall take
12 effect.

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

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

21 PART B

22 Section 1. Section 2801-a of the education law, as added by chapter
23 181 of the laws of 2000, subdivision 1 as amended by chapter 380 of the
24 laws of 2001, is amended to read as follows:

25 S 2801-a. School safety plans. 1. The board of education or trustees,
26 as defined in section two of this chapter, of every school district
27 within the state, however created, and every board of cooperative educa-
28 tional services and county vocational education and extension board and
29 the chancellor of the city school district of the city of New York shall
30 adopt and amend a comprehensive district-wide school safety plan and
31 building-level [school safety] EMERGENCY RESPONSE plans regarding crisis
32 intervention, emergency response and management, provided that in the
33 city school district of the city of New York, such plans shall be
34 adopted by the chancellor of the city school district. Such plans shall
35 be developed by a district-wide school safety team and a building-level
36 school safety team established pursuant to subdivision four of this
37 section and shall be in a form developed by the commissioner in consul-
38 tation with the division of criminal justice services, the superinten-
39 dent of the state police and any other appropriate state agencies. [A
40 school district having only one school building, shall develop a single
41 building-level school safety plan, which shall also fulfill all require-
42 ments for development of a district-wide plan.]

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

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

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

52 c. appropriate prevention and intervention strategies such as:

53 (i) collaborative arrangements with state and local law enforcement
54 officials, designed to ensure that school safety officers and other

1 security personnel are adequately trained, including being trained to
2 de-escalate potentially violent situations, and are effectively and
3 fairly recruited;

4 (ii) non-violent conflict resolution training programs;

5 (iii) peer mediation programs and youth courts; and

6 (iv) extended day and other school safety programs;

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

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

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

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

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

27 i. protocols for responding to bomb threats, hostage-takings, intru-
28 sions and kidnappings;

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

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

39 1. THE DESIGNATION OF THE SUPERINTENDENT, OR SUPERINTENDENT'S DESIG-
40 NEE, AS THE DISTRICT CHIEF EMERGENCY OFFICER RESPONSIBLE FOR COORDINAT-
41 ING COMMUNICATION BETWEEN SCHOOL STAFF AND LAW ENFORCEMENT AND FIRST
42 RESPONDERS, AND ENSURING STAFF UNDERSTANDING OF THE DISTRICT-LEVEL SAFE-
43 TY PLAN. THE CHIEF EMERGENCY OFFICER SHALL ALSO BE RESPONSIBLE FOR
44 ENSURING THE COMPLETION AND YEARLY UPDATING OF BUILDING-LEVEL EMERGENCY
45 RESPONSE PLANS.

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

53 a. policies and procedures for [the safe evacuation of students,
54 teachers, other school personnel as well as visitors to the school in
55 the event of a serious violent incident or other emergency, which shall
56 include evacuation routes and shelter sites and procedures for address-

1 ing medical needs, transportation and emergency notification to persons
2 in parental relation to a student. For purposes of this subdivision,
3 "serious violent incident" means an incident of violent criminal conduct
4 that is, or appears to be, life threatening and warrants the evacuation
5 of students and/or staff, as defined in regulations of the commissioner
6 developed in conjunction with the division of criminal justice services]
7 RESPONSE TO EMERGENCY SITUATIONS, SUCH AS THOSE REQUIRING EVACUATION,
8 SHELTERING, AND LOCK-DOWN. THESE POLICIES SHALL INCLUDE, AT A MINIMUM,
9 EVACUATION ROUTES, SHELTER SITES, AND PROCEDURES FOR ADDRESSING MEDICAL
10 NEEDS, TRANSPORTATION AND EMERGENCY NOTIFICATION OF PARENTS AND GUARDI-
11 ANS;

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

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

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

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

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

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

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

36 4. Each district-wide school safety team shall be appointed by the
37 board of education, or the chancellor in the case of the city school
38 district of the city of New York, and shall include but not be limited
39 to representatives of the school board, [student,] teacher, administra-
40 tor, and parent organizations, school safety personnel, and other school
41 personnel. Each building-level school safety team shall be appointed by
42 the building principal, in accordance with regulations or guidelines
43 prescribed by the board of education, chancellor or other governing
44 body. Such building-level teams shall include but not be limited to
45 representatives of teacher, administrator, and parent organizations,
46 school safety personnel and other school personnel, community members,
47 [local] law enforcement officials, [local ambulance] FIRE OFFICIALS or
48 other emergency response agencies, and any other representatives the
49 board of education, chancellor or other governing body deems appropri-
50 ate.

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

1 6. Each board of education, chancellor or other governing body shall
2 make each district-wide [and building-level school] safety plan avail-
3 able for public comment at least thirty days prior to its adoption[,
4 provided that only a summary of each building-level emergency response
5 plan shall be made available for public comment]. Such district-wide
6 [and building-level] plans may be adopted by the school board only after
7 at least one public hearing that provides for the participation of
8 school personnel, parents, students and any other interested parties.
9 Each district shall file a copy of its district-wide [comprehensive]
10 safety plan with the commissioner and all amendments to such plan shall
11 be filed with the commissioner no later than thirty days after their
12 adoption.

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

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

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

33 9. Whenever it shall have been demonstrated to the satisfaction of the
34 commissioner that a school district has failed to adopt a code of
35 conduct which fully satisfies the requirements of section twenty-eight
36 hundred one of this article, or a [school safety plan] DISTRICT-WIDE
37 SAFETY PLAN OR BUILDING-LEVEL EMERGENCY RESPONSE PLANS which satisfies
38 the requirements of this section, or to faithfully and completely imple-
39 ment [either or both] ALL THREE, the commissioner may, on thirty days
40 notice to the district, withhold from the district monies to be paid to
41 such district for the current school year pursuant to section thirty-six
42 hundred nine-a of this chapter, exclusive of monies to be paid in
43 respect of obligations to the retirement systems for school and district
44 staff and pursuant to collective bargaining agreements, or the commis-
45 sioner may direct the district to expend up to such amount upon the
46 development and implementation of a code of conduct and a school
47 district safety plan as required by such sections. Prior to such with-
48 holding or redirection, the commissioner shall provide the district an
49 opportunity to present evidence of extenuating circumstances; when
50 combined with evidence that the district shall promptly comply within
51 short time frames that shall be established by the commissioner as part
52 of an agreement between the district and the commissioner, the commis-
53 sioner may temporarily stay the withholding or redirection of funds
54 pending implementation of such agreement. If the district promptly and
55 fully complies with the agreement and is in full compliance with this
56 section and section twenty-eight hundred one of this article, the

1 commissioner shall abate the withholding in its entirety. Any failure to
2 meet the obligations of the compliance agreement by the district within
3 the time frames established shall be considered a willful violation of a
4 commissioner's order by the members of the district board for purposes
5 of subdivision one of section three hundred six of the education law.
6 Notwithstanding any other law, rule or regulation, such transfer shall
7 take effect upon filing of a notice thereof with the director of the
8 budget and the chairs of the senate finance and assembly ways and means
9 committees.

10 S 2. The section heading and subdivisions 1 and 1-a of section 807 of
11 the education law, the section heading as amended by chapter 765 of the
12 laws of 1964, subdivision 1 as amended by chapter 143 of the laws of
13 1985 and subdivision 1-a as added by chapter 9 of the laws of 1991, are
14 amended to read as follows:

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

42 1-a. In the case of after-school programs, events or performances
43 which are conducted within a school building and which include persons
44 who do not regularly attend classes in such school building, the princi-
45 pal or other person in charge of the building shall require the teacher
46 or person in charge of such after-school program, event or performance
47 to notify persons in attendance at the beginning of each such program,
48 event or performance, of the procedures to be followed in the event of
49 an emergency so that they may be able to [leave the building] RESPOND in
50 a timely, orderly manner.

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

54 7. No district shall be entitled to any portion of such school moneys
55 on such apportionment unless the report of the trustees or board of
56 education for the preceding school year shall show that the public

1 schools were actually in session in the district and taught by a quali-
2 fied teacher or by successive qualified teachers or by qualified teach-
3 ers for not less than one hundred eighty days. The moneys payable to a
4 school district pursuant to section thirty-six hundred nine-a of this
5 chapter in the current year shall be reduced by one one-hundred eight-
6 ieth of the district's total foundation aid for each day less than one
7 hundred eighty days that the schools of the district were actually in
8 session, except that the commissioner may disregard such reduction, up
9 to five days, in the apportionment of public money, if he finds that the
10 schools of the district were not in session for one hundred eighty days
11 because of extraordinarily adverse weather conditions, impairment of
12 heating facilities, insufficiency of water supply, shortage of fuel,
13 lack of electricity, natural gas leakage, unacceptable levels of chemi-
14 cal substances, A CREDIBLE THREAT TO STUDENT SAFETY AS REASONABLY DETER-
15 MINED BY A LEAD SCHOOL OFFICIAL or the destruction of a school building
16 either in whole or in part, and if, further, the commissioner finds that
17 such district cannot make up such days of instruction by using for the
18 secondary grades all scheduled vacation days which occur prior to the
19 first scheduled regents examination day in June, and for the elementary
20 grades all scheduled vacation days which occur prior to the last sched-
21 uled regents examination day in June. For the purposes of this subdivi-
22 sion, "scheduled vacation days" shall mean days on which the schools of
23 the district are not in session and for which no prohibition exists in
24 subdivision eight of this section for them to be in session.

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

26

PART C

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

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

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

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

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

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

51 (V) FOR THE TWELVE-MONTH PERIOD COMMENCING JULY FIRST, TWO THOUSAND
52 SIXTEEN AND FOR EACH TWELVE MONTH PERIOD THEREAFTER, AN AMOUNT EQUAL TO
53 THIRTY PER CENTUM OF THE NET OPERATING EXPENSES OF THE APPROVED PROGRAMS
54 AND SERVICES OF THE SENIOR COLLEGES, PLUS AN ADDITIONAL AMOUNT EQUAL TO

1 THIRTY PER CENTUM OF THE CITY UNIVERSITY SENIOR COLLEGE DEBT SERVICE AND
2 CAPITAL CONSTRUCTION ADMINISTRATIVE EXPENSE FOR THE TWELVE-MONTH PERIOD
3 FIRST BEGINNING APRIL FIRST, TWO THOUSAND FOURTEEN AND FOR EACH TWELVE-
4 MONTH PERIOD THEREAFTER AS CERTIFIED BY THE DIRECTOR OF THE BUDGET TO BE
5 PROPERLY CHARGEABLE TO SUCH TWELVE-MONTH PERIOD.

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

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

10 S 4. Subparagraph e of paragraph 2 of subdivision A of section 6221 of
11 the education law, as added by chapter 815 of the laws of 1980 and the
12 opening paragraph and item (iii) as amended by chapter 87 of the laws of
13 2002, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

8 (ii) and the state of New York shall annually appropriate and pay to
9 the city university of New York an amount equal to [the net operating]
10 ITS SHARE OF expenses of the college of Staten Island less the amount
11 payable by the city of New York pursuant to this [subdivision] SECTION.
12 Such state of New York payment shall be made in four installments on or
13 before April twenty-fifth, June twenty-fifth, October twenty-fifth and
14 January twenty-fifth. The amount to be paid by the city of New York
15 pursuant to this subdivision shall be determined by the state director
16 of the budget, based upon information submitted by the mayor in such
17 form and content and at such time as may be [required] REQUIRED by the
18 state director of the budget.

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

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

25 (i) in addition to the amounts specified in subparagraph e of para-
26 graph two of subdivision A of this section, the city of New York shall
27 annually appropriate in its expense budget and pay to the city universi-
28 ty of New York as operating aid in support of the programs and services,
29 an amount for each full-time equivalent student in the associate degree
30 program of the college equal to the amount the city of New York is
31 appropriating and paying for each full-time equivalent student in the
32 community colleges; and

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

44 S 8. This act shall take effect immediately.

45 PART D

46 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
47 355 of the education law, as amended by chapter 260 of the laws of 2011,
48 the opening paragraph as amended by chapter 437 of the laws of 2015 and
49 clause (ii) as amended by section 1 of part P of chapter 57 of the laws
50 of 2012, is amended to read as follows:

51 (4) The trustees shall not impose a differential tuition charge based
52 upon need or income. Except as hereinafter provided, all students
53 enrolled in programs leading to like degrees at state-operated insti-
54 tutions of the state university shall be charged a uniform rate of

1 tuition except for differential tuition rates based on state residency.
2 Provided, however, that the trustees may authorize the presidents of the
3 colleges of technology and the colleges of agriculture and technology to
4 set differing rates of tuition for each of the colleges for students
5 enrolled in degree-granting programs leading to an associate degree and
6 non-degree granting programs so long as such tuition rate does not
7 exceed the tuition rate charged to students who are enrolled in like
8 degree programs or degree-granting undergraduate programs leading to a
9 baccalaureate degree at other state-operated institutions of the state
10 university of New York. Notwithstanding any other provision of this
11 subparagraph, the trustees may authorize the setting of a separate cate-
12 gory of tuition rate, that shall be greater than the tuition rate for
13 resident students and less than the tuition rate for non-resident
14 students, only for students enrolled in distance learning courses who
15 are not residents of the state. Except as otherwise authorized in this
16 subparagraph, the trustees shall not adopt changes affecting tuition
17 charges prior to the enactment of the annual budget, provided however
18 that:

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

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

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

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

5 [(ii)] (III) On or before November thirtieth, two thousand [eleven]
6 SIXTEEN, the trustees shall approve and submit to the chairs of the
7 assembly ways and means committee and the senate finance committee and
8 to the director of the budget a master tuition plan setting forth the
9 tuition rates that the trustees propose for resident undergraduate
10 students for the five year period commencing with the two thousand
11 [eleven] SIXTEEN--two thousand [twelve] SEVENTEEN academic year and
12 ending in the two thousand [fifteen--two thousand sixteen] TWENTY--TWO
13 THOUSAND TWENTY-ONE academic year, and shall submit any proposed amend-
14 ments to such plan by November thirtieth of each subsequent year there-
15 after through November thirtieth, two thousand [fifteen] TWENTY, and
16 provided further, that with the approval of the board of trustees, each
17 university center may increase non-resident undergraduate tuition rates
18 each year by not more than ten percent over the tuition rates of the
19 prior academic year for a [five] TEN year period commencing with the
20 semester following the semester in which the governor and the chancellor
21 of the state university of New York approve the NY-SUNY 2020 proposal
22 for such university center.

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

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

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

54 (a) The board of trustees shall establish positions, departments,
55 divisions and faculties; appoint and in accordance with the provisions
56 of law fix salaries of instructional and non-instructional employees

1 therein; establish and conduct courses and curricula; prescribe condi-
2 tions of student admission, attendance and discharge; and shall have the
3 power to determine in its discretion whether tuition shall be charged
4 and to regulate tuition charges, and other instructional and non-in-
5 structional fees and other fees and charges at the educational units of
6 the city university. The trustees shall review any proposed community
7 college tuition increase and the justification for such increase. The
8 justification provided by the community college for such increase shall
9 include a detailed analysis of ongoing operating costs, capital, debt
10 service expenditures, and all revenues. The trustees shall not impose a
11 differential tuition charge based upon need or income. All students
12 enrolled in programs leading to like degrees at the senior colleges
13 shall be charged a uniform rate of tuition, except for differential
14 tuition rates based on state residency. Notwithstanding any other
15 provision of this paragraph, the trustees may authorize the setting of a
16 separate category of tuition rate, that shall be greater than the
17 tuition rate for resident students and less than the tuition rate for
18 non-resident students, only for students enrolled in distance learning
19 courses who are not residents of the state; provided, however, that:

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

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

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

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

5 [(ii)] (III) On or before November thirtieth, two thousand [eleven]
6 SIXTEEN, the trustees shall approve and submit to the chairs of the
7 assembly ways and means committee and the senate finance committee and
8 to the director of the budget a master tuition plan setting forth the
9 tuition rates that the trustees propose for resident undergraduate
10 students for the five year period commencing with the two thousand
11 [eleven] SIXTEEN--two thousand [twelve] SEVENTEEN academic year and
12 ending in the two thousand [fifteen--two thousand sixteen] TWENTY--TWO
13 THOUSAND TWENTY-ONE academic year, and shall submit any proposed amend-
14 ments to such plan by November thirtieth of each subsequent year there-
15 after through November thirtieth, two thousand [fifteen] TWENTY.

16 [(iii)] (IV) The state shall appropriate annually and make available
17 state support for operating expenses, including fringe benefits, for the
18 city university in an amount not less than the amount appropriated and
19 made available to the city university in state fiscal year two thousand
20 eleven--two thousand twelve. Beginning in state fiscal year two thousand
21 twelve--two thousand thirteen and [thereafter] ENDING IN STATE FISCAL
22 YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, the state shall appro-
23 priate and make available state support for operating expenses, includ-
24 ing fringe benefits, for the city university in an amount not less than
25 the amount appropriated and made available in the prior state fiscal
26 year; provided, however, that if the governor declares a fiscal emergen-
27 cy, and communicates such emergency to the temporary president of the
28 senate and speaker of the assembly, state support for operating expenses
29 of the state university and city university may be reduced in a manner
30 proportionate to one another, and the aforementioned provisions shall
31 not apply.

32 (V) BEGINNING IN ACADEMIC FISCAL YEAR TWO THOUSAND SIXTEEN--TWO THOU-
33 SAND SEVENTEEN AND THEREAFTER, THE STATE AND CITY OF NEW YORK SHALL
34 APPROPRIATE ANNUALLY AND MAKE AVAILABLE ITS REPRESENTATIVE SHARE OF
35 SUPPORT FOR EXPENSES PURSUANT TO SECTION SIX THOUSAND TWO HUNDRED TWEN-
36 TY-ONE OF THIS TITLE, INCLUDING FRINGE BENEFITS, FOR THE CITY UNIVERSITY
37 IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED AND MADE AVAILABLE
38 FOR EXPENSES IN THE PRIOR ACADEMIC FISCAL YEAR; PROVIDED, HOWEVER, THAT
39 IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMER-
40 GENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEM-
41 BLY, STATE SUPPORT FOR OPERATING EXPENSES OF THE STATE UNIVERSITY AND
42 CITY UNIVERSITY MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER,
43 AND THE AFOREMENTIONED PROVISIONS SHALL NOT APPLY.

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

46 5. The state university trustees shall conduct a study regarding the
47 effectiveness and functionality of the New York state tuition assistance
48 program, which shall consider a variety of factors including, but not
49 limited to, the costs associated with pursuing a degree in undergraduate
50 study, current tuition assistance program thresholds and award levels,
51 current eligibility criteria to qualify for an award under the tuition
52 assistance program, and any other information the trustees determine to
53 be relevant. The study shall also include recommendations to improve the
54 tuition assistance program to better meet the future financial aid needs
55 of students who reside in New York state and to ensure continued access
56 and affordability of the state university of New York. The study shall

1 be submitted to the governor, the temporary president of the senate, the
2 speaker of the assembly, the director of the division of the budget, the
3 senate finance committee, the assembly ways and means committee and the
4 higher education committees of the legislature on or before October
5 first, two thousand thirteen. In addition, the state university shall
6 annually examine and report on each state-operated campus' efforts to
7 promote fiscal stability for the duration of the [five] TEN year tuition
8 plan by implementing cost saving measures [and increasing fundraising
9 efforts]. Further, the trustees shall [periodically review their patent
10 policies to ensure competitiveness, and shall] annually report on how
11 the revenue generated [by this paragraph has helped retain and grow
12 full-time faculty and increase program availability. The University
13 Centers shall also report annually to the state university trustees on
14 how research revenue yields quantifiable results for each of the four
15 campuses and state university of New York at Buffalo and state universi-
16 ty of New York at Stony Brook shall additionally report on what each
17 campus is doing to maintain their AAU status] HAS BEEN INVESTED IN
18 FACULTY, INSTRUCTION AND STUDENT FINANCIAL ASSISTANCE.

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

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

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

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

53 S 6. This act shall take effect immediately; provided that the amend-
54 ments to subparagraph 4 of paragraph h of subdivision 2 of section 355
55 of the education law made by section one of this act, the amendments to
56 paragraph (a) of subdivision 7 of section 6206 of the education law made

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

PART E

11 Section 1. The state finance law is amended by adding a new section
12 99-y to read as follows:

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

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

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

29 S 2. This act shall take effect immediately.

PART F

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

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

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

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

49 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
50 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
51 CITIZEN, AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE
52 UNITED STATES, AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE

1 ATTORNEY GENERAL OF THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY
2 PERTAINING TO THE ADMISSION OF ALIENS TO THE UNITED STATES, OR AN APPLI-
3 CANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT
4 THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

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

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

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

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

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

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

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

53 (A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
54 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL, LIVED
55 CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK
56 STATE HIGH SCHOOL, APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER

1 EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND
2 ATTENDED WITHIN TEN YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL
3 DIPLOMA; OR

4 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
5 SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE
6 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY
7 DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY
8 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
9 GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITU-
10 TION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS
11 SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY
12 DIPLOMA; OR

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

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

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

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

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

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

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

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

55 (ii) attended an approved New York state program for general equiv-
56 alency diploma exam preparation, received a general equivalency diploma

1 issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE
2 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY
3 DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at],
4 EARNED ADMISSION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED
5 an institution or educational unit of the state university within five
6 years of receiving a general equivalency diploma issued within New York
7 state; or

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

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

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

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

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

1 than that imposed for students who are residents of the state if such
2 student:

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

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

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

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

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

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

54 (i) attended an approved New York high school for two or more years,
55 graduated from an approved New York high school, LIVED CONTINUOUSLY IN
56 NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and

1 applied for attendance [at an institution or educational unit of the
2 state university] AND ATTENDED A COMMUNITY COLLEGE within five years of
3 receiving a New York state high school diploma; or

4 (ii) attended an approved New York state program for general equiv-
5 alency diploma exam preparation, received a general equivalency diploma
6 issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE
7 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY
8 DIPLOMA EXAM PREPARATION, and SUBSEQUENTLY applied for attendance [at an
9 institution or educational unit of the state university], EARNED ADMIS-
10 SION BASED ON THAT GENERAL EQUIVALENCY DIPLOMA, AND ATTENDED A COMMUNITY
11 COLLEGE within five years of receiving a general equivalency diploma
12 issued within New York state; or

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

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

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

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

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

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

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

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

4 (a) (I) Undergraduate science and technology entry program moneys may
5 be used for tutoring, counseling, remedial and special summer courses,
6 supplemental financial assistance, program administration, and other
7 activities which the commissioner may deem appropriate. To be eligible
8 for undergraduate collegiate science and technology entry program
9 support, a student must be a resident of New York [who is], OR MEET THE
10 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either
11 economically disadvantaged or from a minority group historically under
12 represented in the scientific, technical, health and health-related
13 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a
14 potential for a professional career if provided special services. Eligi-
15 ble students must be in good academic standing, enrolled full time in an
16 approved, undergraduate level program of study, as defined by the
17 regents.

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

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

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

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

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

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

1 (a) (I) Graduate science and technology entry program moneys may be
2 used for recruitment, academic enrichment, career planning, supplemental
3 financial assistance, review for licensing examinations, program admin-
4 istration, and other activities which the commissioner may deem appro-
5 priate. To be eligible for graduate collegiate science and technology
6 entry program support, a student must be a resident of New York [who
7 is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH,
8 AND MUST BE either economically disadvantaged or from a minority group
9 historically underrepresented in the scientific, technical and health-
10 related professions. Eligible students must be in good academic stand-
11 ing, enrolled full time in an approved graduate level program, as
12 defined by the regents.

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

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

28 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
29 SCHOOL EQUIVALENCY DIPLOMA, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE
30 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR A GENERAL EQUIVALENCY
31 DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, SUBSEQUENTLY
32 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
33 GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT, AND ATTENDED THE INSTITU-
34 TION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS
35 SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY
36 DIPLOMA; OR

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

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

48 S 14. Subparagraph (i) of paragraph a of subdivision 2 of section
49 695-e of the education law, as amended by chapter 593 of the laws of
50 2003, is amended to read as follows:

51 (i) the name, address and social security number [or], employer iden-
52 tification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
53 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
54 TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN
55 THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICA-

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

3 S 15. Subparagraph (iii) of paragraph a of subdivision 2 of section
4 695-e of the education law, as amended by chapter 593 of the laws of
5 2003, is amended to read as follows:

6 (iii) the name, address, and social security number, EMPLOYER IDEN-
7 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
8 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN
9 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
10 THOUSAND SIXTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A
11 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION
12 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

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

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

29 S 18. This act shall take effect on the ninetieth day after the issu-
30 ance of regulations and the development of an application form by the
31 president of the higher education services corporation or on the nineti-
32 eth day after it shall have become a law, whichever shall be later;
33 provided, however, that:

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

39 b. the president of the higher education services corporation shall
40 notify the legislative bill drafting commission upon the occurrence of
41 the issuance of regulations and the development of an application form
42 provided for in this section in order that the commission may maintain
43 an accurate and timely effective data base of the official text of the
44 laws of the state of New York in furtherance of effectuating the
45 provisions of section 44 of the legislative law and section 70-b of the
46 public officers law.

47

PART G

48 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of
49 2005 amending the education law relating to the New York state licensed
50 social worker loan forgiveness program, as amended by section 1 of part
51 M of chapter 58 of the laws of 2011, is amended to read as follows:

52 (a) section two of this act shall expire and be deemed repealed June
53 30, [2016] 2021; and provided, further that the amendment to paragraph b
54 of subdivision 1 of section 679-c and the amendment to paragraph 2 of

1 subdivision a of section 679-d of the education law made by sections
2 three and four of this act shall not affect the repeal of such sections
3 and shall be deemed repealed therewith;

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

9 S 3. This act shall take effect on the same date and in the same
10 manner as Part H of this chapter; provided that section two of this act
11 shall take effect on the same date and in the same manner as Part I of
12 this chapter; and provided further that this act shall expire and be
13 deemed repealed on June 30, [2016] 2021.

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

18 S 17. This act shall take effect immediately; provided, however, that
19 the scholarship and loan forgiveness programs established pursuant to
20 the provisions of this act shall terminate upon the granting of such
21 awards for the 2008-2009 school year provided, however, that the regents
22 physician loan forgiveness program established pursuant to this act
23 shall not terminate until the granting of such awards for the [2015-16]
24 2020-21 school year, provided that the final disbursement of any multi-
25 year awards granted in such school year shall be paid.

26 S 4. Paragraph a of subdivision 5 of section 679-c of the education
27 law, as amended by section 1 of part E3 of chapter 57 of the laws of
28 2007, is amended to read as follows:

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

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

51 5. The corporation shall convert to a student loan the full amount of
52 the award given pursuant to this section, plus interest, according to a
53 schedule to be determined by the corporation if: (a) two years after the
54 completion of the degree program and receipt of initial certification it
55 is found that a recipient is not teaching in the field of math or
56 science in a school located within New York state providing secondary

1 education recognized by the board of regents or the university of the
2 state of New York; or (b) a recipient has not taught in the field of
3 math or science in a school located within New York state providing
4 secondary education recognized by the board of regents or the university
5 of the state of New York for five of the seven years after the
6 completion of the degree program and receipt of initial certification;
7 or (c) a recipient fails to complete their degree program or changes
8 majors to an undergraduate degree program other than in science or math;
9 or (d) a recipient fails to receive or maintain their teaching certifi-
10 cate or license in New York state; or (e) a recipient fails to respond
11 to requests by the corporation for the status of his or her academic or
12 professional progress. THE TERMS AND CONDITIONS OF THIS SUBDIVISION
13 SHALL BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE OR GRADUATE
14 STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE
15 CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED
16 IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT.
17 NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE
18 CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE
19 FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD
20 INVOLVE EXTREME HARDSHIP.

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

25

PART H

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

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

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

36 (H) ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORATING AS
37 A PROFESSIONAL SERVICE CORPORATION FORMED TO LAWFULLY ENGAGE IN THE
38 PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED
39 UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW SHALL BE
40 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE
41 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-
42 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-
43 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT
44 ALL SHAREHOLDERS OF A PROFESSIONAL SERVICE CORPORATION WHOSE PRINCIPAL
45 PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE
46 OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER
47 SECTION SEVENTY-FOUR HUNDRED FOUR OF THE EDUCATION LAW OR ARE PUBLIC
48 ACCOUNTANTS LICENSED UNDER SECTION SEVENTY-FOUR HUNDRED FIVE OF THE
49 EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM
50 AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
51 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, A
52 FIRM INCORPORATED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF
53 THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR
54 "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS".

1 EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS
2 SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE
3 BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY,
4 INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPO-
5 RATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH
6 ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS
7 CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS
8 SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS
9 OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR
10 MANAGEMENT OF THE FIRM. SUCH A FIRM SHALL HAVE ATTACHED TO ITS CERTIF-
11 ICATE OF INCORPORATION A CERTIFICATE OR CERTIFICATES DEMONSTRATING THE
12 FIRM'S COMPLIANCE WITH THIS PARAGRAPH, IN LIEU OF THE CERTIFICATE OR
13 CERTIFICATES REQUIRED BY SUBPARAGRAPH (II) OF PARAGRAPH (B) OF THIS
14 SECTION.

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

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

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

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

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

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

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

45 (C) THE DIRECTORS AND OFFICERS OF ANY FIRM ESTABLISHED FOR THE BUSI-
46 NESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE CORPORATION
47 PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE OF THIS ARTI-
48 CLE MAY INCLUDE INDIVIDUALS WHO ARE NOT LICENSED TO PRACTICE PUBLIC
49 ACCOUNTANCY, PROVIDED HOWEVER THAT AT LEAST FIFTY-ONE PERCENT OF THE
50 DIRECTORS, AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS AND THE PRESIDENT,
51 THE CHAIRPERSON OF THE BOARD OF DIRECTORS AND THE CHIEF EXECUTIVE OFFI-
52 CER OR OFFICERS ARE AUTHORIZED BY LAW TO PRACTICE IN THIS STATE A
53 PROFESSION WHICH SUCH CORPORATION IS AUTHORIZED TO PRACTICE, AND ARE
54 EITHER SHAREHOLDERS OF SUCH CORPORATION OR ENGAGED IN THE PRACTICE OF
55 THEIR PROFESSIONS IN SUCH CORPORATION.

1 S 5. Section 1509 of the business corporation law, as amended by chap-
2 ter 550 of the laws of 2011, is amended to read as follows:

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

5 If any shareholder, director, officer or employee of a professional
6 service corporation, including a design professional service corpo-
7 ration, OR ANY FIRM ESTABLISHED FOR THE BUSINESS PURPOSE OF INCORPORAT-
8 ING AS A PROFESSIONAL SERVICE CORPORATION PURSUANT TO PARAGRAPH (H) OF
9 SECTION FIFTEEN HUNDRED THREE OF THIS ARTICLE, who has been rendering
10 professional service to the public becomes legally disqualified to prac-
11 tice his profession within this state, he shall sever all employment
12 with, and financial interests (other than interests as a creditor) in,
13 such corporation forthwith or as otherwise provided in section 1510 of
14 this article. All provisions of law regulating the rendering of profes-
15 sional services by a person elected or appointed to a public office
16 shall be applicable to a shareholder, director, officer and employee of
17 such corporation in the same manner and to the same extent as if fully
18 set forth herein. Such legal disqualification to practice his profession
19 within this state shall be deemed to constitute an irrevocable offer by
20 the disqualified shareholder to sell his shares to the corporation,
21 pursuant to the provisions of section 1510 of this article or of the
22 certificate of incorporation, by-laws or agreement among the corporation
23 and all shareholders, whichever is applicable. Compliance with the terms
24 of such offer shall be specifically enforceable in the courts of this
25 state. A professional service corporation's failure to enforce compli-
26 ance with this provision shall constitute a ground for forfeiture of its
27 certificate of incorporation and its dissolution.

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

31 (a) No shareholder of a professional service corporation [or], INCLUD-
32 ING a design professional service corporation, OR ANY FIRM ESTABLISHED
33 FOR THE BUSINESS PURPOSE OF INCORPORATING AS A PROFESSIONAL SERVICE
34 CORPORATION PURSUANT TO PARAGRAPH (H) OF SECTION FIFTEEN HUNDRED THREE
35 OF THIS ARTICLE, may sell or transfer his shares in such corporation
36 except to another individual who is eligible to have shares issued to
37 him by such corporation or except in trust to another individual who
38 would be eligible to receive shares if he were employed by the corpo-
39 ration. Nothing herein contained shall be construed to prohibit the
40 transfer of shares by operation of law or by court decree. No transfer-
41 ee of shares by operation of law or court decree may vote the shares for
42 any purpose whatsoever except with respect to corporate action under
43 sections 909 and 1001 of this chapter. The restriction in the preceding
44 sentence shall not apply, however, where such transferee would be eligi-
45 ble to have shares issued to him if he were an employee of the corpo-
46 ration and, if there are other shareholders, a majority of such other
47 shareholders shall fail to redeem the shares so transferred, pursuant to
48 section 1510 of this article, within sixty days of receiving written
49 notice of such transfer. Any sale or transfer, except by operation of
50 law or court decree or except for a corporation having only one share-
51 holder, may be made only after the same shall have been approved by the
52 board of directors, or at a shareholders' meeting specially called for
53 such purpose by such proportion, not less than a majority, of the
54 outstanding shares as may be provided in the certificate of incorpo-
55 ration or in the by-laws of such professional service corporation. At
56 such shareholders' meeting the shares held by the shareholder proposing

1 to sell or transfer his shares may not be voted or counted for any
2 purpose, unless all shareholders consent that such shares be voted or
3 counted. The certificate of incorporation or the by-laws of the profes-
4 sional service corporation, or the professional service corporation and
5 the shareholders by private agreement, may provide, in lieu of or in
6 addition to the foregoing provisions, for the alienation of shares and
7 may require the redemption or purchase of such shares by such corpo-
8 ration at prices and in a manner specifically set forth therein. The
9 existence of the restrictions on the sale or transfer of shares, as
10 contained in this article and, if applicable, in the certificate of
11 incorporation, by-laws, stock purchase or stock redemption agreement,
12 shall be noted conspicuously on the face or back of every certificate
13 for shares issued by a professional service corporation. Any sale or
14 transfer in violation of such restrictions shall be void.

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

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

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

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

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

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

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

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

1 (II) AT LEAST FIFTY-ONE PERCENT OF THE DIRECTORS ARE AND WERE CERTI-
2 FIED PUBLIC ACCOUNTANTS,

3 (III) AT LEAST FIFTY-ONE PERCENT OF THE OFFICERS ARE AND WERE CERTI-
4 FIED PUBLIC ACCOUNTANTS,

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

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

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

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

49 S 10. The fourteenth undesignated paragraph of section 2 of the part-
50 nership law, as added by chapter 576 of the laws of 1994, is amended to
51 read as follows:

52 "Professional partnership" means (1) a partnership without limited
53 partners each of whose partners is a professional authorized by law to
54 render a professional service within this state, (2) a partnership with-
55 out limited partners each of whose partners is a professional, at least
56 one of whom is authorized by law to render a professional service within

1 this state or (3) a partnership without limited partners authorized by,
2 or holding a license, certificate, registration or permit issued by the
3 licensing authority pursuant to the education law to render a profes-
4 sional service within this state; except that all partners of a profes-
5 sional partnership that provides medical services in this state must be
6 licensed pursuant to article 131 of the education law to practice medi-
7 cine in this state and all partners of a professional partnership that
8 provides dental services in this state must be licensed pursuant to
9 article 133 of the education law to practice dentistry in this state;
10 [and further] except that all partners of a professional partnership
11 that provides professional engineering, land surveying, architectural
12 and/or landscape architectural services in this state must be licensed
13 pursuant to article 145, article 147 and/or article 148 of the education
14 law to practice one or more of such professions in this state; AND
15 FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT
16 PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
17 IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE
18 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
19 ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW
20 A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
21 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
22 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A
23 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL
24 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS
25 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE
26 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A
27 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
28 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS
29 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION
30 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-
31 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND
32 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
33 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
34 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
35 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
36 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
37 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A
38 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
39 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
40 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
41 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
42 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS
43 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-
44 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY
45 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

49 "Professional partnership" means (1) a partnership without limited
50 partners each of whose partners is a professional authorized by law to
51 render a professional service within this state, (2) a partnership with-
52 out limited partners each of whose partners is a professional, at least
53 one of whom is authorized by law to render a professional service within
54 this state or (3) a partnership without limited partners authorized by,
55 or holding a license, certificate, registration or permit issued by the
56 licensing authority pursuant to the education law to render a profes-

1 sional service within this state; except that all partners of a profes-
2 sional partnership that provides medical services in this state must be
3 licensed pursuant to article 131 of the education law to practice medi-
4 cine in this state and all partners of a professional partnership that
5 provides dental services in this state must be licensed pursuant to
6 article 133 of the education law to practice dentistry in this state;
7 [and further] except that all partners of a professional partnership
8 that provides professional engineering, land surveying, geologic, archi-
9 tectural and/or landscape architectural services in this state must be
10 licensed pursuant to article 145, article 147 and/or article 148 of the
11 education law to practice one or more of such professions in this state;
12 AND FURTHER EXCEPT THAT ALL PARTNERS OF A PROFESSIONAL PARTNERSHIP THAT
13 PROVIDES PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
14 IS IN THIS STATE AND WHO PROVIDE PUBLIC ACCOUNTANCY SERVICES, MUST BE
15 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
16 ACCOUNTANCY IN THIS STATE. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW
17 A PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
18 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
19 CLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A
20 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL
21 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS
22 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE
23 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL SHAREHOLDERS OF A
24 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
25 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS
26 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION
27 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCA-
28 TION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND
29 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
30 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
31 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
32 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
33 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
34 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A
35 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
36 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
37 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
38 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
39 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS
40 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTIC-
41 IPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY
42 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

46 (q) Each partner of a registered limited liability partnership formed
47 to provide medical services in this state must be licensed pursuant to
48 article 131 of the education law to practice medicine in this state and
49 each partner of a registered limited liability partnership formed to
50 provide dental services in this state must be licensed pursuant to arti-
51 cle 133 of the education law to practice dentistry in this state. Each
52 partner of a registered limited liability partnership formed to provide
53 veterinary services in this state must be licensed pursuant to article
54 135 of the education law to practice veterinary medicine in this state.
55 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO
56 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS

1 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
2 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
3 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liability
4 partnership formed to provide professional engineering, land surveying,
5 architectural and/or landscape architectural services in this state
6 must be licensed pursuant to article 145, article 147 and/or article 148
7 of the education law to practice one or more of such professions in this
8 state. Each partner of a registered limited liability partnership formed
9 to provide licensed clinical social work services in this state must be
10 licensed pursuant to article 154 of the education law to practice clinical
11 social work in this state. Each partner of a registered limited
12 liability partnership formed to provide creative arts therapy services
13 in this state must be licensed pursuant to article 163 of the education
14 law to practice creative arts therapy in this state. Each partner of a
15 registered limited liability partnership formed to provide marriage and
16 family therapy services in this state must be licensed pursuant to article
17 163 of the education law to practice marriage and family therapy in
18 this state. Each partner of a registered limited liability partnership
19 formed to provide mental health counseling services in this state must
20 be licensed pursuant to article 163 of the education law to practice
21 mental health counseling in this state. Each partner of a registered
22 limited liability partnership formed to provide psychoanalysis services
23 in this state must be licensed pursuant to article 163 of the education
24 law to practice psychoanalysis in this state. Each partner of a registered
25 limited liability partnership formed to provide applied behavior
26 analysis service in this state must be licensed or certified pursuant to
27 article 167 of the education law to practice applied behavior analysis
28 in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A LIMITED
29 LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
30 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE
31 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A
32 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL
33 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS
34 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE
35 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A LIMITED
36 LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
37 STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS
38 STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION
39 LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION
40 LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND
41 ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
42 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
43 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
44 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
45 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
46 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A
47 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
48 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
49 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
50 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
51 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS
52 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE"
53 MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY
54 TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

4 (q) Each partner of a registered limited liability partnership formed
5 to provide medical services in this state must be licensed pursuant to
6 article 131 of the education law to practice medicine in this state and
7 each partner of a registered limited liability partnership formed to
8 provide dental services in this state must be licensed pursuant to arti-
9 cle 133 of the education law to practice dentistry in this state. Each
10 partner of a registered limited liability partnership formed to provide
11 veterinary services in this state must be licensed pursuant to article
12 135 of the education law to practice veterinary medicine in this state.
13 EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO
14 PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS
15 IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
16 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
17 ACCOUNTANCY IN THIS STATE. Each partner of a registered limited liabil-
18 ity partnership formed to provide professional engineering, land survey-
19 ing, geological services, architectural and/or landscape architectural
20 services in this state must be licensed pursuant to article 145, article
21 147 and/or article 148 of the education law to practice one or more of
22 such professions in this state. Each partner of a registered limited
23 liability partnership formed to provide licensed clinical social work
24 services in this state must be licensed pursuant to article 154 of the
25 education law to practice clinical social work in this state. Each part-
26 ner of a registered limited liability partnership formed to provide
27 creative arts therapy services in this state must be licensed pursuant
28 to article 163 of the education law to practice creative arts therapy in
29 this state. Each partner of a registered limited liability partnership
30 formed to provide marriage and family therapy services in this state
31 must be licensed pursuant to article 163 of the education law to prac-
32 tice marriage and family therapy in this state. Each partner of a regis-
33 tered limited liability partnership formed to provide mental health
34 counseling services in this state must be licensed pursuant to article
35 163 of the education law to practice mental health counseling in this
36 state. Each partner of a registered limited liability partnership formed
37 to provide psychoanalysis services in this state must be licensed pursu-
38 ant to article 163 of the education law to practice psychoanalysis in
39 this state. Each partner of a registered limited liability partnership
40 formed to provide applied behavior analysis service in this state must
41 be licensed or certified pursuant to article 167 of the education law to
42 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
43 OTHER PROVISIONS OF LAW A LIMITED LIABILITY PARTNERSHIP FORMED TO
44 LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE
45 IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW, SHALL BE
46 REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE
47 FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPEN-
48 SATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVID-
49 UALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT
50 ALL PARTNERS OF A LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF
51 BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC
52 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION
53 7404 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER
54 SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LI-
55 CENSEE OWNERS, THE FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGAT-
56 ED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FORE-

1 GOING, A FIRM REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE
2 OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNT-
3 ANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR
4 "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT IS INCORPORATED UNDER
5 THIS SECTION SHALL BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
6 THE BUSINESS OF THE FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY,
7 INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPO-
8 RATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH
9 ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS
10 CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS
11 SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS
12 OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR
13 MANAGEMENT OF THE FIRM.

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

17 (q) Each partner of a foreign limited liability partnership which
18 provides medical services in this state must be licensed pursuant to
19 article 131 of the education law to practice medicine in the state and
20 each partner of a foreign limited liability partnership which provides
21 dental services in the state must be licensed pursuant to article 133 of
22 the education law to practice dentistry in this state. Each partner of a
23 foreign limited liability partnership which provides veterinary service
24 in the state shall be licensed pursuant to article 135 of the education
25 law to practice veterinary medicine in this state. Each partner of a
26 foreign limited liability partnership which provides professional engi-
27 neering, land surveying, architectural and/or landscape architectural
28 services in this state must be licensed pursuant to article 145, article
29 147 and/or article 148 of the education law to practice one or more of
30 such professions. EACH PARTNER OF A FOREIGN REGISTERED LIMITED LIABILITY
31 PARTNERSHIP FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCI-
32 PAL PLACE OF BUSINESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUN-
33 TANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCA-
34 TION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS STATE. Each partner of a
35 foreign limited liability partnership which provides licensed clinical
36 social work services in this state must be licensed pursuant to article
37 154 of the education law to practice licensed clinical social work in
38 this state. Each partner of a foreign limited liability partnership
39 which provides creative arts therapy services in this state must be
40 licensed pursuant to article 163 of the education law to practice crea-
41 tive arts therapy in this state. Each partner of a foreign limited
42 liability partnership which provides marriage and family therapy
43 services in this state must be licensed pursuant to article 163 of the
44 education law to practice marriage and family therapy in this state.
45 Each partner of a foreign limited liability partnership which provides
46 mental health counseling services in this state must be licensed pursu-
47 ant to article 163 of the education law to practice mental health coun-
48 seling in this state. Each partner of a foreign limited liability part-
49 nership which provides psychoanalysis services in this state must be
50 licensed pursuant to article 163 of the education law to practice
51 psychoanalysis in this state. Each partner of a foreign limited liabil-
52 ity partnership which provides applied behavior analysis services in
53 this state must be licensed or certified pursuant to article 167 of the
54 education law to practice applied behavior analysis in this state.
55 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN LIMITED LIABILITY
56 PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUN-

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

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

29 (q) Each partner of a foreign limited liability partnership which
30 provides medical services in this state must be licensed pursuant to
31 article 131 of the education law to practice medicine in the state and
32 each partner of a foreign limited liability partnership which provides
33 dental services in the state must be licensed pursuant to article 133 of
34 the education law to practice dentistry in this state. Each partner of
35 a foreign limited liability partnership which provides veterinary
36 service in the state shall be licensed pursuant to article 135 of the
37 education law to practice veterinary medicine in this state. Each part-
38 ner of a foreign limited liability partnership which provides profes-
39 sional engineering, land surveying, geological services, architectural
40 and/or landscape architectural services in this state must be licensed
41 pursuant to article 145, article 147 and/or article 148 of the education
42 law to practice one or more of such professions. EACH PARTNER OF A
43 FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE
44 PUBLIC ACCOUNTANCY SERVICES, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN
45 THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE
46 LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC
47 ACCOUNTANCY IN THIS STATE. Each partner of a foreign limited liability
48 partnership which provides licensed clinical social work services in
49 this state must be licensed pursuant to article 154 of the education law
50 to practice licensed clinical social work in this state. Each partner of
51 a foreign limited liability partnership which provides creative arts
52 therapy services in this state must be licensed pursuant to article 163
53 of the education law to practice creative arts therapy in this state.
54 Each partner of a foreign limited liability partnership which provides
55 marriage and family therapy services in this state must be licensed
56 pursuant to article 163 of the education law to practice marriage and

1 family therapy in this state. Each partner of a foreign limited liability
2 partnership which provides mental health counseling services in this
3 state must be licensed pursuant to article 163 of the education law to
4 practice mental health counseling in this state. Each partner of a
5 foreign limited liability partnership which provides psychoanalysis
6 services in this state must be licensed pursuant to article 163 of the
7 education law to practice psychoanalysis in this state. Each partner of
8 a foreign limited liability partnership which provides applied behavior
9 analysis services in this state must be licensed or certified pursuant
10 to article 167 of the education law to practice applied behavior analy-
11 sis in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A FOREIGN
12 LIMITED LIABILITY PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE
13 OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER
14 ARTICLE 149 OF THE EDUCATION LAW, SHALL BE REQUIRED TO SHOW (1) THAT A
15 SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL
16 INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS
17 HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE
18 PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL PARTNERS OF A FOREIGN
19 LIMITED LIABILITY PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN
20 THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN
21 THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCA-
22 TION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE
23 EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM
24 AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR
25 PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED
26 UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME
27 INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC
28 ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE
29 OWNER OF A FIRM THAT IS INCORPORATED UNDER THIS SECTION SHALL BE (1) A
30 NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR
31 ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED
32 TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL
33 OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO
34 ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM OR ITS
35 AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
36 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
37 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

38 S 13. Subdivision (h) of section 121-101 of the partnership law, as
39 added by chapter 950 of the laws of 1990, is amended to read as follows:
40 (h) "Limited partnership" and "domestic limited partnership" mean,
41 unless the context otherwise requires, a partnership (i) formed by two
42 or more persons pursuant to this article or which complies with subdivi-
43 sion (a) of section 121-1202 of this article and (ii) having one or more
44 general partners and one or more limited partners. NOTWITHSTANDING ANY
45 OTHER PROVISIONS OF LAW A LIMITED PARTNERSHIP OR DOMESTIC LIMITED PART-
46 NERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
47 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
48 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
49 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
50 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
51 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
52 STATE, AND (2) THAT ALL PARTNERS OF A LIMITED PARTNERSHIP OR DOMESTIC
53 LIMITED PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,
54 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,
55 HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR
56 ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.

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

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

19 (b) With respect to a professional service limited liability company
20 formed to provide medical services as such services are defined in arti-
21 cle 131 of the education law, each member of such limited liability
22 company must be licensed pursuant to article 131 of the education law to
23 practice medicine in this state. With respect to a professional service
24 limited liability company formed to provide dental services as such
25 services are defined in article 133 of the education law, each member of
26 such limited liability company must be licensed pursuant to article 133
27 of the education law to practice dentistry in this state. With respect
28 to a professional service limited liability company formed to provide
29 veterinary services as such services are defined in article 135 of the
30 education law, each member of such limited liability company must be
31 licensed pursuant to article 135 of the education law to practice veter-
32 inary medicine in this state. With respect to a professional service
33 limited liability company formed to provide professional engineering,
34 land surveying, architectural and/or landscape architectural services as
35 such services are defined in article 145, article 147 and article 148 of
36 the education law, each member of such limited liability company must be
37 licensed pursuant to article 145, article 147 and/or article 148 of the
38 education law to practice one or more of such professions in this state.
39 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
40 TO PROVIDE PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED IN
41 ARTICLE 149 OF THE EDUCATION LAW EACH MEMBER OF SUCH LIMITED LIABILITY
42 COMPANY WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE AND WHO
43 PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST BE LICENSED PURSUANT TO ARTI-
44 CLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUNTANCY IN THIS
45 STATE. With respect to a professional service limited liability company
46 formed to provide licensed clinical social work services as such
47 services are defined in article 154 of the education law, each member of
48 such limited liability company shall be licensed pursuant to article 154
49 of the education law to practice licensed clinical social work in this
50 state. With respect to a professional service limited liability company
51 formed to provide creative arts therapy services as such services are
52 defined in article 163 of the education law, each member of such limited
53 liability company must be licensed pursuant to article 163 of the educa-
54 tion law to practice creative arts therapy in this state. With respect
55 to a professional service limited liability company formed to provide
56 marriage and family therapy services as such services are defined in

1 article 163 of the education law, each member of such limited liability
2 company must be licensed pursuant to article 163 of the education law to
3 practice marriage and family therapy in this state. With respect to a
4 professional service limited liability company formed to provide mental
5 health counseling services as such services are defined in article 163
6 of the education law, each member of such limited liability company must
7 be licensed pursuant to article 163 of the education law to practice
8 mental health counseling in this state. With respect to a professional
9 service limited liability company formed to provide psychoanalysis
10 services as such services are defined in article 163 of the education
11 law, each member of such limited liability company must be licensed
12 pursuant to article 163 of the education law to practice psychoanalysis
13 in this state. With respect to a professional service limited liability
14 company formed to provide applied behavior analysis services as such
15 services are defined in article 167 of the education law, each member of
16 such limited liability company must be licensed or certified pursuant to
17 article 167 of the education law to practice applied behavior analysis
18 in this state. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFES-
19 SIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN
20 THE PRACTICE OF PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY
21 DEFINED UNDER ARTICLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW
22 (1) THAT A SIMPLE MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF
23 FINANCIAL INTERESTS, INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING
24 RIGHTS HELD BY THE FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO
25 PRACTICE PUBLIC ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A
26 LIMITED PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL
27 PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE
28 OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER
29 SECTION 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNT-
30 ANTS LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW.
31 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
32 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-
33 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
34 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
35 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
36 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM
37 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO
38 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
39 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
40 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
41 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
42 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
43 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
44 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
45 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

49 (b) With respect to a professional service limited liability company
50 formed to provide medical services as such services are defined in arti-
51 cle 131 of the education law, each member of such limited liability
52 company must be licensed pursuant to article 131 of the education law to
53 practice medicine in this state. With respect to a professional service
54 limited liability company formed to provide dental services as such
55 services are defined in article 133 of the education law, each member of
56 such limited liability company must be licensed pursuant to article 133

1 of the education law to practice dentistry in this state. With respect
2 to a professional service limited liability company formed to provide
3 veterinary services as such services are defined in article 135 of the
4 education law, each member of such limited liability company must be
5 licensed pursuant to article 135 of the education law to practice veter-
6 inary medicine in this state. With respect to a professional service
7 limited liability company formed to provide professional engineering,
8 land surveying, architectural, landscape architectural and/or geological
9 services as such services are defined in article 145, article 147 and
10 article 148 of the education law, each member of such limited liability
11 company must be licensed pursuant to article 145, article 147 and/or
12 article 148 of the education law to practice one or more of such
13 professions in this state. WITH RESPECT TO A PROFESSIONAL SERVICE
14 LIMITED LIABILITY COMPANY FORMED TO PROVIDE PUBLIC ACCOUNTANCY SERVICES
15 AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW EACH
16 MEMBER OF SUCH LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
17 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, MUST
18 BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE
19 PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a professional service
20 limited liability company formed to provide licensed clinical social
21 work services as such services are defined in article 154 of the educa-
22 tion law, each member of such limited liability company shall be
23 licensed pursuant to article 154 of the education law to practice
24 licensed clinical social work in this state. With respect to a profes-
25 sional service limited liability company formed to provide creative arts
26 therapy services as such services are defined in article 163 of the
27 education law, each member of such limited liability company must be
28 licensed pursuant to article 163 of the education law to practice crea-
29 tive arts therapy in this state. With respect to a professional service
30 limited liability company formed to provide marriage and family therapy
31 services as such services are defined in article 163 of the education
32 law, each member of such limited liability company must be licensed
33 pursuant to article 163 of the education law to practice marriage and
34 family therapy in this state. With respect to a professional service
35 limited liability company formed to provide mental health counseling
36 services as such services are defined in article 163 of the education
37 law, each member of such limited liability company must be licensed
38 pursuant to article 163 of the education law to practice mental health
39 counseling in this state. With respect to a professional service limited
40 liability company formed to provide psychoanalysis services as such
41 services are defined in article 163 of the education law, each member of
42 such limited liability company must be licensed pursuant to article 163
43 of the education law to practice psychoanalysis in this state. With
44 respect to a professional service limited liability company formed to
45 provide applied behavior analysis services as such services are defined
46 in article 167 of the education law, each member of such limited liabil-
47 ity company must be licensed or certified pursuant to article 167 of the
48 education law to practice applied behavior analysis in this state.
49 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL SERVICE
50 LIMITED LIABILITY COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
51 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
52 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE
53 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,
54 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE
55 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC
56 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-

1 SIONAL SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSI-
2 NESS IS IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC
3 ACCOUNTANCY IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION
4 7404 OF ARTICLE 149 OF THE EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS
5 LICENSED UNDER SECTION 7405 OF ARTICLE 149 OF THE EDUCATION LAW.
6 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
7 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-
8 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
9 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
10 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
11 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM
12 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO
13 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
14 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
15 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
16 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
17 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
18 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
19 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
20 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

21 S 15. Subdivisions (a) and (f) of section 1301 of the limited liabil-
22 ity company law, subdivision (a) as amended by chapter 554 of the laws
23 of 2013 and subdivision (f) as amended by chapter 170 of the laws of
24 1996, are amended to read as follows:

25 (a) "Foreign professional service limited liability company" means a
26 professional service limited liability company, whether or not denomi-
27 nated as such, organized under the laws of a jurisdiction other than
28 this state, (i) each of whose members and managers, if any, is a profes-
29 sional authorized by law to render a professional service within this
30 state and who is or has been engaged in the practice of such profession
31 in such professional service limited liability company or a predecessor
32 entity, or will engage in the practice of such profession in the profes-
33 sional service limited liability company within thirty days of the date
34 such professional becomes a member, or each of whose members and manag-
35 ers, if any, is a professional at least one of such members is author-
36 ized by law to render a professional service within this state and who
37 is or has been engaged in the practice of such profession in such
38 professional service limited liability company or a predecessor entity,
39 or will engage in the practice of such profession in the professional
40 service limited liability company within thirty days of the date such
41 professional becomes a member, or (ii) authorized by, or holding a
42 license, certificate, registration or permit issued by the licensing
43 authority pursuant to, the education law to render a professional
44 service within this state; except that all members and managers, if any,
45 of a foreign professional service limited liability company that
46 provides health services in this state shall be licensed in this state.
47 With respect to a foreign professional service limited liability company
48 which provides veterinary services as such services are defined in arti-
49 cle 135 of the education law, each member of such foreign professional
50 service limited liability company shall be licensed pursuant to article
51 135 of the education law to practice veterinary medicine. With respect
52 to a foreign professional service limited liability company which
53 provides medical services as such services are defined in article 131 of
54 the education law, each member of such foreign professional service
55 limited liability company must be licensed pursuant to article 131 of
56 the education law to practice medicine in this state. With respect to a

1 foreign professional service limited liability company which provides
2 dental services as such services are defined in article 133 of the
3 education law, each member of such foreign professional service limited
4 liability company must be licensed pursuant to article 133 of the educa-
5 tion law to practice dentistry in this state. With respect to a foreign
6 professional service limited liability company which provides profes-
7 sional engineering, land surveying, architectural and/or landscape
8 architectural services as such services are defined in article 145,
9 article 147 and article 148 of the education law, each member of such
10 foreign professional service limited liability company must be licensed
11 pursuant to article 145, article 147 and/or article 148 of the education
12 law to practice one or more of such professions in this state. WITH
13 RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
14 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED
15 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-
16 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
17 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,
18 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-
19 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-
20 sional service limited liability company which provides licensed clin-
21 ical social work services as such services are defined in article 154 of
22 the education law, each member of such foreign professional service
23 limited liability company shall be licensed pursuant to article 154 of
24 the education law to practice clinical social work in this state. With
25 respect to a foreign professional service limited liability company
26 which provides creative arts therapy services as such services are
27 defined in article 163 of the education law, each member of such foreign
28 professional service limited liability company must be licensed pursuant
29 to article 163 of the education law to practice creative arts therapy in
30 this state. With respect to a foreign professional service limited
31 liability company which provides marriage and family therapy services as
32 such services are defined in article 163 of the education law, each
33 member of such foreign professional service limited liability company
34 must be licensed pursuant to article 163 of the education law to prac-
35 tice marriage and family therapy in this state. With respect to a
36 foreign professional service limited liability company which provides
37 mental health counseling services as such services are defined in arti-
38 cle 163 of the education law, each member of such foreign professional
39 service limited liability company must be licensed pursuant to article
40 163 of the education law to practice mental health counseling in this
41 state. With respect to a foreign professional service limited liability
42 company which provides psychoanalysis services as such services are
43 defined in article 163 of the education law, each member of such foreign
44 professional service limited liability company must be licensed pursuant
45 to article 163 of the education law to practice psychoanalysis in this
46 state. With respect to a foreign professional service limited liability
47 company which provides applied behavior analysis services as such
48 services are defined in article 167 of the education law, each member of
49 such foreign professional service limited liability company must be
50 licensed or certified pursuant to article 167 of the education law to
51 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
52 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
53 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
54 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
55 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
56 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-

1 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
2 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
3 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL
4 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS
5 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY
6 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE
7 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF
8 THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE
9 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE
10 BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM
11 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE
12 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-
13 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH
14 NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL
15 BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE
16 FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT
17 LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH
18 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL
19 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM
20 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
21 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
22 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

23 (f) "Professional partnership" means (1) a partnership without limited
24 partners each of whose partners is a professional authorized by law to
25 render a professional service within this state, (2) a partnership with-
26 out limited partners each of whose partners is a professional, at least
27 one of whom is authorized by law to render a professional service within
28 this state or (3) a partnership without limited partners authorized by,
29 or holding a license, certificate, registration or permit issued by the
30 licensing authority pursuant to the education law to render a profes-
31 sional service within this state; except that all partners of a profes-
32 sional partnership that provides medical services in this state must be
33 licensed pursuant to article 131 of the education law to practice medi-
34 cine in this state and all partners of a professional partnership that
35 provides dental services in this state must be licensed pursuant to
36 article 133 of the education law to practice dentistry in this state;
37 except that all partners of a professional partnership that provides
38 veterinary services in this state must be licensed pursuant to article
39 135 of the education law to practice veterinary medicine in this state;
40 and further except that all partners of a professional partnership that
41 provides professional engineering, land surveying, architectural, and/or
42 landscape architectural services in this state must be licensed pursuant
43 to article 145, article 147 and/or article 148 of the education law to
44 practice one or more of such professions. WITH RESPECT TO A PROFESSIONAL
45 PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES
46 ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH
47 PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS
48 STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES, SHALL BE LICENSED
49 PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRACTICE PUBLIC ACCOUN-
50 TANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A PROFESSIONAL PART-
51 NERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
52 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
53 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
54 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
55 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,
56 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME

1 STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFESSIONAL PARTNERSHIP,
2 WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE, AND WHO ARE ENGAGED
3 IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE, HOLD A VALID
4 LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR ARE PUBLIC
5 ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW. ALTHOUGH
6 FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS MUST
7 COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUNTANCY.
8 NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS SECTION MAY
9 NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE WORDS
10 "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS," OR THE
11 ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM THAT
12 IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO
13 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
14 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
15 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
16 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
17 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
18 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
19 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
20 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

24 (a) "Foreign professional service limited liability company" means a
25 professional service limited liability company, whether or not denomi-
26 nated as such, organized under the laws of a jurisdiction other than
27 this state, (i) each of whose members and managers, if any, is a profes-
28 sional authorized by law to render a professional service within this
29 state and who is or has been engaged in the practice of such profession
30 in such professional service limited liability company or a predecessor
31 entity, or will engage in the practice of such profession in the profes-
32 sional service limited liability company within thirty days of the date
33 such professional becomes a member, or each of whose members and manag-
34 ers, if any, is a professional at least one of such members is author-
35 ized by law to render a professional service within this state and who
36 is or has been engaged in the practice of such profession in such
37 professional service limited liability company or a predecessor entity,
38 or will engage in the practice of such profession in the professional
39 service limited liability company within thirty days of the date such
40 professional becomes a member, or (ii) authorized by, or holding a
41 license, certificate, registration or permit issued by the licensing
42 authority pursuant to, the education law to render a professional
43 service within this state; except that all members and managers, if any,
44 of a foreign professional service limited liability company that
45 provides health services in this state shall be licensed in this state.
46 With respect to a foreign professional service limited liability company
47 which provides veterinary services as such services are defined in arti-
48 cle 135 of the education law, each member of such foreign professional
49 service limited liability company shall be licensed pursuant to article
50 135 of the education law to practice veterinary medicine. With respect
51 to a foreign professional service limited liability company which
52 provides medical services as such services are defined in article 131 of
53 the education law, each member of such foreign professional service
54 limited liability company must be licensed pursuant to article 131 of
55 the education law to practice medicine in this state. With respect to a
56 foreign professional service limited liability company which provides

1 dental services as such services are defined in article 133 of the
2 education law, each member of such foreign professional service limited
3 liability company must be licensed pursuant to article 133 of the educa-
4 tion law to practice dentistry in this state. With respect to a foreign
5 professional service limited liability company which provides profes-
6 sional engineering, land surveying, geologic, architectural and/or land-
7 scape architectural services as such services are defined in article
8 145, article 147 and article 148 of the education law, each member of
9 such foreign professional service limited liability company must be
10 licensed pursuant to article 145, article 147 and/or article 148 of the
11 education law to practice one or more of such professions in this state.
12 WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
13 WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES AS SUCH SERVICES ARE DEFINED
14 IN ARTICLE 149 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFES-
15 SIONAL SERVICE LIMITED LIABILITY COMPANY WHOSE PRINCIPAL PLACE OF BUSI-
16 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,
17 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-
18 TICE PUBLIC ACCOUNTANCY IN THIS STATE. With respect to a foreign profes-
19 sional service limited liability company which provides licensed clin-
20 ical social work services as such services are defined in article 154 of
21 the education law, each member of such foreign professional service
22 limited liability company shall be licensed pursuant to article 154 of
23 the education law to practice clinical social work in this state. With
24 respect to a foreign professional service limited liability company
25 which provides creative arts therapy services as such services are
26 defined in article 163 of the education law, each member of such foreign
27 professional service limited liability company must be licensed pursuant
28 to article 163 of the education law to practice creative arts therapy in
29 this state. With respect to a foreign professional service limited
30 liability company which provides marriage and family therapy services as
31 such services are defined in article 163 of the education law, each
32 member of such foreign professional service limited liability company
33 must be licensed pursuant to article 163 of the education law to prac-
34 tice marriage and family therapy in this state. With respect to a
35 foreign professional service limited liability company which provides
36 mental health counseling services as such services are defined in arti-
37 cle 163 of the education law, each member of such foreign professional
38 service limited liability company must be licensed pursuant to article
39 163 of the education law to practice mental health counseling in this
40 state. With respect to a foreign professional service limited liability
41 company which provides psychoanalysis services as such services are
42 defined in article 163 of the education law, each member of such foreign
43 professional service limited liability company must be licensed pursuant
44 to article 163 of the education law to practice psychoanalysis in this
45 state. With respect to a foreign professional service limited liability
46 company which provides applied behavior analysis services as such
47 services are defined in article 167 of the education law, each member of
48 such foreign professional service limited liability company must be
49 licensed or certified pursuant to article 167 of the education law to
50 practice applied behavior analysis in this state. NOTWITHSTANDING ANY
51 OTHER PROVISIONS OF LAW A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
52 COMPANY FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF PUBLIC ACCOUNTANCY,
53 AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTICLE 149 OF THE EDUCA-
54 TION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE MAJORITY OF THE
55 OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS, INCLUDING OWNER-
56 SHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE FIRM'S OWNERS,

1 BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC ACCOUNTANCY IN SOME
2 STATE, AND (2) THAT ALL MEMBERS OF A FOREIGN LIMITED PROFESSIONAL
3 SERVICE LIMITED LIABILITY COMPANY, WHOSE PRINCIPAL PLACE OF BUSINESS IS
4 IN THIS STATE, AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY
5 IN THIS STATE, HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE
6 EDUCATION LAW OR ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF
7 THE EDUCATION LAW. ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE
8 FIRM AND ITS OWNERS MUST COMPLY WITH RULES PROMULGATED BY THE STATE
9 BOARD FOR PUBLIC ACCOUNTANCY. NOTWITHSTANDING THE FOREGOING, A FIRM
10 REGISTERED UNDER THIS SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE
11 FIRM'S NAME INCLUDES THE WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTI-
12 FIED PUBLIC ACCOUNTANTS," OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH
13 NON-LICENSEE OWNER OF A FIRM THAT IS REGISTERED UNDER THIS SECTION SHALL
14 BE (1) A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS OF THE
15 FIRM OR ITS AFFILIATED ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT
16 LIMITED TO, A PARTNERSHIP OR PROFESSIONAL CORPORATION, PROVIDED EACH
17 BENEFICIAL OWNER OF AN EQUITY INTEREST IN SUCH ENTITY IS A NATURAL
18 PERSON WHO ACTIVELY PARTICIPATES IN THE BUSINESS CONDUCTED BY THE FIRM
19 OR ITS AFFILIATED ENTITIES. FOR PURPOSES OF THIS SUBDIVISION, "ACTIVELY
20 PARTICIPATE" MEANS TO PROVIDE SERVICES TO CLIENTS OR TO OTHERWISE INDI-
21 VIDUALLY TAKE PART IN THE DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

22 (f) "Professional partnership" means (1) a partnership without limited
23 partners each of whose partners is a professional authorized by law to
24 render a professional service within this state, (2) a partnership with-
25 out limited partners each of whose partners is a professional, at least
26 one of whom is authorized by law to render a professional service within
27 this state or (3) a partnership without limited partners authorized by,
28 or holding a license, certificate, registration or permit issued by the
29 licensing authority pursuant to the education law to render a profes-
30 sional service within this state; except that all partners of a profes-
31 sional partnership that provides medical services in this state must be
32 licensed pursuant to article 131 of the education law to practice medi-
33 cine in this state and all partners of a professional partnership that
34 provides dental services in this state must be licensed pursuant to
35 article 133 of the education law to practice dentistry in this state;
36 except that all partners of a professional partnership that provides
37 veterinary services in this state must be licensed pursuant to article
38 135 of the education law to practice veterinary medicine in this state;
39 and further except that all partners of a professional partnership that
40 provides professional engineering, land surveying, geologic, architec-
41 tural, and/or landscape architectural services in this state must be
42 licensed pursuant to article 145, article 147 and/or article 148 of the
43 education law to practice one or more of such professions. WITH RESPECT
44 TO A PROFESSIONAL PARTNERSHIP WHICH PROVIDES PUBLIC ACCOUNTANCY SERVICES
45 AS SUCH SERVICES ARE DEFINED IN ARTICLE 149 OF THE EDUCATION LAW, EACH
46 MEMBER OF SUCH PROFESSIONAL PARTNERSHIP WHOSE PRINCIPAL PLACE OF BUSI-
47 NESS IS IN THIS STATE AND WHO PROVIDES PUBLIC ACCOUNTANCY SERVICES,
48 SHALL BE LICENSED PURSUANT TO ARTICLE 149 OF THE EDUCATION LAW TO PRAC-
49 TICE PUBLIC ACCOUNTANCY. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW A
50 PROFESSIONAL PARTNERSHIP FORMED TO LAWFULLY ENGAGE IN THE PRACTICE OF
51 PUBLIC ACCOUNTANCY, AS SUCH PRACTICE IS RESPECTIVELY DEFINED UNDER ARTI-
52 CLE 149 OF THE EDUCATION LAW SHALL BE REQUIRED TO SHOW (1) THAT A SIMPLE
53 MAJORITY OF THE OWNERSHIP OF THE FIRM, IN TERMS OF FINANCIAL INTERESTS,
54 INCLUDING OWNERSHIP-BASED COMPENSATION, AND VOTING RIGHTS HELD BY THE
55 FIRM'S OWNERS, BELONGS TO INDIVIDUALS LICENSED TO PRACTICE PUBLIC
56 ACCOUNTANCY IN SOME STATE, AND (2) THAT ALL MEMBERS OF A LIMITED PROFES-

1 SIONAL PARTNERSHIP, WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE,
2 AND WHO ARE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY IN THIS STATE,
3 HOLD A VALID LICENSE ISSUED UNDER SECTION 7404 OF THE EDUCATION LAW OR
4 ARE PUBLIC ACCOUNTANTS LICENSED UNDER SECTION 7405 OF THE EDUCATION LAW.
5 ALTHOUGH FIRMS MAY INCLUDE NON-LICENSEE OWNERS, THE FIRM AND ITS OWNERS
6 MUST COMPLY WITH RULES PROMULGATED BY THE STATE BOARD FOR PUBLIC ACCOUN-
7 TANCY. NOTWITHSTANDING THE FOREGOING, A FIRM REGISTERED UNDER THIS
8 SECTION MAY NOT HAVE NON-LICENSEE OWNERS IF THE FIRM'S NAME INCLUDES THE
9 WORDS "CERTIFIED PUBLIC ACCOUNTANT," OR "CERTIFIED PUBLIC ACCOUNTANTS,"
10 OR THE ABBREVIATIONS "CPA" OR "CPAS." EACH NON-LICENSEE OWNER OF A FIRM
11 THAT IS REGISTERED UNDER THIS SECTION SHALL BE (1) A NATURAL PERSON WHO
12 ACTIVELY PARTICIPATES IN THE BUSINESS OF THE FIRM OR ITS AFFILIATED
13 ENTITIES, OR (2) AN ENTITY, INCLUDING, BUT NOT LIMITED TO, A PARTNERSHIP
14 OR PROFESSIONAL CORPORATION, PROVIDED EACH BENEFICIAL OWNER OF AN EQUITY
15 INTEREST IN SUCH ENTITY IS A NATURAL PERSON WHO ACTIVELY PARTICIPATES IN
16 THE BUSINESS CONDUCTED BY THE FIRM OR ITS AFFILIATED ENTITIES. FOR
17 PURPOSES OF THIS SUBDIVISION, "ACTIVELY PARTICIPATE" MEANS TO PROVIDE
18 SERVICES TO CLIENTS OR TO OTHERWISE INDIVIDUALLY TAKE PART IN THE
19 DAY-TO-DAY BUSINESS OR MANAGEMENT OF THE FIRM.

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

24

PART I

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

30 S 34. This act shall take effect July 1, 2002; provided, that sections
31 one through twenty, twenty-four, and twenty-six through thirty of this
32 act shall expire and be deemed repealed June 30, [2016] 2019 provided,
33 further, that notwithstanding any provision of article 5 of the general
34 construction law, on June 30, [2016] 2019 the provisions of subdivisions
35 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
36 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
37 2554 of the education law as repealed by section three of this act,
38 subdivision 1 of section 2590-b of the education law as repealed by
39 section six of this act, paragraph (a) of subdivision 2 of section
40 2590-b of the education law as repealed by section seven of this act,
41 section 2590-c of the education law as repealed by section eight of this
42 act, paragraph c of subdivision 2 of section 2590-d of the education law
43 as repealed by section twenty-six of this act, subdivision 1 of section
44 2590-e of the education law as repealed by section twenty-seven of this
45 act, subdivision 28 of section 2590-h of the education law as repealed
46 by section twenty-eight of this act, subdivision 30 of section 2590-h of
47 the education law as repealed by section twenty-nine of this act, subdi-
48 vision 30-a of section 2590-h of the education law as repealed by
49 section thirty of this act shall be revived and be read as such
50 provisions existed in law on the date immediately preceding the effec-
51 tive date of this act; provided, however, that sections seven and eight
52 of this act shall take effect on November 30, 2003; provided further
53 that the amendments to subdivision 25 of section 2554 of the education
54 law made by section two of this act shall be subject to the expiration

1 and reversion of such subdivision pursuant to section 12 of chapter 147
2 of the laws of 2001, as amended, when upon such date the provisions of
3 section four of this act shall take effect.

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

9 12. any provision in sections one, two, three, four, five, six, seven,
10 eight, nine, ten and eleven of this act not otherwise set to expire
11 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
12 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
13 and be deemed repealed June 30, [2016] 2019.

14 S 3. This act shall take effect immediately.

15 PART J

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

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

42 S 2. This act shall take effect immediately.

43 PART K

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

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

49 [\$4.25 on and after April 1, 1991,
50 \$5.15 on and after March 31, 2000,
51 \$6.00 on and after January 1, 2005,
52 \$6.75 on and after January 1, 2006,]

1 \$7.15 on and after January 1, 2007,
2 \$8.00 on and after December 31, 2013,
3 \$8.75 on and after December 31, 2014,
4 \$9.00 on and after December 31, 2015,
5 \$9.75 ON AND AFTER JULY 1, 2016,
6 \$10.75 ON AND AFTER DECEMBER 31, 2016,
7 \$11.75 ON AND AFTER DECEMBER 31, 2017,
8 \$12.75 ON AND AFTER DECEMBER 31, 2018,
9 \$13.75 ON AND AFTER DECEMBER 31, 2019,
10 \$14.50 ON AND AFTER DECEMBER 31, 2020,
11 \$15.00 ON AND AFTER JULY 1, 2021,

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

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

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

20 \$10.50 PER HOUR ON AND AFTER JULY 1, 2016,
21 \$12.00 PER HOUR ON AND AFTER DECEMBER 31, 2016,
22 \$13.50 PER HOUR ON AND AFTER DECEMBER 31, 2017,
23 \$15.00 PER HOUR ON AND AFTER DECEMBER 31, 2018,

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

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

33 PART L

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

37 (a) The commissioner is authorized to establish and administer the
38 program established under this section to provide tax incentives to
39 employers for employing at risk youth in part-time and full-time posi-
40 tions. There will be five distinct pools of tax incentives. Program one
41 will cover tax incentives allocated for two thousand twelve and two
42 thousand thirteen. Program two will cover tax incentives allocated in
43 two thousand fourteen. Program three will cover tax incentives allocated
44 in two thousand fifteen. Program four will cover tax incentives allo-
45 cated in two thousand sixteen. Program five will cover tax incentives
46 allocated in two thousand seventeen. The commissioner is authorized to
47 allocate up to twenty-five million dollars of tax credits under program
48 one, ten million dollars of tax credits under program two, [and] twenty
49 million dollars of tax credits under [each of programs] PROGRAM three,
50 AND FIFTY MILLION DOLLARS OF TAX CREDITS UNDER EACH OF PROGRAMS four[,]
51 and five.

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

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

9 S 3. This act shall take effect immediately.

10

PART M

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

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

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

35 (b) in the case of a respondent who has attained the age of fourteen,
36 (I) the services needed, if any, to assist the respondent to make the
37 transition from foster care to [independent living] SUCCESSFUL ADULT-
38 HOOD; AND (II)(A) THAT THE PERMANENCY PLAN DEVELOPED FOR THE RESPONDENT,
39 AND ANY REVISION OR ADDITION TO THE PLAN, SHALL BE DEVELOPED IN CONSUL-
40 TATION WITH THE RESPONDENT AND, AT THE OPTION OF THE RESPONDENT, WITH UP
41 TO TWO MEMBERS OF THE RESPONDENT'S PERMANENCY PLANNING TEAM WHO ARE
42 SELECTED BY THE RESPONDENT AND WHO ARE NOT A FOSTER PARENT OF, OR CASE
43 WORKER, CASE PLANNER OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE
44 LOCAL COMMISSIONER OF SOCIAL SERVICES WITH CUSTODY OF THE RESPONDENT OR
45 THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IF SUCH
46 OFFICE HAS CUSTODY OF THE RESPONDENT MAY REJECT AN INDIVIDUAL SELECTED
47 BY THE RESPONDENT IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE THAT
48 THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE RESPONDENT,
49 AND (B) THAT ONE INDIVIDUAL SO SELECTED BY THE RESPONDENT MAY BE DESIG-
50 NATED TO BE THE RESPONDENT'S ADVISOR AND, AS NECESSARY, ADVOCATE, WITH
51 RESPECT TO THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT
52 STANDARD;

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

4 (ii) in the case of a child who has attained the age of fourteen, (A)
5 the services needed, if any, to assist the child to make the transition
6 from foster care to [independent living] SUCCESSFUL ADULTHOOD; AND
7 (B)(1) THAT THE PERMANENCY PLAN DEVELOPED FOR THE CHILD, AND ANY
8 REVISION OR ADDITION TO THE PLAN SHALL BE DEVELOPED IN CONSULTATION WITH
9 THE CHILD AND, AT THE OPTION OF THE CHILD, WITH UP TO TWO ADDITIONAL
10 MEMBERS OF THE CHILD'S PERMANENCY PLANNING TEAM WHO ARE SELECTED BY THE
11 CHILD AND WHO ARE NOT A FOSTER PARENT OF, OR CASE WORKER, CASE PLANNER
12 OR CASE MANAGER FOR, THE CHILD, EXCEPT THAT THE LOCAL COMMISSIONER OF
13 SOCIAL SERVICES WITH CUSTODY OF THE CHILD MAY REJECT AN INDIVIDUAL SO
14 SELECTED BY THE CHILD IF SUCH COMMISSIONER HAS GOOD CAUSE TO BELIEVE
15 THAT THE INDIVIDUAL WOULD NOT ACT IN THE BEST INTERESTS OF THE CHILD,
16 AND (2) THAT ONE INDIVIDUAL SO SELECTED BY THE CHILD MAY BE DESIGNATED
17 TO BE THE CHILD'S ADVISOR AND, AS NECESSARY, ADVOCATE WITH RESPECT TO
18 THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD;

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

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

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

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

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

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

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

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

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

12 2. A CAREGIVER SHALL NOT BE LIABLE FOR INJURIES TO THE CHILD THAT
13 OCCUR AS A RESULT OF ACTING IN ACCORDANCE WITH THE REASONABLE AND
14 PRUDENT PARENT STANDARD AS DEFINED IN PARAGRAPH (D) OF SUBDIVISION ONE
15 OF THIS SECTION, UNLESS SUCH INJURIES WERE CAUSED BY GROSS NEGLIGENCE OR
16 WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH CAREGIVER.

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

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

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

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

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

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

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

47 (B) BASED ON THE RESULTS OF THE NATIONWIDE CRIMINAL HISTORY RECORD
48 CHECK, INFORM SUCH AUTHORIZED AGENCY THAT THE APPLICATION FOR CERTIF-
49 ICATION OR APPROVAL OF THE PROSPECTIVE FOSTER PARENT OR THE PROSPECTIVE
50 ADOPTIVE PARENT EITHER: (I) MUST BE DENIED; (II) MUST BE HELD IN ABEY-
51 ANCE PENDING SUBSEQUENT NOTIFICATION FROM THE OFFICE OF CHILDREN AND
52 FAMILY SERVICES; OR (III) THAT THE OFFICE OF CHILDREN AND FAMILY
53 SERVICES HAS NO OBJECTION, SOLELY BASED ON THE NATIONWIDE CRIMINAL
54 HISTORY RECORD CHECK, FOR THE AUTHORIZED AGENCY TO PROCEED WITH A DETER-
55 MINATION ON SUCH APPLICATION BASED ON THE STANDARDS FOR CERTIFICATION OR
56 APPROVAL OF A PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE PARENT,

1 AS SET FORTH IN THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY
2 SERVICES.

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

10 (4) THIS PARAGRAPH DOES NOT APPLY TO NATIONWIDE CRIMINAL HISTORY
11 RECORD CHECKS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION ON BEHALF
12 OF STATE AGENCIES OR AUTHORIZED AGENCIES, AS DEFINED IN PARAGRAPH (B) OF
13 SUBDIVISION TEN OF SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE, OR
14 TO THE RESULTS OF STATEWIDE CRIMINAL HISTORY RECORD CHECKS CONDUCTED BY
15 THE DIVISION OF CRIMINAL JUSTICE SERVICES.

16 S 8. Severability. If any clause, sentence, paragraph, subdivision,
17 section or part contained in any part of this act shall be adjudged by
18 any court of competent jurisdiction to be invalid, such judgement shall
19 not affect, impair, or invalidate the remainder thereof, but shall be
20 confined in its operation to the clause, sentence, paragraph, subdivi-
21 sion, section or part contained in any part thereof directly involved in
22 the controversy in which such judgment shall have been rendered. It is
23 hereby declared to be the intent of the legislature that this act would
24 have been enacted even if such invalid provisions had not been included
25 herein.

26 S 9. This act shall take effect immediately, provided however that
27 sections six and seven of this act shall take effect on the ninetieth
28 day after it shall have become a law.

29

PART N

30 Section 1. The criminal procedure law is amended by adding a new arti-
31 cle 722 to read as follows:

32

ARTICLE 722

33

PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH

34

PART AND RELATED PROCEDURES

35

SECTION 722.00 PROBATION CASE PLANNING AND SERVICES.

36

722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

37

722.20 PROCEEDINGS IN A YOUTH PART OF THE SUPERIOR COURT.

38

S 722.00 PROBATION CASE PLANNING AND SERVICES.

39

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

48

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

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

11 4. WHEN PREPARING A PRE-SENTENCE INVESTIGATION REPORT OF ANY SUCH
12 YOUTH, THE PROBATION DEPARTMENT SHALL INCORPORATE A SUMMARY OF THE
13 ASSESSMENT FINDINGS, ANY REFERRALS AND PROGRESS WITH RESPECT TO MITIGAT-
14 ING RISK AND ADDRESSING ANY IDENTIFIED JUVENILE NEEDS.

15 5. THE PROBATION SERVICE SHALL NOT TRANSMIT OR OTHERWISE COMMUNICATE
16 TO THE DISTRICT ATTORNEY OR THE YOUTH PART ANY STATEMENT MADE BY THE
17 JUVENILE OFFENDER TO A PROBATION OFFICER. HOWEVER, THE PROBATION SERVICE
18 MAY MAKE A RECOMMENDATION REGARDING THE COMPLETION OF HIS OR HER CASE
19 PLAN TO THE YOUTH PART AND PROVIDE SUCH INFORMATION AS IT SHALL DEEM
20 RELEVANT.

21 6. NO STATEMENT MADE TO THE PROBATION SERVICE DURING THE RISK AND
22 NEEDS ASSESSMENT OR WHILE THE JUVENILE OFFENDER IS FOLLOWING HIS OR HER
23 CASE PLAN MAY BE ADMITTED INTO EVIDENCE AT A FACT- FINDING HEARING AT
24 ANY TIME PRIOR TO A CONVICTION.

25 S 722.10 YOUTH PART OF THE SUPERIOR COURT ESTABLISHED.

26 THE CHIEF ADMINISTRATOR OF THE COURTS IS HEREBY DIRECTED TO ESTABLISH,
27 IN A SUPERIOR COURT IN EACH COUNTY OF THE STATE THAT EXERCISES CRIMINAL
28 JURISDICTION, A PART OF COURT TO BE KNOWN AS THE YOUTH PART OF THE SUPE-
29 RIOR COURT FOR THE COUNTY IN WHICH SUCH COURT PRESIDES. JUDGES PRESID-
30 ING IN THE YOUTH PART SHALL RECEIVE TRAINING IN SPECIALIZED AREAS,
31 INCLUDING, BUT NOT LIMITED TO, JUVENILE JUSTICE, ADOLESCENT DEVELOPMENT
32 AND EFFECTIVE TREATMENT METHODS FOR REDUCING CRIME COMMISSION BY ADOLES-
33 CENTS. THE YOUTH PART SHALL HAVE EXCLUSIVE JURISDICTION OF ALL
34 PROCEEDINGS IN RELATION TO JUVENILE OFFENDERS, EXCEPT AS PROVIDED IN
35 SECTION 180.75 OF THIS CHAPTER.

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

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

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

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

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

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

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

15 4. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF THIS
16 SECTION, A YOUTH PART SHALL, WITH THE CONSENT OF THE DISTRICT ATTORNEY,
17 (A) ORDER REMOVAL OF AN ACTION AGAINST A JUVENILE OFFENDER ACCUSED OF
18 ROBBERY IN THE SECOND DEGREE AS DEFINED IN SUBDIVISION TWO OF SECTION
19 160.10 OF THE PENAL LAW AND A JUVENILE OFFENDER ACCUSED OF COMMITTING A
20 VIOLENT FELONY OFFENSE AS DEFINED IN SECTION 70.02 OF THE PENAL LAW AT
21 AGE SIXTEEN, OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, AT AGE
22 SIXTEEN OR SEVENTEEN, FOR WHICH A YOUTH AGE FIFTEEN OR YOUNGER IS NOT
23 CRIMINALLY RESPONSIBLE, TO THE FAMILY COURT PURSUANT TO THE PROVISIONS
24 OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE IF, AFTER CONSIDER-
25 ATION OF THE FACTORS SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION, THE
26 COURT DETERMINES THAT TO DO SO WOULD BE IN THE INTERESTS OF JUSTICE.
27 PROVIDED, HOWEVER, THAT THE COURT SHALL FIND THAT SUCH REMOVAL IS NOT IN
28 THE INTERESTS OF JUSTICE IF THE YOUTH PLAYED A PRIMARY ROLE IN COMMIS-
29 SION OF THE CRIME OR AGGRAVATING CIRCUMSTANCES, INCLUDING BUT NOT LIMIT-
30 ED TO THE YOUTH'S USE OF A WEAPON, ARE PRESENT.

31 (B) AT THE REQUEST OF THE DISTRICT ATTORNEY, ORDER REMOVAL OF AN
32 ACTION AGAINST A JUVENILE OFFENDER, OTHER THAN AN ACTION SUBJECT TO
33 PARAGRAPH (A) OF THIS SUBDIVISION, TO THE FAMILY COURT PURSUANT TO THE
34 PROVISIONS OF ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THIS TITLE IF, UPON
35 CONSIDERATION OF THE CRITERIA SET FORTH IN PARAGRAPH (C) OF THIS SUBDI-
36 VISION, IT IS DETERMINED THAT TO DO SO WOULD BE IN THE INTERESTS OF
37 JUSTICE. WHERE, HOWEVER, THE FELONY COMPLAINT CHARGES THE JUVENILE
38 OFFENDER CHARGED WITH MURDER IN THE SECOND DEGREE AS DEFINED IN SECTION
39 125.25 OF THE PENAL LAW; RAPE IN THE FIRST DEGREE, AS DEFINED IN SUBDI-
40 VISION ONE OF SECTION 130.35 OF THE PENAL LAW; CRIMINAL SEXUAL ACT IN
41 THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF SECTION 130.50 OF THE
42 PENAL LAW; COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE
43 AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 130.75 OF THE
44 PENAL LAW; PREDATORY SEXUAL ASSAULT AS DEFINED IN SECTION 130.95 OF THE
45 PENAL LAW WHERE THE UNDERLYING CRIME IS RAPE IN THE FIRST DEGREE, AS
46 DEFINED IN SUBDIVISION ONE OF SECTION 130.35 OF THE PENAL LAW OR CRIMI-
47 NAL SEXUAL ACT IN THE FIRST DEGREE, AS DEFINED IN SUBDIVISION ONE OF
48 SECTION 130.50 OF THE PENAL LAW; OR AN ARMED FELONY AS DEFINED IN PARA-
49 GRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF THIS CHAPTER, A
50 DETERMINATION THAT SUCH ACTION BE REMOVED TO THE FAMILY COURT SHALL, IN
51 ADDITION, BE BASED UPON A FINDING OF ONE OR MORE OF THE FOLLOWING
52 FACTORS: (I) MITIGATING CIRCUMSTANCES THAT BEAR DIRECTLY UPON THE MANNER
53 IN WHICH THE CRIME WAS COMMITTED; (II) WHERE THE DEFENDANT WAS NOT THE
54 SOLE PARTICIPANT IN THE CRIME, THE DEFENDANT'S PARTICIPATION WAS RELA-
55 TIVELY MINOR ALTHOUGH NOT SO MINOR AS TO CONSTITUTE A DEFENSE TO THE
56 PROSECUTION; OR (III) POSSIBLE DEFICIENCIES IN THE PROOF OF THE CRIME.

1 (C) IN MAKING ITS DETERMINATION PURSUANT TO PARAGRAPH (A) OF THIS
2 SUBDIVISION THE COURT SHALL, TO THE EXTENT APPLICABLE, EXAMINE INDIVID-
3 UALLY AND COLLECTIVELY, THE FOLLOWING:

4 (I) THE SERIOUSNESS AND CIRCUMSTANCES OF THE OFFENSE;

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

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

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

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

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

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

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

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

19 (D) FOR THE PURPOSE OF MAKING A DETERMINATION WHETHER TO REMOVE THE
20 CASE TO FAMILY COURT PURSUANT TO THIS SUBDIVISION, ANY EVIDENCE WHICH IS
21 NOT LEGALLY PRIVILEGED MAY BE INTRODUCED. IF THE DEFENDANT TESTIFIES,
22 HIS OR HER TESTIMONY MAY NOT BE INTRODUCED AGAINST HIM OR HER IN ANY
23 FUTURE PROCEEDING, EXCEPT TO IMPEACH HIS OR HER TESTIMONY AT SUCH FUTURE
24 PROCEEDING AS INCONSISTENT PRIOR TESTIMONY.

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

27 5. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO, THREE, OR FOUR
28 OF THIS SECTION, IF A CURRENTLY UNDETERMINED FELONY COMPLAINT AGAINST A
29 JUVENILE OFFENDER IS PENDING IN THE YOUTH PART, AND THE DEFENDANT HAS
30 NOT WAIVED A HEARING PURSUANT TO SUBDIVISION TWO OF THIS SECTION AND A
31 HEARING PURSUANT TO SUBDIVISION THREE HAS NOT COMMENCED, THE DEFENDANT
32 MAY MOVE IN THE YOUTH PART, TO REMOVE THE ACTION TO FAMILY COURT. THE
33 PROCEDURAL RULES OF SUBDIVISIONS ONE AND TWO OF SECTION 210.45 OF THIS
34 CHAPTER ARE APPLICABLE TO A MOTION PURSUANT TO THIS SUBDIVISION. UPON
35 SUCH MOTION, THE SUPERIOR COURT SHALL PROCEED AND DETERMINE THE MOTION
36 AS PROVIDED IN SECTION 210.43 OF THIS CHAPTER; PROVIDED, HOWEVER, THAT
37 THE EXCEPTION PROVISIONS OF PARAGRAPH (B) OF SUBDIVISION ONE OF SUCH
38 SECTION 210.43 SHALL NOT APPLY WHEN THERE IS NOT REASONABLE CAUSE TO
39 BELIEVE THAT THE JUVENILE OFFENDER COMMITTED ONE OR MORE OF THE CRIMES
40 ENUMERATED THEREIN, AND IN SUCH EVENT THE PROVISIONS OF PARAGRAPH (A)
41 THEREOF SHALL APPLY.

42 S 2. The opening paragraph and subdivisions 2 and 3 of section 725.05
43 of the criminal procedure law, as added by chapter 481 of the laws of
44 1978, are amended to read as follows:

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

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

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

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

4 S 725.20 Record of certain actions removed.

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

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

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

17 (b) [Where the direction is one authorized by subdivision four of
18 section 180.75 of this chapter, a copy of the statement of the district
19 attorney made pursuant to paragraph (b) of subdivision six of section
20 180.75 of this chapter;

21 (c) Where the direction is authorized by section 180.75, a copy of
22 the portion of the minutes containing the statement by the court pursu-
23 ant to paragraph (a) of subdivision six of such section 180.75;

24 (d) Where the direction is one authorized by subparagraph (iii) of
25 paragraph [(h)] (G) of subdivision five of section 220.10 or section
26 330.25 of this chapter, a copy of the minutes of the plea of guilty,
27 including the minutes of the memorandum submitted by the district attor-
28 ney and the court;

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

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

37 [(g)] (C) In addition to the records specified in this subdivision,
38 such further statement or submission of additional information pertain-
39 ing to the proceeding in criminal court in accordance with standards
40 established by the commissioner of the division of criminal justice
41 services, subject to the provisions of subdivision three of this
42 section.

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

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

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

6 S 5. The first undesignated paragraph of section 100.05 of the crimi-
7 nal procedure law is amended to read as follows:

8 A criminal action is commenced by the filing of an accusatory instru-
9 ment with a criminal court, OR, IN THE CASE OF A JUVENILE OFFENDER, THE
10 YOUTH PART OF THE SUPERIOR COURT, and if more than one such instrument
11 is filed in the course of the same criminal action, such action
12 commences when the first of such instruments is filed. The only way in
13 which a criminal action can be commenced in a superior court, OTHER THAN
14 A CRIMINAL ACTION AGAINST A JUVENILE OFFENDER, is by the filing there-
15 with by a grand jury of an indictment against a defendant who has never
16 been held by a local criminal court for the action of such grand jury
17 with respect to any charge contained in such indictment. Otherwise, a
18 criminal action can be commenced only in a local criminal court, by the
19 filing therewith of a local criminal court accusatory instrument, name-
20 ly:

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

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

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

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

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

34 S 8. The criminal procedure law is amended by adding a new section
35 100.60 to read as follows:

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

38 ANY YOUTH PART OF THE SUPERIOR COURT ACCUSATORY INSTRUMENT MAY BE
39 FILED WITH THE YOUTH PART OF THE SUPERIOR COURT OF A PARTICULAR COUNTY
40 WHEN AN OFFENSE CHARGED THEREIN WAS ALLEGEDLY COMMITTED IN SUCH COUNTY
41 OR THAT PART THEREOF OVER WHICH SUCH COURT HAS JURISDICTION.

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

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

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

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

52 1. After a criminal action has been commenced in a local criminal
53 court OR YOUTH PART OF THE SUPERIOR COURT by the filing of an accusatory
54 instrument therewith, a defendant who has not been arraigned in the
55 action and has not come under the control of the court may under certain

1 circumstances be compelled or required to appear for arraignment upon
2 such accusatory instrument by:

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

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

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

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

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

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

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

22 S 110.20 Local criminal court OR YOUTH PART OF THE SUPERIOR COURT accu-
23 satory instruments; notice thereof to district attorney.

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

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

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

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

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

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

53 2. The particular local criminal court or courts OR YOUTH PART OF THE
54 SUPERIOR COURT with which any particular local criminal court OR YOUTH
55 PART OF THE SUPERIOR COURT accusatory instrument may be filed for the
56 purpose of obtaining a warrant of arrest are determined, generally, by

1 the provisions of section 100.55 OR 100.60. If, however, a particular
2 accusatory instrument may pursuant to said section 100.55 be filed with
3 a particular town court and such town court is not available at the time
4 such instrument is sought to be filed and a warrant obtained, such accu-
5 satory instrument may be filed with the town court of any adjoining town
6 of the same county. If such instrument may be filed pursuant to said
7 section 100.55 with a particular village court and such village court is
8 not available at the time, it may be filed with the town court of the
9 town embracing such village, or if such town court is not available
10 either, with the town court of any adjoining town of the same county.

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

14 S 120.55 Warrant of arrest; defendant under parole or probation super-
15 vision.

16 If the defendant named within a warrant of arrest issued by a local
17 criminal court OR YOUTH PART OF THE SUPERIOR COURT pursuant to the
18 provisions of this article, or by a superior court issued pursuant to
19 subdivision three of section 210.10 of this chapter, is under the super-
20 vision of the state department of corrections and community supervision
21 or a local or state probation department, then a warrant for his or her
22 arrest may be executed by a parole officer or probation officer, when
23 authorized by his or her probation director, within his or her geograph-
24 ical area of employment. The execution of the warrant by a parole offi-
25 cer or probation officer shall be upon the same conditions and conducted
26 in the same manner as provided for execution of a warrant by a police
27 officer.

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

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

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

37 1. Upon arresting a defendant for any offense pursuant to a warrant
38 of arrest in the county in which the warrant is returnable or in any
39 adjoining county, or upon so arresting him for a felony in any other
40 county, a police officer, if he be one to whom the warrant is addressed,
41 must without unnecessary delay bring the defendant before the local
42 criminal court OR YOUTH PART OF THE SUPERIOR COURT in which such warrant
43 is returnable.

44 5-A. WHENEVER A POLICE OFFICER IS REQUIRED, PURSUANT TO THIS SECTION,
45 TO BRING AN ARRESTED DEFENDANT BEFORE A YOUTH PART OF A SUPERIOR COURT
46 IN WHICH A WARRANT OF ARREST IS RETURNABLE, AND IF SUCH COURT IS NOT
47 AVAILABLE AT THE TIME, SUCH OFFICER MUST BRING SUCH DEFENDANT BEFORE THE
48 MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE APPELLATE DIVISION OF THE
49 SUPREME COURT IN THE APPLICABLE DEPARTMENT TO ACT AS A YOUTH PART.

50 6. Before bringing a defendant arrested pursuant to a warrant before
51 the local criminal court OR YOUTH PART OF A SUPERIOR COURT in which such
52 warrant is returnable, a police officer must without unnecessary delay
53 perform all fingerprinting and other preliminary police duties required
54 in the particular case. In any case in which the defendant is not
55 brought by a police officer before such court but, following his arrest
56 in another county for an offense specified in subdivision one of section

1 160.10, is released by a local criminal court of such other county on
2 his own recognizance or on bail for his appearance on a specified date
3 before the local criminal court before which the warrant is returnable,
4 the latter court must, upon arraignment of the defendant before it,
5 direct that he be fingerprinted by the appropriate officer or agency,
6 and that he appear at an appropriate designated time and place for such
7 purpose.

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

11 1. A summons is a process issued by a local criminal court directing a
12 defendant designated in an information, a prosecutor's information, a
13 felony complaint or a misdemeanor complaint filed with such court, OR A
14 YOUTH PART OF A SUPERIOR COURT DIRECTING A DEFENDANT DESIGNATED IN A
15 FELONY COMPLAINT, or by a superior court directing a defendant desig-
16 nated in an indictment filed with such court, to appear before it at a
17 designated future time in connection with such accusatory instrument.
18 The sole function of a summons is to achieve a defendant's court appear-
19 ance in a criminal action for the purpose of arraignment upon the accu-
20 satory instrument by which such action was commenced.

21 S 18. Section 130.30 of the criminal procedure law, as amended by
22 chapter 506 of the laws of 2000, is amended to read as follows:
23 S 130.30 Summons; when issuable.

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

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

38 (E) IF THE ARREST IS FOR A PERSON UNDER THE AGE OF SEVENTEEN OR,
39 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE
40 OF EIGHTEEN, SUCH PERSON SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE
41 SUPERIOR COURT. IF THE YOUTH PART IS NOT IN SESSION, SUCH PERSON SHALL
42 BE BROUGHT BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE
43 APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO
44 ACT AS A YOUTH PART.

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

48 6. Upon arresting a juvenile offender without a warrant, the police
49 officer shall immediately notify the parent or other person legally
50 responsible for his OR HER care or the person with whom he OR SHE is
51 domiciled, that the juvenile offender has been arrested, and the
52 location of the facility where he OR SHE is being detained. IF THE OFFI-
53 CER DETERMINES THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A
54 CHILD UNDER EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A
55 JUVENILE OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW, THE
56 OFFICER MUST TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF

1 ADMINISTRATOR OF THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF
2 CHILDREN OR, UPON THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY
3 RESPONSIBLE FOR THE CARE OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE
4 AND THERE QUESTION HIM OR HER FOR A REASONABLE PERIOD OF TIME. A JUVE-
5 NILE SHALL NOT BE QUESTIONED PURSUANT TO THIS SECTION UNLESS THE JUVE-
6 NILE AND A PERSON REQUIRED TO BE NOTIFIED PURSUANT TO THIS SUBDIVISION,
7 IF PRESENT, HAVE BEEN ADVISED:

8 (A) OF THE JUVENILE'S RIGHT TO REMAIN SILENT;
9 (B) THAT THE STATEMENTS MADE BY THE JUVENILE MAY BE USED IN A COURT OF
10 LAW;

11 (C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUES-
12 TIONING; AND

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

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

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

23 2. Upon arresting a person without a warrant, a peace officer, except
24 as otherwise provided in subdivision three OR THREE-A, must without
25 unnecessary delay bring him or cause him to be brought before a local
26 criminal court, as provided in section 100.55 and subdivision one of
27 section 140.20, and must without unnecessary delay file or cause to be
28 filed therewith an appropriate accusatory instrument. If the offense
29 which is the subject of the arrest is one of those specified in subdivi-
30 sion one of section 160.10, the arrested person must be fingerprinted
31 and photographed as therein provided. In order to execute the required
32 post-arrest functions, such arresting peace officer may perform such
33 functions himself or he may enlist the aid of a police officer for the
34 performance thereof in the manner provided in subdivision one of section
35 140.20.

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

38 3-A. IF THE ARREST IS FOR A PERSON UNDER THE AGE OF SEVENTEEN OR,
39 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON UNDER THE AGE
40 OF EIGHTEEN, SUCH PERSON SHALL BE BROUGHT BEFORE THE YOUTH PART OF THE
41 SUPERIOR COURT. IF THE YOUTH PART IS NOT IN SESSION, SUCH PERSON SHALL
42 BE BROUGHT BEFORE THE MOST ACCESSIBLE MAGISTRATE DESIGNATED BY THE
43 APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPARTMENT TO
44 ACT AS A YOUTH PART.

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

48 5. Upon arresting a juvenile offender without a warrant, the peace
49 officer shall immediately notify the parent or other person legally
50 responsible for his care or the person with whom he OR SHE is domiciled,
51 that the juvenile offender has been arrested, and the location of the
52 facility where he OR SHE is being detained. IF THE OFFICER DETERMINES
53 THAT IT IS NECESSARY TO QUESTION A JUVENILE OFFENDER OR A CHILD UNDER
54 EIGHTEEN YEARS OF AGE WHO FITS WITHIN THE DEFINITION OF A JUVENILE
55 OFFENDER AS DEFINED IN SECTION 30.00 OF THE PENAL LAW THE OFFICER MUST
56 TAKE THE JUVENILE TO A FACILITY DESIGNATED BY THE CHIEF ADMINISTRATOR OF

1 THE COURTS AS A SUITABLE PLACE FOR THE QUESTIONING OF CHILDREN OR, UPON
2 THE CONSENT OF A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE
3 OF THE JUVENILE, TO THE JUVENILE'S RESIDENCE AND THERE QUESTION HIM OR
4 HER FOR A REASONABLE PERIOD OF TIME. A JUVENILE SHALL NOT BE QUESTIONED
5 PURSUANT TO THIS SECTION UNLESS THE JUVENILE AND A PERSON REQUIRED TO BE
6 NOTIFIED PURSUANT TO THIS SUBDIVISION, IF PRESENT, HAVE BEEN ADVISED:

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

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

10 (C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUES-
11 TIONING; AND

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

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

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

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

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

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

41 (C) OF THE JUVENILE'S RIGHT TO HAVE AN ATTORNEY PRESENT AT SUCH QUES-
42 TIONING; AND

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

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

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

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

55 1. When a juvenile offender is arraigned before [a local criminal
56 court] THE YOUTH PART OF A SUPERIOR COURT, the provisions of [this

1 section] ARTICLE SEVEN HUNDRED TWENTY-TWO OF THIS CHAPTER shall apply in
2 lieu of the provisions of sections 180.30, 180.50 and 180.70 of this
3 article.

4 S 27. The opening paragraph of section 180.80 of the criminal proce-
5 dure law, as amended by chapter 556 of the laws of 1982, is amended to
6 read as follows:

7 Upon application of a defendant against whom a felony complaint has
8 been filed with a local criminal court OR THE YOUTH PART OF A SUPERIOR
9 COURT, and who, since the time of his arrest or subsequent thereto, has
10 been held in custody pending disposition of such felony complaint, and
11 who has been confined in such custody for a period of more than one
12 hundred twenty hours or, in the event that a Saturday, Sunday or legal
13 holiday occurs during such custody, one hundred forty-four hours, with-
14 out either a disposition of the felony complaint or commencement of a
15 hearing thereon, the [local criminal] court must release him on his own
16 recognizance unless:

17 S 28. Subdivisions (a) and (b) of section 190.71 of the criminal
18 procedure law, subdivision (a) as amended by chapter 7 of the laws of
19 2007 and subdivision (b) as added by chapter 481 of the laws of 1978,
20 are amended to read as follows:

21 (a) Except as provided in subdivision six of section 200.20 of this
22 chapter, a grand jury may not indict (i) a person thirteen years of age
23 for any conduct or crime other than conduct constituting a crime defined
24 in subdivisions one and two of section 125.25 (murder in the second
25 degree) or such conduct as a sexually motivated felony, where authorized
26 pursuant to section 130.91 of the penal law; (ii) a person fourteen
27 [or], fifteen, SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND NINE-
28 TEEN, SEVENTEEN years of age for any conduct or crime other than conduct
29 constituting a crime defined in subdivisions one and two of section
30 125.25 (murder in the second degree) and in subdivision three of such
31 section provided that the underlying crime for the murder charge is one
32 for which such person is criminally responsible; 135.25 (kidnapping in
33 the first degree); 150.20 (arson in the first degree); subdivisions one
34 and two of section 120.10 (assault in the first degree); 125.20
35 (manslaughter in the first degree); subdivisions one and two of section
36 130.35 (rape in the first degree); subdivisions one and two of section
37 130.50 (criminal sexual act in the first degree); 130.70 (aggravated
38 sexual abuse in the first degree); 140.30 (burglary in the first
39 degree); subdivision one of section 140.25 (burglary in the second
40 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
41 first degree); subdivision two of section 160.10 (robbery in the second
42 degree) of the penal law; subdivision four of section 265.02 of the
43 penal law, where such firearm is possessed on school grounds, as that
44 phrase is defined in subdivision fourteen of section 220.00 of the penal
45 law; or section 265.03 of the penal law, where such machine gun or such
46 firearm is possessed on school grounds, as that phrase is defined in
47 subdivision fourteen of section 220.00 of the penal law; or defined in
48 the penal law as an attempt to commit murder in the second degree or
49 kidnapping in the first degree, or such conduct as a sexually motivated
50 felony, where authorized pursuant to section 130.91 of the penal law;
51 (III) A PERSON SIXTEEN OR COMMENCING JANUARY FIRST, TWO THOUSAND NINE-
52 TEEN, SEVENTEEN YEARS OF AGE FOR ANY CONDUCT OR CRIME OTHER THAN CONDUCT
53 CONSTITUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; A
54 VIOLENT FELONY DEFINED IN SECTION 70.02 OF THE PENAL LAW; A CRIME THAT
55 IS CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH
56 REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN

1 YEARS OF AGE OR OLDER; A CRIME DEFINED IN THE FOLLOWING SECTIONS OF THE
2 PENAL LAW: SECTION 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE);
3 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED
4 VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11
5 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12 (VEHICULAR
6 MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN
7 THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR HOMICIDE); 125.15
8 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST
9 DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND DEGREE); 125.22
10 (AGGRAVATED MANSLAUGHTER IN THE FIRST DEGREE); 130.70 (AGGRAVATED SEXUAL
11 ABUSE IN THE FIRST DEGREE); 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A
12 CHILD IN THE FIRST DEGREE); 215.11 (TAMPERING WITH A WITNESS IN THE
13 THIRD DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE PERSON
14 IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE;
15 215.12 (TAMPERING WITH A WITNESS IN THE SECOND DEGREE) PROVIDED THAT THE
16 CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH
17 SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.13 (TAMPERING WITH A WITNESS
18 IN THE FIRST DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE
19 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-
20 BLE; 215.52 (AGGRAVATED CRIMINAL CONTEMPT); 130.95 (PREDATORY SEXUAL
21 ASSAULT); 220.18 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE
22 SECOND DEGREE); 220.21 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN
23 THE FIRST DEGREE); 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
24 THE SECOND DEGREE); 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
25 THE FIRST DEGREE); 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22
26 (AGGRAVATED ENTERPRISE CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A
27 CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50
28 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND
29 DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAP-
30 ON IN THE FIRST DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED
31 IN SUBDIVISION TWO OF SECTION 130.91 OF THE PENAL LAW WHEN COMMITTED AS
32 A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE
33 DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW WHEN
34 COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN
35 ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW; AND ACTS CONSTITUTING A
36 CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15
37 OF THE PENAL LAW PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY
38 CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

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

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

52 6. Where an indictment charges at least one offense against a defend-
53 ant who was under the age of [sixteen] SEVENTEEN, OR COMMENCING JANUARY
54 FIRST, TWO THOUSAND NINETEEN, EIGHTEEN at the time of the commission of
55 the crime and who did not lack criminal responsibility for such crime by
56 reason of infancy, the indictment may, in addition, charge in separate

1 counts one or more other offenses for which such person would not have
2 been criminally responsible by reason of infancy, if:

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

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

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

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

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

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

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

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

36 (iii) Where the indictment does not charge a crime specified in
37 subparagraph (i) of this paragraph, the district attorney may recommend
38 removal of the action to the family court. Upon making such recommenda-
39 tion the district attorney shall submit a subscribed memorandum setting
40 forth: (1) a recommendation that the interests of justice would best be
41 served by removal of the action to the family court; and (2) if the
42 indictment charges a thirteen year old with the crime of murder in the
43 second degree, or a fourteen [or], fifteen OR SIXTEEN YEAR OLD, OR
44 COMMENCING JANUARY FIRST TWO THOUSAND NINETEEN, SEVENTEEN year old with
45 the crimes of rape in the first degree as defined in subdivision one of
46 section 130.35 of the penal law, or criminal sexual act in the first
47 degree as defined in subdivision one of section 130.50 of the penal law,
48 or an armed felony as defined in paragraph (a) of subdivision forty-one
49 of section 1.20 of this chapter specific factors, one or more of which
50 reasonably supports the recommendation, showing, (i) mitigating circum-
51 stances that bear directly upon the manner in which the crime was
52 committed, or (ii) where the defendant was not the sole participant in
53 the crime, that the defendant's participation was relatively minor
54 although not so minor as to constitute a defense to the prosecution, or
55 (iii) possible deficiencies in proof of the crime, or (iv) where the
56 juvenile offender has no previous adjudications of having committed a

1 designated felony act, as defined in subdivision eight of section 301.2
2 of the family court act, regardless of the age of the offender at the
3 time of commission of the act, that the criminal act was not part of a
4 pattern of criminal behavior and, in view of the history of the offen-
5 der, is not likely to be repeated.

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

9 2. Warrant. (A) Where the probation officer has requested that a
10 probation warrant be issued, the court shall, within seventy-two hours
11 of its receipt of the request, issue or deny the warrant or take any
12 other lawful action including issuance of a notice to appear pursuant to
13 subdivision one of this section. If at any time during the period of a
14 sentence of probation or of conditional discharge the court has reason-
15 able grounds to believe that the defendant has violated a condition of
16 the sentence, the court may issue a warrant to a police officer or to an
17 appropriate peace officer directing him or her to take the defendant
18 into custody and bring the defendant before the court without unneces-
19 sary delay; provided, however, if the court in which the warrant is
20 returnable is a superior court, and such court is not available, and the
21 warrant is addressed to a police officer or appropriate probation offi-
22 cer certified as a peace officer, such executing officer may UNLESS
23 OTHERWISE SPECIFIED UNDER PARAGRAPH (B) OF THIS SECTION, bring the
24 defendant to the local correctional facility of the county in which such
25 court sits, to be detained there until not later than the commencement
26 of the next session of such court occurring on the next business day; or
27 if the court in which the warrant is returnable is a local criminal
28 court, and such court is not available, and the warrant is addressed to
29 a police officer or appropriate probation officer certified as a peace
30 officer, such executing officer must without unnecessary delay bring the
31 defendant before an alternate local criminal court, as provided in
32 subdivision five of section 120.90 of this chapter. A court which issues
33 such a warrant may attach thereto a summary of the basis for the
34 warrant. In any case where a defendant arrested upon the warrant is
35 brought before a local criminal court other than the court in which the
36 warrant is returnable, such local criminal court shall consider such
37 summary before issuing a securing order with respect to the defendant.

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

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

53 S 410.60 Appearance before court.

54 (A) A person who has been taken into custody pursuant to section
55 410.40 or section 410.50 of this article for violation of a condition of
56 a sentence of probation or a sentence of conditional discharge must

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

13 (B) A JUVENILE OFFENDER WHO HAS BEEN TAKEN INTO CUSTODY PURSUANT TO
14 SECTION 410.40 OR SECTION 410.50 OF THIS ARTICLE FOR VIOLATION OF A
15 CONDITION OF A SENTENCE OF PROBATION OR A SENTENCE OF CONDITIONAL
16 DISCHARGE MUST FORTHWITH BE BROUGHT BEFORE THE COURT THAT IMPOSED THE
17 SENTENCE. WHERE A VIOLATION OF PROBATION PETITION AND REPORT HAS BEEN
18 FILED AND THE PERSON HAS NOT BEEN TAKEN INTO CUSTODY NOR HAS A WARRANT
19 BEEN ISSUED, AN INITIAL COURT APPEARANCE SHALL OCCUR WITHIN TEN BUSINESS
20 DAYS OF THE COURT'S ISSUANCE OF A NOTICE TO APPEAR. IF THE COURT HAS
21 REASONABLE CAUSE TO BELIEVE THAT SUCH PERSON HAS VIOLATED A CONDITION OF
22 THE SENTENCE, IT MAY COMMIT HIM OR HER TO THE CUSTODY OF THE SHERIFF OR
23 FIX BAIL OR RELEASE SUCH PERSON ON HIS OR HER OWN RECOGNIZANCE FOR
24 FUTURE APPEARANCE AT A HEARING TO BE HELD IN ACCORDANCE WITH SECTION
25 410.70 OF THIS ARTICLE. PROVIDED, HOWEVER, NOTHING HEREIN SHALL AUTHOR-
26 IZE A JUVENILE TO BE DETAINED FOR A VIOLATION OF A CONDITION THAT WOULD
27 NOT CONSTITUTE A CRIME IF COMMITTED BY AN ADULT UNLESS THE COURT DETER-
28 MINES (I) THAT THE JUVENILE POSES A SPECIFIC IMMINENT THREAT TO PUBLIC
29 SAFETY AND STATES THE REASONS FOR THE FINDING ON THE RECORD OR (II) THE
30 JUVENILE IS ON PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT
31 FELONY AS DEFINED IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN
32 ADULT AND THE USE OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT
33 SUCCESS. IF THE COURT DOES NOT HAVE REASONABLE CAUSE TO BELIEVE THAT
34 SUCH PERSON HAS VIOLATED A CONDITION OF THE SENTENCE, IT MUST DIRECT
35 THAT THE JUVENILE BE RELEASED.

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

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

1 declaration of delinquency and for any time spent in custody pursuant to
2 this article for an alleged violation of probation.

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

12 S 35. The criminal procedure law is amended by adding a new section
13 410.90-a to read as follows:

14 S 410.90-A SUPERIOR COURT; YOUTH PART.

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

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

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

25 1. When a principal who is (A) under the age of sixteen; OR (B)
26 COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN A PRINCIPAL WHO IS UNDER
27 THE AGE OF SEVENTEEN WHO COMMITTED AN OFFENSE ON OR AFTER JANUARY FIRST,
28 TWO THOUSAND EIGHTEEN; OR (C) COMMENCING JANUARY FIRST, TWO THOUSAND
29 NINETEEN, A PRINCIPAL WHO IS UNDER THE AGE OF EIGHTEEN WHO COMMITTED AN
30 OFFENSE ON OR AFTER JANUARY FIRST, TWO THOUSAND NINETEEN, is committed
31 to the custody of the sheriff the court must direct that the principal
32 be taken to and lodged in a place certified by the [state division for
33 youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile detention
34 facility for the reception of children. Where such a direction is made
35 the sheriff shall deliver the principal in accordance therewith and such
36 person shall although lodged and cared for in a juvenile detention
37 facility continue to be deemed to be in the custody of the sheriff. No
38 principal under the age [of sixteen] SPECIFIED to whom the provisions of
39 this section may apply shall be detained in any prison, jail, lockup, or
40 other place used for adults convicted of a crime or under arrest and
41 charged with the commission of a crime without the approval of the
42 [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES in the
43 case of each principal and the statement of its reasons therefor. The
44 sheriff shall not be liable for any acts done to or by such principal
45 resulting from negligence in the detention of and care for such princi-
46 pal, when the principal is not in the actual custody of the sheriff.

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

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

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

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

9 S 30.00 Infancy.

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

14 2. A person thirteen, fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE
15 OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON SEVENTEEN
16 years of age is criminally responsible for acts constituting murder in
17 the second degree as defined in subdivisions one and two of section
18 125.25 and in subdivision three of such section provided that the under-
19 lying crime for the murder charge is one for which such person is crimi-
20 nally responsible or for such conduct as a sexually motivated felony,
21 where authorized pursuant to section 130.91 of [the penal law] THIS
22 CHAPTER; and a person fourteen [or], fifteen, OR SIXTEEN YEARS OF AGE
23 OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of
24 age is criminally responsible for acts constituting the crimes defined
25 in section 135.25 (kidnapping in the first degree); 150.20 (arson in the
26 first degree); subdivisions one and two of section 120.10 (assault in
27 the first degree); 125.20 (manslaughter in the first degree); subdivi-
28 sions one and two of section 130.35 (rape in the first degree); subdivi-
29 sions one and two of section 130.50 (criminal sexual act in the first
30 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
31 (burglary in the first degree); subdivision one of section 140.25
32 (burglary in the second degree); 150.15 (arson in the second degree);
33 160.15 (robbery in the first degree); subdivision two of section 160.10
34 (robbery in the second degree) of this chapter; or section 265.03 of
35 this chapter, where such machine gun or such firearm is possessed on
36 school grounds, as that phrase is defined in subdivision fourteen of
37 section 220.00 of this chapter; or defined in this chapter as an attempt
38 to commit murder in the second degree or kidnapping in the first degree,
39 or for such conduct as a sexually motivated felony, where authorized
40 pursuant to section 130.91 of [the penal law] THIS CHAPTER.

41 3. A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINE-
42 TEEN, SEVENTEEN YEARS OLD IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUT-
43 ING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; ACTS CONSTITUT-
44 ING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THIS CHAPTER; ACTS
45 CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLASSIFIED AS A CLASS A
46 FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF
47 THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS
48 CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN
49 THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE);
50 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT
51 HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12
52 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR
53 MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR
54 MANSLAUGHTER); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20
55 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN
56 THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST

1 DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE); 130.75
2 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE); 215.11
3 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMI-
4 NAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH
5 PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN
6 THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE
7 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-
8 BLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT
9 THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR
10 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL
11 CONTEMPT); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION
12 TWO OF SECTION 130.91 OF THIS CHAPTER WHEN COMMITTED AS A SEXUALLY MOTI-
13 VATED FELONY; 130.95 (PREDATORY SEXUAL ASSAULT); 220.18 (CRIMINAL
14 POSSESSION OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.21
15 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE);
16 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE);
17 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE);
18 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE
19 CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A
20 BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMI-
21 CAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); 490.55 (CRIMI-
22 NAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST
23 DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION
24 THREE OF SECTION 490.05 OF THIS CHAPTER WHEN COMMITTED AS AN ACT OF
25 TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE 490 OF THIS
26 CHAPTER; AND ACTS CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF
27 SECTION 105.10 AND SECTION 105.15 PROVIDED THAT THE UNDERLYING CRIME FOR
28 THE CONSPIRACY CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPON-
29 SIBLE.

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

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

34 (2) If the sentence is to be imposed upon a youthful offender finding
35 which has been substituted for a conviction for any felony, AND THE
36 PERSON IS EIGHTEEN YEARS OF AGE OR YOUNGER, the court must impose a
37 sentence authorized to be imposed upon a person convicted of a class E
38 felony provided, however, that (A) the court must not impose a sentence
39 of [conditional discharge or] unconditional discharge if the youthful
40 offender finding was substituted for a conviction of a felony defined in
41 article two hundred twenty of this chapter; AND (B) NOTWITHSTANDING
42 PARAGRAPH (E) OF SUBDIVISION TWO OF SECTION 70.00 OF THIS TITLE, IF A
43 TERM OF IMPRISONMENT IS IMPOSED, SUCH TERM SHALL BE A DEFINITE SENTENCE
44 OF ONE YEAR OR LESS, OR A DETERMINATE SENTENCE, THE TERM OF WHICH MUST
45 BE AT LEAST ONE YEAR AND MUST NOT EXCEED THREE YEARS, AND MUST INCLUDE,
46 AS A PART THEREOF, A PERIOD OF POST RELEASE SUPERVISION IN ACCORDANCE
47 WITH SUBDIVISION TWO-B OF SECTION 70.45 OF THIS TITLE. IN ANY CASE,
48 WHERE A COURT IMPOSES A SENTENCE OF IMPRISONMENT IN CONJUNCTION WITH A
49 SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE, SUCH IMPRISONMENT TERM
50 SHALL NOT BE IN EXCESS OF SIX MONTHS, OR IN THE CASE OF AN INTERMITTENT
51 TERM, NOT IN EXCESS OF FOUR MONTHS IN ACCORDANCE WITH PARAGRAPH (D) OF
52 SUBDIVISION TWO OF SECTION 60.01 OF THIS ARTICLE. IF THE SENTENCE IS TO
53 BE IMPOSED UPON A YOUTHFUL OFFENDER FINDING WHICH HAS BEEN SUBSTITUTED
54 FOR A CONVICTION OF ANY FELONY, AND THE PERSON IS NINETEEN OR TWENTY
55 YEARS OF AGE, THE COURT MUST SENTENCE SUCH PERSON PURSUANT TO THE

1 PROVISIONS OF THIS ARTICLE APPLICABLE TO A PERSON TWENTY-ONE YEARS OF
2 AGE OR OLDER CONVICTED OF THE SAME OFFENSE.

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

5 S 60.10 Authorized disposition; juvenile offender.

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

16 2. Subdivision one of this section shall apply when sentencing a juve-
17 nile offender notwithstanding the provisions of any other law that deals
18 with the authorized sentence for persons who are not juvenile offenders.
19 Provided, however, that the limitation prescribed by this section shall
20 not be deemed or construed to bar use of a conviction of a juvenile
21 offender, other than a juvenile offender who has been adjudicated a
22 youthful offender pursuant to section 720.20 of the criminal procedure
23 law, as a previous or predicate felony offender under section 70.04,
24 70.06, 70.07, 70.08 [or], 70.10, 70.70, 70.71, 70.80, OR 485.10 OF THIS
25 CHAPTER, when sentencing a person who commits a felony after [he] SUCH
26 PERSON has reached the age of [sixteen] SEVENTEEN AS OF JANUARY FIRST,
27 TWO THOUSAND EIGHTEEN, AND EIGHTEEN AS OF JANUARY FIRST, TWO THOUSAND
28 NINETEEN.

29 S 40-a. Subdivision 5 of section 70.00 of the penal law, as amended by
30 chapter 482 of the laws of 2009, is amended to read as follows:

31 5. Life imprisonment without parole. Notwithstanding any other
32 provision of law, a defendant sentenced to life imprisonment without
33 parole shall not be or become eligible for parole or conditional
34 release. For purposes of commitment and custody, other than parole and
35 conditional release, such sentence shall be deemed to be an indetermi-
36 nate sentence. A defendant may be sentenced to life imprisonment without
37 parole upon conviction for the crime of murder in the first degree as
38 defined in section 125.27 of this chapter and in accordance with the
39 procedures provided by law for imposing a sentence for such crime. A
40 defendant WHO WAS EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME OF THE
41 COMMISSION OF THE CRIME must be sentenced to life imprisonment without
42 parole upon conviction for the crime of terrorism as defined in section
43 490.25 of this chapter, where the specified offense the defendant
44 committed is a class A-I felony; the crime of criminal possession of a
45 chemical weapon or biological weapon in the first degree as defined in
46 section 490.45 of this chapter; or the crime of criminal use of a chemi-
47 cal weapon or biological weapon in the first degree as defined in
48 section 490.55 of this chapter; provided, however, that nothing in this
49 subdivision shall preclude or prevent a sentence of death when the
50 defendant is also convicted of the crime of murder in the first degree
51 as defined in section 125.27 of this chapter. A DEFENDANT WHO WAS
52 SEVENTEEN YEARS OF AGE OR YOUNGER AT THE TIME OF THE COMMISSION OF THE
53 CRIME MAY BE SENTENCED TO LIFE IMPRISONMENT WITHOUT PAROLE UPON
54 CONVICTION FOR A CRIME OF TERRORISM AS DEFINED IN SECTION 490.25 OF THIS
55 CHAPTER, WHERE THE SPECIFIED OFFENSE IS A CLASS A-I FELONY; THE CRIME OF
56 CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE

1 FIRST DEGREE AS DEFINED IN SECTION 490.45 OF THIS CHAPTER; OR THE CRIME
2 OF CRIMINAL USE OF A CHEMICAL WEAPON OR BIOLOGICAL WEAPON IN THE FIRST
3 DEGREE AS DEFINED IN SECTION 490.55 OF THIS CHAPTER. A defendant must be
4 sentenced to life imprisonment without parole upon conviction for the
5 crime of murder in the second degree as defined in subdivision five of
6 section 125.25 of this chapter or for the crime of aggravated murder as
7 defined in subdivision one of section 125.26 of this chapter. A defend-
8 ant may be sentenced to life imprisonment without parole upon conviction
9 for the crime of aggravated murder as defined in subdivision two of
10 section 125.26 of this chapter.

11 S 41. Section 70.05 of the penal law, as added by chapter 481 of the
12 laws of 1978, subdivision 1 as amended by chapter 615 of the laws of
13 1984, paragraph (e) of subdivision 2 as added and paragraph (c) of
14 subdivision 3 as amended by chapter 435 of the laws of 1998, paragraph
15 (a) of subdivision 3 as amended by chapter 174 of the laws of 2003, is
16 amended to read as follows:

17 S 70.05 Sentence of imprisonment for juvenile offender.

18 1. [Indeterminate sentence] SENTENCE. A sentence of imprisonment for a
19 JUVENILE OFFENDER CONVICTED OF A CLASS A felony OTHER THAN MURDER IN THE
20 SECOND DEGREE AS DEFINED BY SECTION 125.25, ARSON IN THE FIRST DEGREE AS
21 DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED
22 BY SECTION 135.25 OF THIS CHAPTER, SHALL BE IMPOSED BY THE COURT PURSU-
23 ANT TO THE PROVISIONS OF SECTION 70.00, 70.06, 70.07, 70.08, OR 70.71 OF
24 THIS CHAPTER, AS APPLICABLE. A SENTENCE OF IMPRISONMENT FOR THE CLASS
25 A-1 FELONY OF MURDER IN THE SECOND DEGREE committed by a juvenile offen-
26 der shall be an indeterminate sentence. When such a sentence is imposed,
27 the court shall impose [a] THE MINIMUM PERIOD OF IMPRISONMENT AND maxi-
28 mum term in accordance with the provisions of subdivision two of this
29 section [and the minimum period of imprisonment shall be as provided in
30 subdivision three of this section]. EXCEPT AS PROVIDED HEREIN, A
31 SENTENCE OF IMPRISONMENT FOR ANY OTHER FELONY COMMITTED BY A JUVENILE
32 OFFENDER SHALL BE A DETERMINATE SENTENCE. WHEN SUCH A SENTENCE IS
33 IMPOSED, THE COURT SHALL IMPOSE A TERM OF IMPRISONMENT IN WHOLE OR HALF
34 YEARS IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION THREE OF THIS
35 SECTION AND A PERIOD OF POST-RELEASE SUPERVISION IN ACCORDANCE WITH THE
36 PROVISIONS OF SUBDIVISION TWO-B OF SECTION 70.45 OF THIS ARTICLE. The
37 court shall further provide that where a juvenile offender is under
38 placement pursuant to article three of the family court act, any
39 sentence imposed pursuant to this section which is to be served consec-
40 utively with such placement shall be served in a facility designated
41 pursuant to subdivision four of section 70.20 of this article prior to
42 service of the placement in any previously designated facility.

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

46 (a)] For the class A felony of murder in the second degree, the MAXI-
47 MUM term shall be life imprisonment[;], AND THE MINIMUM PERIOD OF IMPRI-
48 SONMENT SHALL BE SPECIFIED IN THE SENTENCE AS FOLLOWS:

49 (A) WHERE THE DEFENDANT WAS THIRTEEN YEARS OLD AT THE TIME OF SUCH
50 OFFENSE, OR WAS FOURTEEN OR FIFTEEN AT THE TIME OF SUCH OFFENSE AND THE
51 SENTENCE IS FOR AN OFFENSE SPECIFIED IN SUBDIVISION THREE OF SECTION
52 125.25 OF THIS CHAPTER, THE MINIMUM PERIOD OF IMPRISONMENT SHALL BE AT
53 LEAST FIVE YEARS BUT SHALL NOT EXCEED NINE YEARS;

54 (B) EXCEPT AS SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION WHERE THE
55 DEFENDANT WAS AT LEAST FOURTEEN YEARS OLD BUT LESS THAN SEVENTEEN YEARS
56 OLD, AND, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, WHERE THE

1 DEFENDANT WAS AT LEAST FOURTEEN YEARS OLD BUT LESS THAN EIGHTEEN YEARS
2 OLD AT THE TIME OF SUCH OFFENSE, THE MINIMUM PERIOD OF IMPRISONMENT
3 SHALL BE AT LEAST SEVEN AND ONE HALF YEARS BUT SHALL NOT EXCEED FIFTEEN
4 YEARS.

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

9 [(c)] (B)(I) EXCEPT AS PROVIDED FOR IN SUBPARAGRAPH (II) OF THIS PARA-
10 GRAPH, for a class B felony, the DETERMINATE term shall be fixed by the
11 court, and shall BE AT LEAST ONE YEAR BUT SHALL not exceed [ten] SEVEN
12 years;

13 (II) FOR A CLASS B VIOLENT FELONY AS DEFINED BY SECTION 70.02 OF THIS
14 ARTICLE, WHERE THE DEFENDANT WAS SIXTEEN YEARS OLD, AND COMMENCING JANU-
15 ARY FIRST, TWO THOUSAND NINETEEN, WHERE THE DEFENDANT WAS SIXTEEN OR
16 SEVENTEEN YEARS OLD AT THE TIME OF SUCH OFFENSE, THE DETERMINATE TERM
17 SHALL BE FIXED BY THE COURT, AND SHALL BE AT LEAST FIVE YEARS BUT SHALL
18 NOT EXCEED TWENTY YEARS; PROVIDED, HOWEVER, THAT WHERE THE COURT, HAVING
19 REGARD TO THE NATURE AND CIRCUMSTANCES OF THE CRIME AND TO THE HISTORY
20 AND CHARACTER OF THE DEFENDANT, IS OF THE OPINION THAT IT WOULD BE UNDU-
21 LY HARSH TO IMPOSE A DETERMINATE SENTENCE OF NO LESS THAN FIVE YEARS AND
22 NO MORE THAN TWENTY-FIVE YEARS, THE COURT MAY IMPOSE A DETERMINATE
23 SENTENCE OF NO LESS THAN ONE YEAR AND NO MORE THAN SEVEN YEARS;

24 (III) FOR A CLASS B VIOLENT FELONY AS DEFINED BY SECTION 70.02 OF THIS
25 ARTICLE, WHERE THE DEFENDANT WAS FOURTEEN OR FIFTEEN YEARS OLD AT THE
26 TIME OF SUCH OFFENSE THE DETERMINATE TERM SHALL BE FIXED BY THE COURT,
27 AND SHALL BE AT LEAST ONE YEAR BUT SHALL NOT EXCEED SEVEN YEARS;

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

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

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

39 [3. Minimum period of imprisonment. The minimum period of imprisonment
40 under an indeterminate sentence for a juvenile offender shall be speci-
41 fied in the sentence as follows:

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

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

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

1 4. A SENTENCE IMPOSED FOR A MISDEMEANOR OR VIOLATION COMMITTED BY A
2 JUVENILE OFFENDER SHALL BE IN ACCORDANCE WITH SECTION 70.15 OF THIS
3 CHAPTER.

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

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

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

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

28 (d) Nothing in this subdivision shall preclude a parent or legal guar-
29 dian of an inmate who is not yet eighteen years of age from making a
30 motion on notice to the department of corrections and community super-
31 vision pursuant to article twenty-two of the civil practice law and
32 rules and section one hundred forty of the correction law, objecting to
33 routine medical, dental or mental health services and treatment being
34 provided to such inmate under the provisions of paragraph (b) of this
35 subdivision.

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

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

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

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

52 (c) Nothing in this subdivision shall preclude a parent or legal guar-
53 dian of an inmate who is not yet eighteen years of age from making a
54 motion on notice to the local correction facility pursuant to article
55 twenty-two of the civil practice law and rules and section one hundred
56 forty of the correction law, objecting to routine medical, dental or

1 mental health services and treatment being provided to such inmate under
2 the provisions of paragraph (b) of this subdivision.]

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

7 (a) Notwithstanding any other provision of law to the contrary, a
8 juvenile offender[,] or a juvenile offender who is adjudicated a youth-
9 ful offender [and], WHO IS given an indeterminate or a definite
10 sentence, AND WHO IS UNDER THE AGE OF TWENTY-ONE AT THE TIME OF SENTENC-
11 ING, shall be committed to the custody of the commissioner of the office
12 of children and family services who shall arrange for the confinement of
13 such offender in [secure] facilities of the office. The release or
14 transfer of such offenders from the office of children and family
15 services shall be governed by section five hundred eight of the execu-
16 tive law. IF THE JUVENILE OFFENDER IS CONVICTED OR, IF THE JUVENILE
17 OFFENDER WHO IS ADJUDICATED A YOUTHFUL OFFENDER IS CONVICTED AND IS
18 TWENTY-ONE YEARS OF AGE OR OLDER AT THE TIME OF SENTENCING, HE OR SHE
19 SHALL BE DELIVERED TO THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPER-
20 VISION.

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

31 (A-2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
32 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, A PERSON WHO IS IN THE
33 CUSTODY OF, OR IS COMMITTED TO, THE DEPARTMENT OF CORRECTIONS AND COMMU-
34 NITY SUPERVISION WHO IS UNDER THE AGE OF EIGHTEEN SHALL, WITHIN THE
35 DISCRETION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
36 AND THE OFFICE OF CHILDREN AND FAMILY SERVICES, SUBJECT TO AVAILABLE
37 CAPACITY, AND WHEN CONSISTENT WITH THE PERSON'S CIRCUMSTANCES, BE TRANS-
38 FERRED TO THE CUSTODY OF THE COMMISSIONER OF THE OFFICE OF CHILDREN AND
39 FAMILY SERVICES WHO SHALL ARRANGE FOR THE CONFINEMENT OF SUCH OFFENDER
40 IN FACILITIES OF THE OFFICE. THE PLACEMENT FACILITY AND RELEASE OR
41 TRANSFER OF SUCH OFFENDERS FROM THE OFFICE OF CHILDREN AND FAMILY
42 SERVICES SHALL BE GOVERNED BY SECTION FIVE HUNDRED EIGHT OF THE EXECU-
43 TIVE LAW.

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

47 (f) [The aggregate maximum term of consecutive sentences imposed upon
48 a juvenile offender for two or more crimes, not including a class A
49 felony, committed before he has reached the age of sixteen, shall, if it
50 exceeds ten years, be deemed to be ten years. If consecutive indetermi-
51 nate sentences imposed upon a juvenile offender include a sentence for
52 the class A felony of arson in the first degree or for the class A felo-
53 ny of kidnapping in the first degree, then the aggregate maximum term of
54 such sentences shall, if it exceeds fifteen years, be deemed to be
55 fifteen years. Where the aggregate maximum term of two or more consec-
56 utive sentences is reduced by a calculation made pursuant to this para-

1 graph, the aggregate minimum period of imprisonment, if it exceeds one-
2 half of the aggregate maximum term as so reduced, shall be deemed to be
3 one-half of the aggregate maximum term as so reduced.] (I) THE AGGREGATE
4 TERM OR MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED UPON A JUVENILE
5 OFFENDER FOR TWO OR MORE CRIMES COMMITTED PRIOR TO THE TIME THE PERSON
6 WAS IMPRISONED UNDER ANY OF SUCH SENTENCES, OTHER THAN TWO OR MORE
7 SENTENCES THAT INCLUDE A SENTENCE FOR A CLASS A FELONY, OR A SENTENCE
8 FOR A CLASS B VIOLENT FELONY, SHALL, IF IT EXCEEDS TEN YEARS, BE DEEMED
9 TO BE TEN YEARS, PROVIDED:

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

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

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

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

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

30 (II) THE AGGREGATE MAXIMUM TERM OF CONSECUTIVE SENTENCES IMPOSED UPON
31 A JUVENILE OFFENDER FOR TWO OR MORE CRIMES COMMITTED PRIOR TO THE TIME
32 THE PERSON WAS IMPRISONED UNDER ANY OF SUCH SENTENCES, AT LEAST ONE OF
33 WHICH IS THE CLASS A FELONY OF ARSON IN THE FIRST DEGREE AS DEFINED BY
34 SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED BY SECTION
35 135.25 OF THIS CHAPTER BUT NO OTHER CLASS A FELONY, AND DOES NOT INCLUDE
36 A SENTENCE IMPOSED FOR A CLASS B VIOLENT FELONY, SHALL, IF IT EXCEEDS
37 FIFTEEN YEARS, BE DEEMED TO BE FIFTEEN YEARS, PROVIDED:

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

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

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

49 (1) IF THE AGGREGATE TERM OF THE DETERMINATE SENTENCES IS EQUAL TO OR
50 EXCEEDS FIFTEEN YEARS, THE JUVENILE OFFENDER SHALL BE DEEMED TO BE SERV-
51 ING A DETERMINATE TERM OF FIFTEEN YEARS; AND

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

1 THE TERM OR AGGREGATE TERM OF THE DETERMINATE SENTENCE OR SENTENCES,
2 WHICHEVER IS GREATER.

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

5 2-B. PERIODS OF POST-RELEASE SUPERVISION FOR JUVENILE OFFENDERS AND
6 YOUTHFUL OFFENDERS. (A) THE PERIOD OF POST-RELEASE SUPERVISION FOR A
7 DETERMINATE SENTENCE IMPOSED UPON A YOUTHFUL OFFENDER OR A JUVENILE
8 OFFENDER ADJUDICATED A YOUTHFUL OFFENDER MUST BE FIXED BY THE COURT AT
9 ONE YEAR.

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

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

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

19 (III) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN THREE
20 YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A
21 CONVICTION OF A CLASS B FELONY OFFENSE; PROVIDED, HOWEVER, THAT SUCH
22 PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN FOUR YEARS WHENEVER
23 A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A CONVICTION OF A
24 CLASS B VIOLENT FELONY OFFENSE WHERE THE DEFENDANT WAS SIXTEEN, AND
25 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN YEARS OLD AT
26 THE TIME OF THE OFFENSE; AND

27 (IV) SUCH PERIOD SHALL BE NOT LESS THAN ONE YEAR NOR MORE THAN FIVE
28 YEARS WHENEVER A DETERMINATE SENTENCE OF IMPRISONMENT IS IMPOSED UPON A
29 CONVICTION OF THE CLASS A FELONY OFFENSE OF ARSON IN THE FIRST DEGREE AS
30 DEFINED BY SECTION 150.20 OR KIDNAPPING IN THE FIRST DEGREE AS DEFINED
31 BY SECTION 135.25 OF THIS CHAPTER, AND A FIVE-YEAR PERIOD SHALL BE
32 IMPOSED PURSUANT TO SUBDIVISION TWO OF THIS SECTION WHENEVER A DETERMI-
33 NATE SENTENCE IMPOSED UPON A JUVENILE OFFENDER FOR ANY OTHER CLASS A
34 FELONY.

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

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

42 (2) a person fourteen [or], fifteen OR SIXTEEN YEARS OLD OR COMMENCING
43 JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years old who is crimi-
44 nally responsible for acts constituting the crimes defined in subdivi-
45 sions one and two of section 125.25 (murder in the second degree) and in
46 subdivision three of such section provided that the underlying crime for
47 the murder charge is one for which such person is criminally responsi-
48 ble; section 135.25 (kidnapping in the first degree); 150.20 (arson in
49 the first degree); subdivisions one and two of section 120.10 (assault
50 in the first degree); 125.20 (manslaughter in the first degree); subdi-
51 visions one and two of section 130.35 (rape in the first degree); subdi-
52 visions one and two of section 130.50 (criminal sexual act in the first
53 degree); 130.70 (aggravated sexual abuse in the first degree); 140.30
54 (burglary in the first degree); subdivision one of section 140.25
55 (burglary in the second degree); 150.15 (arson in the second degree);
56 160.15 (robbery in the first degree); subdivision two of section 160.10

1 (robbery in the second degree) of this chapter; or section 265.03 of
2 this chapter, where such machine gun or such firearm is possessed on
3 school grounds, as that phrase is defined in subdivision fourteen of
4 section 220.00 of this chapter; or defined in this chapter as an attempt
5 to commit murder in the second degree or kidnapping in the first degree,
6 or such conduct as a sexually motivated felony, where authorized pursu-
7 ant to section 130.91 of [the penal law] THIS CHAPTER; AND

8 (3) A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST, TWO THOUSAND NINE-
9 TEEN, SEVENTEEN YEARS OLD WHO IS CRIMINALLY RESPONSIBLE FOR ACTS CONSTI-
10 TUTING AN OFFENSE SET FORTH IN THE VEHICLE AND TRAFFIC LAW; ACTS CONSTI-
11 TUTING A VIOLENT FELONY DEFINED IN SECTION 70.02 OF THIS CHAPTER; ACTS
12 CONSTITUTING ANY CRIME IN THIS CHAPTER THAT IS CLASSIFIED AS A CLASS A
13 FELONY EXCEPTING THOSE CLASS A FELONIES WHICH REQUIRE, AS AN ELEMENT OF
14 THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN YEARS OF AGE OR OLDER; ACTS
15 CONSTITUTING THE CRIMES DEFINED IN SECTION 120.03 (VEHICULAR ASSAULT IN
16 THE SECOND DEGREE); 120.04 (VEHICULAR ASSAULT IN THE FIRST DEGREE);
17 120.04-A (AGGRAVATED VEHICULAR ASSAULT); 125.10 (CRIMINALLY NEGLIGENT
18 HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY NEGLIGENT HOMICIDE); 125.12
19 (VEHICULAR MANSLAUGHTER IN THE SECOND DEGREE); 125.13 (VEHICULAR
20 MANSLAUGHTER IN THE FIRST DEGREE); 125.14 (AGGRAVATED VEHICULAR
21 MANSLAUGHTER); 125.15 (MANSLAUGHTER IN THE SECOND DEGREE); 125.20
22 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED MANSLAUGHTER IN
23 THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST
24 DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE); 130.75
25 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE); 215.11
26 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE CRIMI-
27 NAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH SUCH
28 PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS IN
29 THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE
30 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-
31 BLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT
32 THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR
33 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL
34 CONTEMPT); 130.95 (PREDATORY SEXUAL ASSAULT); 220.41 (CRIMINAL SALE OF A
35 CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.43 (CRIMINAL SALE OF A
36 CONTROLLED SUBSTANCE IN THE FIRST DEGREE); 220.77 (OPERATING AS A MAJOR
37 TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE CORRUPTION); 490.45 (CRIMINAL
38 POSSESSION OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST
39 DEGREE); 490.50 (CRIMINAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAP-
40 ON IN THE SECOND DEGREE); 490.55 (CRIMINAL USE OF A CHEMICAL WEAPON OR A
41 BIOLOGICAL WEAPON IN THE FIRST DEGREE); ACTS CONSTITUTING A SPECIFIED
42 OFFENSE DEFINED IN SUBDIVISION TWO OF SECTION 130.91 OF THIS CHAPTER
43 WHEN COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPEC-
44 IFIED OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THIS
45 CHAPTER WHEN COMMITTED AS AN ACT OF TERRORISM; ACTS CONSTITUTING A FELO-
46 NY DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THIS CHAPTER; AND ACTS
47 CONSTITUTING A CRIME SET FORTH IN SUBDIVISION ONE OF SECTION 105.10 AND
48 SECTION 105.15 PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY
49 CHARGE IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

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

52 42. "Juvenile offender" means (1) a person, thirteen years old who is
53 criminally responsible for acts constituting murder in the second degree
54 as defined in subdivisions one and two of section 125.25 of the penal
55 law, or such conduct as a sexually motivated felony, where authorized
56 pursuant to section 130.91 of the penal law; [and] (2) a person fourteen

1 [or], fifteen OR SIXTEEN YEARS OLD, OR COMMENCING JANUARY FIRST, TWO
2 THOUSAND NINETEEN, SEVENTEEN years old who is criminally responsible for
3 acts constituting the crimes defined in subdivisions one and two of
4 section 125.25 (murder in the second degree) and in subdivision three of
5 such section provided that the underlying crime for the murder charge is
6 one for which such person is criminally responsible; section 135.25
7 (kidnapping in the first degree); 150.20 (arson in the first degree);
8 subdivisions one and two of section 120.10 (assault in the first
9 degree); 125.20 (manslaughter in the first degree); subdivisions one and
10 two of section 130.35 (rape in the first degree); subdivisions one and
11 two of section 130.50 (criminal sexual act in the first degree); 130.70
12 (aggravated sexual abuse in the first degree); 140.30 (burglary in the
13 first degree); subdivision one of section 140.25 (burglary in the second
14 degree); 150.15 (arson in the second degree); 160.15 (robbery in the
15 first degree); subdivision two of section 160.10 (robbery in the second
16 degree) of the penal law; or section 265.03 of the penal law, where such
17 machine gun or such firearm is possessed on school grounds, as that
18 phrase is defined in subdivision fourteen of section 220.00 of the penal
19 law; or defined in the penal law as an attempt to commit murder in the
20 second degree or kidnapping in the first degree, or such conduct as a
21 sexually motivated felony, where authorized pursuant to section 130.91
22 of the penal law; AND (3) A PERSON SIXTEEN OR, COMMENCING JANUARY FIRST,
23 TWO THOUSAND NINETEEN, A PERSON SIXTEEN OR SEVENTEEN YEARS OLD WHO IS
24 CRIMINALLY RESPONSIBLE FOR ACTS CONSTITUTING AN OFFENSE SET FORTH IN THE
25 VEHICLE AND TRAFFIC LAW; A VIOLENT FELONY DEFINED IN SECTION 70.02 OF
26 THE PENAL LAW; ACTS CONSTITUTING ANY CRIME IN THE PENAL LAW THAT IS
27 CLASSIFIED AS A CLASS A FELONY EXCEPTING THOSE CLASS A FELONIES WHICH
28 REQUIRE, AS AN ELEMENT OF THE OFFENSE, THAT THE DEFENDANT BE EIGHTEEN
29 YEARS OF AGE OR OLDER; ACTS CONSTITUTING THE CRIMES DEFINED IN SECTION
30 120.03 (VEHICULAR ASSAULT IN THE SECOND DEGREE); 120.04 (VEHICULAR
31 ASSAULT IN THE FIRST DEGREE); 120.04-A (AGGRAVATED VEHICULAR ASSAULT);
32 125.10 (CRIMINALLY NEGLIGENT HOMICIDE); 125.11 (AGGRAVATED CRIMINALLY
33 NEGLIGENT HOMICIDE); 125.12 (VEHICULAR MANSLAUGHTER IN THE SECOND
34 DEGREE); 125.13 (VEHICULAR MANSLAUGHTER IN THE FIRST DEGREE); 125.14
35 (AGGRAVATED VEHICULAR HOMICIDE); 125.15 (MANSLAUGHTER IN THE SECOND
36 DEGREE); 125.20 (MANSLAUGHTER IN THE FIRST DEGREE); 125.21 (AGGRAVATED
37 MANSLAUGHTER IN THE SECOND DEGREE); 125.22 (AGGRAVATED MANSLAUGHTER IN
38 THE FIRST DEGREE); 130.70 (AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE);
39 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE);
40 215.11 (TAMPERING WITH A WITNESS IN THE THIRD DEGREE) PROVIDED THAT THE
41 CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR WHICH
42 SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.12 (TAMPERING WITH A WITNESS
43 IN THE SECOND DEGREE) PROVIDED THAT THE CRIMINAL PROCEEDING IN WHICH THE
44 PERSON IS TAMPERING IS ONE FOR WHICH SUCH PERSON IS CRIMINALLY RESPONSI-
45 BLE; 215.13 (TAMPERING WITH A WITNESS IN THE FIRST DEGREE) PROVIDED THAT
46 THE CRIMINAL PROCEEDING IN WHICH THE PERSON IS TAMPERING IS ONE FOR
47 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE; 215.52 (AGGRAVATED CRIMINAL
48 CONTEMPT); 130.95 (PREDATORY SEXUAL ASSAULT); 220.18 (CRIMINAL
49 POSSESSION OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE); 220.21
50 (CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE);
51 220.41 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE);
52 220.43 (CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE);
53 220.77 (OPERATING AS A MAJOR TRAFFICKER); 460.22 (AGGRAVATED ENTERPRISE
54 CORRUPTION); 490.45 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A
55 BIOLOGICAL WEAPON IN THE FIRST DEGREE); 490.50 (CRIMINAL USE OF A CHEMI-
56 CAL WEAPON OR A BIOLOGICAL WEAPON IN THE SECOND DEGREE); 490.55 (CRIMI-

1 NAL USE OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE FIRST
2 DEGREE); ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN SUBDIVISION
3 TWO OF SECTION 130.91 OF THE PENAL LAW WHEN COMMITTED AS A SEXUALLY
4 MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED OFFENSE DEFINED IN
5 SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW WHEN COMMITTED AS
6 AN ACT OF TERRORISM; ACTS CONSTITUTING A FELONY DEFINED IN ARTICLE FOUR
7 HUNDRED NINETY OF THE PENAL LAW; AND ACTS CONSTITUTING A CRIME SET FORTH
8 IN SUBDIVISION ONE OF SECTION 105.10 AND SECTION 105.15 OF THE PENAL LAW
9 PROVIDED THAT THE UNDERLYING CRIME FOR THE CONSPIRACY CHARGE IS ONE FOR
10 WHICH SUCH PERSON IS CRIMINALLY RESPONSIBLE.

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

13 (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW COMMENCING JANUARY
14 FIRST, TWO THOUSAND EIGHTEEN, NO COUNTY JAIL SHALL BE USED FOR THE
15 CONFINEMENT OF ANY PERSON UNDER THE AGE OF SEVENTEEN WHO IS SENTENCED
16 FOR AN OFFENSE COMMITTED ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGH-
17 TEEN, AND, COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, NO COUNTY
18 JAIL SHALL BE USED FOR THE CONFINEMENT OF ANY PERSON UNDER THE AGE OF
19 EIGHTEEN WHO IS SENTENCED FOR AN OFFENSE COMMITTED ON OR AFTER JANUARY
20 FIRST, TWO THOUSAND NINETEEN. PLACEMENT OF ANY PERSON WHO MAY NOT BE
21 CONFINED TO A COUNTY JAIL PURSUANT TO THIS SUBDIVISION SHALL BE DETER-
22 MINED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES.

23 S 48. The criminal procedure law is amended by adding a new section
24 160.59 to read as follows:

25 S 160.59 SEALING OF CERTAIN CONVICTIONS.

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

28 (A) "ELIGIBLE CONVICTION" SHALL MEAN ANY OFFENSE DEFINED IN THE LAWS
29 OF THIS STATE OTHER THAN A SEX OFFENSE DEFINED IN ARTICLE ONE HUNDRED
30 THIRTY OF THE PENAL LAW, AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED
31 SIXTY-THREE OF THE PENAL LAW, A FELONY OFFENSE DEFINED IN ARTICLE ONE
32 HUNDRED TWENTY-FIVE OF THE PENAL LAW, A VIOLENT FELONY OFFENSE DEFINED
33 IN SECTION 70.02 OF THE PENAL LAW, A CLASS A FELONY OFFENSE DEFINED IN
34 THE PENAL LAW OTHER THAN A CLASS A FELONY OFFENSE DEFINED IN ARTICLE TWO
35 HUNDRED TWENTY OF THE PENAL LAW, OR AN OFFENSE FOR WHICH REGISTRATION AS
36 A SEX OFFENDER IS REQUIRED PURSUANT TO ARTICLE SIX-C OF THE CORRECTION
37 LAW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (F) THE IMPACT OF SEALING THE DEFENDANT'S RECORD UPON HIS OR HER REHA-
12 BILITATION AND UPON HIS OR HER SUCCESSFUL AND PRODUCTIVE REENTRY AND
13 REINTEGRATION INTO SOCIETY; AND

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

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

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

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

32 (B) QUALIFIED AGENCIES, AS DEFINED IN SUBDIVISION NINE OF SECTION
33 EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW, AND FEDERAL AND STATE
34 LAW ENFORCEMENT AGENCIES, WHEN ACTING WITHIN THE SCOPE OF THEIR LAW
35 ENFORCEMENT DUTIES; OR

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

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

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

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

55 16. It shall be an unlawful discriminatory practice, unless specif-
56 ically required or permitted by statute, for any person, agency, bureau,

1 corporation or association, including the state and any political subdi-
2 vision thereof, to make any inquiry about, whether in any form of appli-
3 cation or otherwise, or to act upon adversely to the individual
4 involved, any arrest or criminal accusation of such individual not then
5 pending against that individual which was followed by a termination of
6 that criminal action or proceeding in favor of such individual, as
7 defined in subdivision two of section 160.50 of the criminal procedure
8 law, or by a youthful offender adjudication, as defined in subdivision
9 one of section 720.35 of the criminal procedure law, or by a conviction
10 for a violation sealed pursuant to section 160.55 of the criminal proce-
11 dure law or by a conviction which is sealed pursuant to section 160.59
12 OR 160.58 of the criminal procedure law, in connection with the licens-
13 ing, employment or providing of credit or insurance to such individual;
14 provided, further, that no person shall be required to divulge informa-
15 tion pertaining to any arrest or criminal accusation of such individual
16 not then pending against that individual which was followed by a termi-
17 nation of that criminal action or proceeding in favor of such individ-
18 ual, as defined in subdivision two of section 160.50 of the criminal
19 procedure law, or by a youthful offender adjudication, as defined in
20 subdivision one of section 720.35 of the criminal procedure law, or by a
21 conviction for a violation sealed pursuant to section 160.55 of the
22 criminal procedure law, or by a conviction which is sealed pursuant to
23 section 160.58 OR 160.59 of the criminal procedure law. The provisions
24 of this subdivision shall not apply to the licensing activities of
25 governmental bodies in relation to the regulation of guns, firearms and
26 other deadly weapons or in relation to an application for employment as
27 a police officer or peace officer as those terms are defined in subdivi-
28 sions thirty-three and thirty-four of section 1.20 of the criminal
29 procedure law; provided further that the provisions of this subdivision
30 shall not apply to an application for employment or membership in any
31 law enforcement agency with respect to any arrest or criminal accusation
32 which was followed by a youthful offender adjudication, as defined in
33 subdivision one of section 720.35 of the criminal procedure law, or by a
34 conviction for a violation sealed pursuant to section 160.55 of the
35 criminal procedure law, or by a conviction which is sealed pursuant to
36 section 160.58 OR 160.59 of the criminal procedure law.

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

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

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

52 1. Upon conviction of an eligible youth, the court must order a pre-
53 sentence investigation of the defendant. After receipt of a written
54 report of the investigation and at the time of pronouncing sentence the
55 court must determine whether or not the eligible youth is a youthful

1 offender. Such determination shall be in accordance with the following
2 criteria:

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

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

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

18 S 51. Intentionally omitted.

19 S 52. Intentionally omitted.

20 S 53. Intentionally omitted.

21 S 54. Paragraph (vi) of subdivision (a) and subdivision (e) of section
22 115 of the family court act, paragraph (vi) of subdivision (a) as
23 amended and subdivision (e) as added by chapter 222 of the laws of 1994,
24 are amended to read as follows:

25 (vi) proceedings concerning juvenile delinquency as set forth in arti-
26 cle three THAT ARE COMMENCED IN FAMILY COURT.

27 (e) The family court has concurrent jurisdiction with the criminal
28 court over all family offenses as defined in article eight of this act
29 AND HAS CONCURRENT JURISDICTION WITH THE YOUTH PART OF A SUPERIOR COURT
30 OVER ANY JUVENILE DELINQUENCY PROCEEDING RESULTING FROM THE REMOVAL OF
31 THE CASE TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED
32 TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW.

33 S 55. Subdivision (b) of section 117 of the family court act is
34 REPEALED and a new subdivision (b) is added to read as follows:

35 (B) THERE IS HEREBY ESTABLISHED IN THE FAMILY COURT IN THE CITY OF NEW
36 YORK AT LEAST ONE "DESIGNATED FELONY ACT PART" WHICH SHALL BE HELD SEPA-
37 RATE FROM ALL OTHER PROCEEDINGS OF THE COURT, AND SHALL HAVE JURISDIC-
38 TION OVER ALL JUVENILE DELINQUENCY PROCEEDINGS INVOLVING AN ALLEGATION
39 THAT A PERSON COMMITTED AN ACT THAT WOULD CONSTITUTE A DESIGNATED FELONY
40 ACT AS DEFINED IN SUBDIVISION EIGHT OF SECTION 301.2 OF THIS CHAPTER
41 THAT ARE NOT REFERRED TO THE YOUTH PART OF A SUPERIOR COURT. ALL SUCH
42 PROCEEDINGS SHALL BE ORIGINATED IN OR BE TRANSFERRED TO SUCH PART FROM
43 OTHER PARTS AS THEY ARE MADE KNOWN TO THE COURT. OUTSIDE THE CITY OF
44 NEW YORK, ALL PROCEEDINGS INVOLVING SUCH AN ALLEGATION SHALL HAVE A
45 HEARING PREFERENCE OVER EVERY OTHER PROCEEDING IN THE COURT, EXCEPT
46 PROCEEDINGS UNDER ARTICLE TEN OF THIS CHAPTER.

47 S 56. Subdivision 1 of section 301.2 of the family court act, as added
48 by chapter 920 of the laws of 1982, is amended to read as follows:

49 1. "Juvenile delinquent" means a person [over seven and less than
50 sixteen years of age, who, having committed an act that would constitute
51 a crime if committed by an adult, (a) is not criminally responsible for
52 such conduct by reason of infancy, or (b) is the defendant in an action
53 ordered removed from a criminal court to the family court pursuant to
54 article seven hundred twenty-five of the criminal procedure law]:

55 (A) WHO IS:

1 (I) TEN OR ELEVEN YEARS OF AGE WHO COMMITTED AN ACT THAT WOULD CONSTI-
2 TUTE A CRIME AS DEFINED IN SECTION 125.27 (MURDER IN THE FIRST DEGREE)
3 OR 125.25 (MURDER IN THE SECOND DEGREE) OF THE PENAL LAW IF COMMITTED BY
4 AN ADULT; OR

5 (II) AT LEAST TWELVE YEARS OF AGE AND LESS THAN SIXTEEN YEARS OF AGE
6 WHO COMMITTED AN ACT THAT WOULD CONSTITUTE A CRIME IF COMMITTED BY AN
7 ADULT; OR

8 (III) SIXTEEN YEARS OF AGE OR COMMENCING JANUARY FIRST, TWO THOUSAND
9 NINETEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE WHO COMMITTED AN ACT THAT
10 WOULD CONSTITUTE A CRIME, OR DISORDERLY CONDUCT AS DEFINED IN SECTION
11 240.20 OF THE PENAL LAW, OR HARASSMENT IN THE SECOND DEGREE AS DEFINED
12 IN SECTION 240.26 OF THE PENAL LAW IF COMMITTED BY AN ADULT; AND

13 (B) WHO IS EITHER:

14 (I) NOT CRIMINALLY RESPONSIBLE FOR SUCH CONDUCT BY REASON OF INFANCY;
15 OR

16 (II) THE DEFENDANT IN AN ACTION BASED ON SUCH ACT THAT HAS BEEN
17 ORDERED REMOVED TO THE FAMILY COURT PURSUANT TO ARTICLE SEVEN HUNDRED
18 TWENTY-FIVE OF THE CRIMINAL PROCEDURE LAW.

19 S 57. Subdivisions 8 and 9 of section 301.2 of the family court act,
20 subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivi-
21 sion 9 as added by chapter 920 of the laws of 1982, are amended to read
22 as follows:

23 8. "Designated felony act" means an act which, if done by an adult,
24 would be a crime: (i) defined in sections 125.27 (murder in the first
25 degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the
26 first degree); or 150.20 (arson in the first degree) of the penal law
27 committed by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR
28 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age;
29 or such conduct committed as a sexually motivated felony, where author-
30 ized pursuant to section 130.91 of the penal law; (ii) defined in
31 sections 120.10 (assault in the first degree); 125.20 (manslaughter in
32 the first degree); 130.35 (rape in the first degree); 130.50 (criminal
33 sexual act in the first degree); 130.70 (aggravated sexual abuse in the
34 first degree); 135.20 (kidnapping in the second degree) but only where
35 the abduction involved the use or threat of use of deadly physical
36 force; 150.15 (arson in the second degree) or 160.15 (robbery in the
37 first degree) of the penal law committed by a person thirteen, fourteen
38 [or], fifteen, OR SIXTEEN, OR, COMMENCING JANUARY FIRST, TWO THOUSAND
39 NINETEEN, SEVENTEEN years of age; or such conduct committed as a sexual-
40 ly motivated felony, where authorized pursuant to section 130.91 of the
41 penal law; (iii) defined in the penal law as an attempt to commit murder
42 in the first or second degree or kidnapping in the first degree commit-
43 ted by a person thirteen, fourteen [or], fifteen, OR SIXTEEN, OR
44 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, SEVENTEEN years of age;
45 or such conduct committed as a sexually motivated felony, where author-
46 ized pursuant to section 130.91 of the penal law; (iv) defined in
47 section 140.30 (burglary in the first degree); subdivision one of
48 section 140.25 (burglary in the second degree); subdivision two of
49 section 160.10 (robbery in the second degree) of the penal law; or
50 section 265.03 of the penal law, where such machine gun or such firearm
51 is possessed on school grounds, as that phrase is defined in subdivision
52 fourteen of section 220.00 of the penal law committed by a person four-
53 teen or fifteen years of age; or such conduct committed as a sexually
54 motivated felony, where authorized pursuant to section 130.91 of the
55 penal law; (v) defined in section 120.05 (assault in the second degree)
56 or 160.10 (robbery in the second degree) of the penal law committed by a

1 person fourteen [or], fifteen, OR SIXTEEN OR, COMMENCING JANUARY FIRST,
2 TWO THOUSAND NINETEEN, SEVENTEEN years of age but only where there has
3 been a prior finding by a court that such person has previously commit-
4 ted an act which, if committed by an adult, would be the crime of
5 assault in the second degree, robbery in the second degree or any desig-
6 nated felony act specified in paragraph (i), (ii), or (iii) of this
7 subdivision regardless of the age of such person at the time of the
8 commission of the prior act; [or] (vi) other than a misdemeanor commit-
9 ted by a person at least [seven] TWELVE but less than [sixteen] SEVEN-
10 TEEN years of age, OR COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN A
11 PERSON AT LEAST TWELVE BUT LESS THAN EIGHTEEN YEARS OF AGE, but only
12 where there has been two prior findings by the court that such person
13 has committed a prior felony; OR (VII) DEFINED IN SECTION 125.10 (CRIMI-
14 NAL NEGLIGENT HOMICIDE) OF THE PENAL LAW; 125.11 (AGGRAVATED CRIMINALLY
15 NEGLIGENT HOMICIDE) OF THE PENAL LAW; 125.15 (MANSLAUGHTER IN THE SECOND
16 DEGREE) OF THE PENAL LAW; 125.21 (AGGRAVATED MANSLAUGHTER IN THE SECOND
17 DEGREE) OF THE PENAL LAW; 125.22 (AGGRAVATED MANSLAUGHTER IN THE FIRST
18 DEGREE) OF THE PENAL LAW; 130.75 (COURSE OF SEXUAL CONDUCT AGAINST A
19 CHILD) OF THE PENAL LAW; 130.95 (PREDATORY SEXUAL ASSAULT) OF THE PENAL
20 LAW; 220.77 (OPERATING AS A MAJOR TRAFFICKER) OF THE PENAL LAW; 490.45
21 (CRIMINAL POSSESSION OF A CHEMICAL WEAPON OR A BIOLOGICAL WEAPON IN THE
22 FIRST DEGREE) OF THE PENAL LAW; 490.55 (CRIMINAL USE OF A CHEMICAL WEAP-
23 ON OR A BIOLOGICAL WEAPON IN THE FIRST DEGREE) OF THE PENAL LAW; ACTS
24 CONSTITUTING A SPECIFIED OFFENSE DEFINED IN 130.91 OF THE PENAL LAW WHEN
25 COMMITTED AS A SEXUALLY MOTIVATED FELONY; ACTS CONSTITUTING A SPECIFIED
26 OFFENSE DEFINED IN SUBDIVISION THREE OF SECTION 490.05 OF THE PENAL LAW
27 WHEN COMMITTED AS AN ACT OF TERRORISM; OR ACTS CONSTITUTING A FELONY
28 DEFINED IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW, COMMITTED BY A
29 PERSON AT LEAST SIXTEEN BUT LESS THAN SEVENTEEN YEARS OF AGE, OR
30 COMMENCING JANUARY FIRST, TWO THOUSAND NINETEEN, AT LEAST SIXTEEN BUT
31 LESS THAN EIGHTEEN YEARS OF AGE.

32 9. "Designated class A felony act" means a designated felony act
33 [defined in paragraph (i) of subdivision eight] THAT WOULD CONSTITUTE A
34 CLASS A FELONY IF COMMITTED BY AN ADULT.

35 S 58. Subdivision 1 of section 302.1 of the family court act, as added
36 by chapter 920 of the laws of 1982, is amended to read as follows:

37 1. The family court has exclusive original jurisdiction over any
38 proceeding to determine whether a person is a juvenile delinquent
39 COMMENCED IN FAMILY COURT AND CONCURRENT JURISDICTION WITH THE YOUTH
40 PART OF A SUPERIOR COURT OVER ANY SUCH PROCEEDING REMOVED TO THE FAMILY
41 COURT PURSUANT TO ARTICLE SEVEN HUNDRED TWENTY-FIVE OF THE CRIMINAL
42 PROCEDURE LAW.

43 S 59. Section 304.1 of the family court act, as added by chapter 920
44 of the laws of 1982, subdivision 2 as amended by chapter 419 of the laws
45 of 1987, is amended to read as follows:

46 S 304.1. Detention. 1. A facility certified by the [state division for
47 youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile DETENTION
48 facility must be operated in conformity with the regulations of the
49 [state division for youth and shall be subject to the visitation and
50 inspection of the state board of social welfare] OFFICE OF CHILDREN AND
51 FAMILY SERVICES.

52 2. No child to whom the provisions of this article may apply shall be
53 detained in any prison, jail, lockup, or other place used for adults
54 convicted of crime or under arrest and charged with crime without the
55 approval of the [state division for youth] OFFICE OF CHILDREN AND FAMILY
56 SERVICES in the case of each child and the statement of its reasons

1 therefor. The [state division for youth] OFFICE OF CHILDREN AND FAMILY
2 SERVICES shall promulgate and publish the rules which it shall apply in
3 determining whether approval should be granted pursuant to this subdivi-
4 sion.

5 3. [The detention of a child under ten years of age in a secure
6 detention facility shall not be directed under any of the provisions of
7 this article.

8 4.] A detention facility which receives a child under subdivision four
9 of section 305.2 OF THIS PART shall immediately notify the child's
10 parent or other person legally responsible for his OR HER care or, if
11 such legally responsible person is unavailable the person with whom the
12 child resides, that he OR SHE has been placed in detention.

13 S 60. Subdivision 1 of section 304.2 of the family court act, as added
14 by chapter 683 of the laws of 1984, is amended to read as follows:

15 (1) Upon application by the presentment agency, OR UPON APPLICATION BY
16 THE PROBATION SERVICE AS PART OF THE ADJUSTMENT OF A CASE, the court may
17 issue a temporary order of protection against a respondent for good
18 cause shown, ex parte or upon notice, at any time after a juvenile is
19 taken into custody, pursuant to section 305.1 or 305.2 or upon the issu-
20 ance of an appearance ticket pursuant to section 307.1 or upon the
21 filing of a petition pursuant to section 310.1 OF THIS PART.

22 S 61. Subdivision 1 of section 305.1 of the family court act, as added
23 by chapter 920 of the laws of 1982, is amended to read as follows:

24 1. A private person may take a child [under the age of sixteen] WHO
25 MAY BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT
26 THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody in cases in
27 which [he] SUCH PRIVATE PERSON may arrest an adult for a crime under
28 section 140.30 of the criminal procedure law.

29 S 62. Subdivision 2 of section 305.2 of the family court act, as added
30 by chapter 920 of the laws of 1982, is amended to read as follows:

31 2. An officer may take a child [under the age of sixteen] WHO MAY BE
32 SUBJECT TO THE PROVISIONS OF THIS ARTICLE FOR COMMITTING AN ACT THAT
33 WOULD BE A CRIME IF COMMITTED BY AN ADULT into custody without a warrant
34 in cases in which [he] THE OFFICER may arrest a person for a crime under
35 article one hundred forty of the criminal procedure law.

36 S 63. Paragraph (b) of subdivision 4 of section 305.2 of the family
37 court act, as amended by chapter 492 of the laws of 1987, is amended to
38 read as follows:

39 (b) forthwith and with all reasonable speed take the child directly,
40 and without his first being taken to the police station house, to the
41 family court located in the county in which the act occasioning the
42 taking into custody allegedly was committed, OR, WHEN THE FAMILY COURT
43 IS NOT IN SESSION, TO THE MOST ACCESSIBLE MAGISTRATE, IF ANY, DESIGNATED
44 BY THE APPELLATE DIVISION OF THE SUPREME COURT IN THE APPLICABLE DEPART-
45 MENT TO CONDUCT A HEARING UNDER SECTION 307.4 OF THIS PART, unless the
46 officer determines that it is necessary to question the child, in which
47 case he OR SHE may take the child to a facility designated by the chief
48 administrator of the courts as a suitable place for the questioning of
49 children or, upon the consent of a parent or other person legally
50 responsible for the care of the child, to the child's residence and
51 there question him OR HER for a reasonable period of time; or

52 S 64. Subdivision 1 of section 306.1 of the family court act, as
53 amended by chapter 645 of the laws of 1996, is amended to read as
54 follows:

55 1. Following the arrest of a child alleged to be a juvenile delin-
56 quent, or the filing of a delinquency petition involving a child who has

1 not been arrested, the arresting officer or other appropriate police
2 officer or agency shall take or cause to be taken fingerprints of such
3 child if:

4 (a) the child is eleven years of age or older and the crime which is
5 the subject of the arrest or which is charged in the petition consti-
6 tutes a class [A or B] A-I felony; [or] (b) THE CHILD IS TWELVE YEARS OF
7 AGE OR OLDER AND THE CRIME WHICH IS THE SUBJECT OF THE ARREST OR WHICH
8 IS CHARGED IN THE PETITION CONSTITUTES A CLASS A OR B FELONY; OR

9 (C) the child is thirteen years of age or older and the crime which is
10 the subject of the arrest or which is charged in the petition consti-
11 tutes a class C, D or E felony.

12 S 65. Subdivisions 2 and 4 of section 307.3 of the family court act,
13 subdivision 2 as amended by chapter 419 of the laws of 1987 and subdivi-
14 sion 4 as added by chapter 920 of the laws of 1982, are amended to read
15 as follows:

16 2. When practicable such agency may release a child before the filing
17 of a petition to the custody of his OR HER parents or other person
18 legally responsible for his OR HER care, or if such legally responsible
19 person is unavailable, to a person with whom he OR SHE resides, when the
20 events occasioning the taking into custody appear to involve allegations
21 that the child committed a delinquent act; PROVIDED, HOWEVER, THAT SUCH
22 AGENCY MUST RELEASE THE CHILD IF:

23 (A) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD
24 COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE THAN A VIOLATION IF COMMIT-
25 TED BY AN ADULT; OR

26 (B) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD
27 COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE
28 THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

29 (I) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY TO ANOTHER
30 PERSON;

31 (II) THE CHILD DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT THAT
32 WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

33 (III) THE CHILD HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT
34 THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT
35 ACT ALSO DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN SUBDIVISION
36 NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON; AND

37 (IV) THE CHILD WAS ASSESSED AT A LOW RISK ON THE APPLICABLE DETENTION
38 RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY
39 SERVICES UNLESS THE AGENCY DETERMINES THAT DETENTION IS NECESSARY
40 BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC SAFETY
41 AND STATES THE REASONS FOR SUCH DETERMINATION IN THE CHILD'S RECORD.

42 4. If the agency for any reason does not release a child under this
43 section, such child shall be brought before the appropriate family
44 court, OR WHEN SUCH FAMILY COURT IS NOT IN SESSION, TO THE MOST ACCESSI-
45 BLE MAGISTRATE, IF ANY, DESIGNATED BY THE APPELLATE DIVISION OF THE
46 SUPREME COURT IN THE APPLICABLE DEPARTMENT; PROVIDED, HOWEVER, THAT IF
47 SUCH FAMILY COURT IS NOT IN SESSION AND IF A MAGISTRATE IS NOT AVAIL-
48 ABLE, SUCH YOUTH SHALL BE BROUGHT BEFORE SUCH FAMILY COURT within seven-
49 ty-two hours or the next day the court is in session, whichever is soon-
50 er. Such agency shall thereupon file an application for an order
51 pursuant to section 307.4 and shall forthwith serve a copy of the appli-
52 cation upon the appropriate presentment agency. Nothing in this subdivi-
53 sion shall preclude the adjustment of suitable cases pursuant to section
54 308.1.

55 S 66. The section heading and subdivisions 1, 2, 3, 9, 12 and 13 of
56 section 308.1 of the family court act, the section heading and subdivi-

1 sions 1, 3, 9, 12 and 13 as added by chapter 920 of the laws of 1982 and
2 subdivision 2 as amended by section 3 of part V of chapter 55 of the
3 laws of 2012, are amended to read as follows:

4 [Rules of court for preliminary] PRELIMINARY procedure; ADJUSTMENT OF
5 CASES. 1. [Rules of court shall authorize and determine the circum-
6 stances under which the] THE probation service may confer with any
7 person seeking to have a juvenile delinquency petition filed, the poten-
8 tial respondent and other interested persons concerning the advisability
9 of requesting that a petition be filed IN ACCORDANCE WITH THIS SECTION.

10 2. (A) Except as provided in subdivisions three [and], four, AND THIR-
11 TEEN of this section, the probation service may[, in accordance with
12 rules of court,] ATTEMPT TO adjust [suitable cases] A CASE before a
13 petition is filed IF THE PROBATION SERVICE DETERMINES THAT THE CASE IS
14 SUITABLE FOR ADJUSTMENT BASED ON THE ASSESSED LEVEL OF RISK THAT THE
15 CHILD WILL COMMIT ANOTHER ACT THAT WOULD CONSTITUTE A CRIME AS DETER-
16 MINED BY A VALIDATED RISK ASSESSMENT INSTRUMENT AND THE EXTENT OF ANY
17 PHYSICAL INJURY TO THE VICTIM.

18 (B) IF A CHILD IS ASSESSED AT A LOW LEVEL OF RISK AND THE EVENTS IN
19 THE CASE APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD COMMITTED
20 ACTS THAT WOULD CONSTITUTE A VIOLATION OR A MISDEMEANOR IF COMMITTED BY
21 AN ADULT, THE PROBATION SERVICE MUST DILIGENTLY ATTEMPT TO ADJUST THE
22 CASE. SUCH ATTEMPTS MAY INCLUDE THE USE OF A JUVENILE REVIEW BOARD
23 COMPRISED OF APPROPRIATE COMMUNITY MEMBERS TO WORK WITH THE CHILD AND
24 HIS OR HER FAMILY ON DEVELOPING RECOMMENDED ADJUSTMENT ACTIVITIES. THE
25 PROBATION SERVICE MAY STOP ATTEMPTING TO ADJUST SUCH A CASE IF IT DETER-
26 MINES THAT THERE IS NO SUBSTANTIAL LIKELIHOOD THAT THE CHILD WILL BENE-
27 FIT FROM ATTEMPTS AT ADJUSTMENT IN THE TIME REMAINING FOR ADJUSTMENT OR
28 THE TIME FOR ADJUSTMENT HAS EXPIRED.

29 (C) The inability of the respondent or his or her family to make
30 restitution shall not be a factor in a decision to adjust a case or in a
31 recommendation to the presentment agency pursuant to subdivision six of
32 this section.

33 (D) THE PROBATION SERVICE MAY MAKE AN APPLICATION TO THE COURT FOR A
34 TEMPORARY ORDER OF PROTECTION AS PART OF THE ADJUSTMENT OF A CASE IN
35 ACCORDANCE WITH SECTION 304.2 OF THIS PART.

36 (E) Nothing in this section shall prohibit the probation service or
37 the court from directing a respondent to obtain employment and to make
38 restitution from the earnings from such employment. Nothing in this
39 section shall prohibit the probation service or the court from directing
40 an eligible person to complete an education reform program in accordance
41 with section four hundred fifty-eight-1 of the social services law.

42 3. The probation service shall not ATTEMPT TO adjust a case THAT
43 COMMENCED IN FAMILY COURT in which the child has allegedly committed a
44 designated felony act THAT INVOLVES ALLEGATIONS THAT THE CHILD CAUSED
45 PHYSICAL INJURY TO A PERSON unless [it] THE PROBATION SERVICE has
46 received the written approval of the court.

47 9. Efforts at adjustment [pursuant to rules of court] under this
48 section may not extend for a period of more than two months [without],
49 OR, FOR A PERIOD OF MORE THAN FOUR MONTHS IF THE PROBATION SERVICE
50 DETERMINES THAT ADJUSTMENT BEYOND THE FIRST TWO MONTHS IS WARRANTED
51 BECAUSE DOCUMENTED BARRIERS TO ADJUSTMENT EXIST OR CHANGES NEED TO BE
52 MADE TO THE CHILD'S SERVICES PLAN, EXCEPT UPON leave of the court, which
53 may extend the ADJUSTMENT period for an additional two months.

54 12. The probation service shall certify to the division of criminal
55 justice services and to the appropriate police department or law
56 enforcement agency whenever it adjusts a case in which the potential

1 respondent's fingerprints were taken pursuant to section 306.1 in any
2 manner other than the filing of a petition for juvenile delinquency for
3 an act which, if committed by an adult, would constitute a felony,
4 provided, however, in the case of a child [eleven or] twelve years of
5 age, such certification shall be made only if the act would constitute a
6 class A or B felony, OR, IN THE CASE OF A CHILD ELEVEN YEARS OF AGE,
7 SUCH CERTIFICATION SHALL BE MADE ONLY IF THE ACT WOULD CONSTITUTE A
8 CLASS A-1 FELONY.

9 13. The [provisions of this section] PROBATION SERVICE shall not
10 [apply] ATTEMPT TO ADJUST A CASE where the petition is an order of
11 removal to the family court pursuant to article seven hundred twenty-
12 five of the criminal procedure law UNLESS IT HAS RECEIVED THE WRITTEN
13 APPROVAL OF THE COURT.

14 S 67. Paragraph (c) of subdivision 3 of section 311.1 of the family
15 court act, as added by chapter 920 of the laws of 1982, is amended to
16 read as follows:

17 (c) the fact that the respondent is a person [under sixteen years of]
18 OF THE NECESSARY age TO BE A JUVENILE DELINQUENT at the time of the
19 alleged act or acts;

20 S 68. Subdivision 3 of section 320.5 of the family court act is
21 amended by adding a new paragraph (a-1) to read as follows:

22 (A-1) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, THE COURT
23 SHALL NOT DIRECT DETENTION IF:

24 (I) THE EVENTS UNDERLYING THE INITIAL APPEARANCE APPEAR TO INVOLVE
25 ONLY ALLEGATIONS THAT THE CHILD COMMITTED ACTS THAT WOULD CONSTITUTE NO
26 MORE THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

27 (II) SUCH EVENTS APPEAR TO INVOLVE ONLY ALLEGATIONS THAT THE CHILD
28 COMMITTED ACTS THAT WOULD CONSTITUTE MORE THAN A VIOLATION BUT NO MORE
29 THAN A MISDEMEANOR IF COMMITTED BY AN ADULT IF:

30 (1) THE ALLEGED ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED
31 IN SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON;

32 (2) THE RESPONDENT DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT
33 THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

34 (3) THE RESPONDENT HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT
35 THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT
36 ACT DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON; AND

37 (4) THE RESPONDENT WAS ASSESSED AT A LOW RISK ON THE APPLICABLE
38 DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF CHILDREN
39 AND FAMILY SERVICES UNLESS THE COURT DETERMINES THAT DETENTION IS NECES-
40 SARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMINENT RISK TO PUBLIC
41 SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION IN THE COURT ORDER.

42 S 69. Paragraphs (a) and (b) of subdivision 5 of section 322.2 of the
43 family court act, paragraph (a) as amended by chapter 41 of the laws of
44 2010 and paragraph (b) as added by chapter 920 of the laws of 1982, are
45 amended to read as follows:

46 5. (a) If the court finds that there is probable cause to believe that
47 the respondent committed a felony, it shall order the respondent commit-
48 ted to the custody of the commissioner of mental health or the commis-
49 sioner of [mental retardation and] PERSONS WITH developmental disabili-
50 ties for an initial period not to exceed one year from the date of such
51 order. Such period may be extended annually upon further application to
52 the court by the commissioner having custody or his or her designee.
53 Such application must be made not more than sixty days prior to the
54 expiration of such period on forms that have been prescribed by the
55 chief administrator of the courts. At that time, the commissioner must
56 give written notice of the application to the respondent, the counsel

1 representing the respondent and the mental hygiene legal service if the
2 respondent is at a residential facility. Upon receipt of such applica-
3 tion, the court must conduct a hearing to determine the issue of capaci-
4 ty. If, at the conclusion of a hearing conducted pursuant to this subdivi-
5 sion, the court finds that the respondent is no longer incapacitated,
6 he or she shall be returned to the family court for further proceedings
7 pursuant to this article. If the court is satisfied that the respondent
8 continues to be incapacitated, the court shall authorize continued
9 custody of the respondent by the commissioner for a period not to exceed
10 one year. Such extensions shall not continue beyond a reasonable period
11 of time necessary to determine whether the respondent will attain the
12 capacity to proceed to a fact finding hearing in the foreseeable future
13 but in no event shall continue beyond the respondent's eighteenth birth-
14 day OR, IF THE RESPONDENT WAS AT LEAST SIXTEEN YEARS OF AGE WHEN THE ACT
15 WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY.

16 (b) If a respondent is in the custody of the commissioner upon the
17 respondent's eighteenth birthday, OR IF THE RESPONDENT WAS AT LEAST
18 SIXTEEN YEARS OF AGE WHEN THE ACT RESULTING IN THE RESPONDENT'S PLACE-
19 MENT WAS COMMITTED, BEYOND THE RESPONDENT'S TWENTY-FIRST BIRTHDAY, the
20 commissioner shall notify the clerk of the court that the respondent was
21 in his custody on such date and the court shall dismiss the petition.

22 S 70. Subdivisions 1 and 5 of section 325.1 of the family court act,
23 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision
24 5 as added by chapter 920 of the laws of 1982, are amended to read as
25 follows:

26 1. At the initial appearance, if the respondent denies a charge
27 contained in the petition and the court determines IN ACCORDANCE WITH
28 THE REQUIREMENTS OF SECTION 320.5 OF THIS PART that [he] THE RESPONDENT
29 shall be detained for more than three days pending a fact-finding hear-
30 ing, the court shall schedule a probable-cause hearing to determine the
31 issues specified in section 325.3 OF THIS PART.

32 5. Where the petition consists of an order of removal pursuant to
33 article seven hundred twenty-five of the criminal procedure law, unless
34 the removal was pursuant to subdivision three of section 725.05 of such
35 law and the respondent was not afforded a probable cause hearing pursu-
36 ant to subdivision [three] TWO of section [180.75] 725.20 of such law
37 [for a reason other than his waiver thereof pursuant to subdivision two
38 of section 180.75 of such law], the petition shall be deemed to be based
39 upon a determination that probable cause exists to believe the respond-
40 ent is a juvenile delinquent and the respondent shall not be entitled to
41 any further inquiry on the subject of whether probable cause exists.
42 After the filing of any such petition the court must, however, exercise
43 independent, de novo discretion with respect to release or detention as
44 set forth in section 320.5 OF THIS PART.

45 S 71. Paragraph (a) of subdivision 2 of section 352.2 of the family
46 court act, as amended by chapter 880 of the laws of 1985, is amended to
47 read as follows:

48 (a) In determining an appropriate order the court shall consider the
49 needs and best interests of the respondent as well as the need for
50 protection of the community. If the respondent has committed a desig-
51 nated felony act the court shall determine the appropriate disposition
52 in [accord] ACCORDANCE with section 353.5 OF THIS PART. In all other
53 cases the court shall order the least restrictive available alternative
54 enumerated in subdivision one OF THIS SECTION which is consistent with
55 the needs and best interests of the respondent and the need for
56 protection of the community; PROVIDED, HOWEVER, THAT THE COURT SHALL NOT

1 DIRECT THE PLACEMENT OF A RESPONDENT WITH A COMMISSIONER OF SOCIAL
2 SERVICES OR THE OFFICE OF CHILDREN AND FAMILY SERVICES IF:

3 (I) THE RESPONDENT ONLY COMMITTED ACTS THAT WOULD CONSTITUTE NO MORE
4 THAN A VIOLATION IF COMMITTED BY AN ADULT; OR

5 (II) THE RESPONDENT ONLY COMMITTED ACTS THAT WOULD CONSTITUTE MORE
6 THAN A VIOLATION BUT NO MORE THAN A MISDEMEANOR IF COMMITTED BY AN ADULT
7 IF:

8 (1) THE ACTS DID NOT RESULT IN ANY PHYSICAL INJURY AS DEFINED IN
9 SUBDIVISION NINE OF SECTION 10.00 OF THE PENAL LAW TO ANOTHER PERSON;

10 (2) THE RESPONDENT DOES NOT HAVE ANY PRIOR ADJUDICATIONS FOR AN ACT
11 THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT;

12 (3) THE RESPONDENT HAS NO MORE THAN ONE PRIOR ADJUDICATION FOR AN ACT
13 THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT AND THAT
14 ACT DID NOT RESULT IN ANY PHYSICAL HARM TO ANOTHER PERSON; AND

15 (4) THE RESPONDENT WAS ASSESSED AT A LOW RISK ON THE APPLICABLE
16 PRE-DISPOSITIONAL RISK ASSESSMENT INSTRUMENT APPROVED BY THE OFFICE OF
17 CHILDREN AND FAMILY SERVICES UNLESS THE COURT DETERMINES THAT SUCH A
18 PLACEMENT IS NECESSARY BECAUSE THE RESPONDENT OTHERWISE POSES AN IMMI-
19 NENT RISK TO PUBLIC SAFETY AND STATES THE REASONS FOR SUCH DETERMINATION
20 IN THE COURT ORDER.

21 S 72. The opening paragraph of subparagraph (iii) of paragraph (a) and
22 paragraph (d) of subdivision 4 of section 353.5 of the family court act,
23 as amended by section 6 of subpart A of part G of chapter 57 of the laws
24 of 2012, are amended to read as follows:

25 after the period set under subparagraph (ii) of this paragraph, the
26 respondent shall be placed in a residential facility for a period of
27 twelve months; provided, however, that if the respondent has been placed
28 from a family court in a social services district operating an approved
29 juvenile justice services close to home initiative pursuant to section
30 four hundred four of the social services law FOR AN ACT COMMITTED WHEN
31 THE RESPONDENT WAS UNDER SIXTEEN YEARS OF AGE, once the time frames in
32 subparagraph (ii) of this paragraph are met:

33 (d) Upon the expiration of the initial period of placement, or any
34 extension thereof, the placement may be extended in accordance with
35 section 355.3 on a petition of any party or the office of children and
36 family services, or, if applicable, a social services district operating
37 an approved juvenile justice services close to home initiative pursuant
38 to section four hundred four of the social services law, after a dispo-
39 sitional hearing, for an additional period not to exceed twelve months,
40 but no initial placement or extension of placement under this section
41 may continue beyond the respondent's twenty-first birthday, OR, FOR AN
42 ACT THAT WAS COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR
43 OLDER, THE RESPONDENT'S TWENTY-THIRD BIRTHDAY.

44 S 73. Paragraph (d) of subdivision 4 of section 353.5 of the family
45 court act, as amended by chapter 398 of the laws of 1983, is amended to
46 read as follows:

47 (d) Upon the expiration of the initial period of placement, or any
48 extension thereof, the placement may be extended in accordance with
49 section 355.3 on a petition of any party or the [division for youth]
50 OFFICE OF CHILDREN AND FAMILY SERVICES after a dispositional hearing,
51 for an additional period not to exceed twelve months, but no initial
52 placement or extension of placement under this section may continue
53 beyond the respondent's twenty-first birthday, OR, FOR AN ACT THAT WAS
54 COMMITTED WHEN THE RESPONDENT WAS SIXTEEN YEARS OF AGE OR OLDER, THE
55 RESPONDENT'S TWENTY-THIRD BIRTHDAY.

1 S 74. Subdivision 1, 2, 6 and 7 of section 354.1 of the family court
2 act, subdivision 1 as added by chapter 920 of the laws of 1982, subdivi-
3 sions 2, 6 and 7 as amended by chapter 645 of the laws of 1996, are
4 amended to read as follows:

5 1. If a person whose fingerprints, palmprints or photographs were
6 taken pursuant to section 306.1 or was initially fingerprinted as a
7 juvenile offender and the action is subsequently removed to a family
8 court pursuant to article seven hundred twenty-five of the criminal
9 procedure law is adjudicated to be a juvenile delinquent for a felony,
10 the family court shall forward or cause to be forwarded to the division
11 of criminal justice services notification of such adjudication and such
12 related information as may be required by such division, provided,
13 however, in the case of a person eleven [or twelve] years of age such
14 notification shall be provided only if the act upon which the adjudi-
15 cation is based would constitute a class [A or B] A-1 felony OR, IN THE
16 CASE OF A PERSON TWELVE YEARS OF AGE, SUCH NOTIFICATION SHALL BE
17 PROVIDED ONLY IF THE ACT UPON WHICH THE ADJUDICATION IS BASED WOULD
18 CONSTITUTE A CLASS A OR B FELONY.

19 2. If a person whose fingerprints, palmprints or photographs were
20 taken pursuant to section 306.1 or was initially fingerprinted as a
21 juvenile offender and the action is subsequently removed to family court
22 pursuant to article seven hundred twenty-five of the criminal procedure
23 law has had all petitions disposed of by the family court in any manner
24 other than an adjudication of juvenile delinquency for a felony, but in
25 the case of acts committed when such person was eleven [or twelve] years
26 of age which would constitute a class [A or B] A-1 felony only, OR, IN
27 THE CASE OF ACTS COMMITTED WHEN SUCH PERSON WAS TWELVE YEARS OF AGE
28 WHICH WOULD CONSTITUTE A CLASS A OR B FELONY ONLY, all such finger-
29 prints, palmprints, photographs, and copies thereof, and all information
30 relating to such allegations obtained by the division of criminal
31 justice services pursuant to section 306.1 shall be destroyed forthwith.
32 The clerk of the court shall notify the commissioner of the division of
33 criminal justice services and the heads of all police departments and
34 law enforcement agencies having copies of such records, who shall
35 destroy such records without unnecessary delay.

36 6. If a person fingerprinted pursuant to section 306.1 and subsequent-
37 ly adjudicated a juvenile delinquent for a felony, but in the case of
38 acts committed when such a person was eleven [or twelve] years of age
39 which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE
40 OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD
41 CONSTITUTE A CLASS A OR B FELONY ONLY, is subsequently convicted of a
42 crime, all fingerprints and related information obtained by the division
43 of criminal justice services pursuant to such section and not destroyed
44 pursuant to subdivisions two, five and seven or subdivision twelve of
45 section 308.1 shall become part of such division's permanent adult crim-
46 inal record for that person, notwithstanding section 381.2 or 381.3.

47 7. When a person fingerprinted pursuant to section 306.1 and subse-
48 quently adjudicated a juvenile delinquent for a felony, but in the case
49 of acts committed when such person was eleven [or twelve] years of age
50 which would constitute a class [A or B] A-1 felony only, OR, IN THE CASE
51 OF ACTS COMMITTED WHEN SUCH A PERSON WAS TWELVE YEARS OF AGE WHICH WOULD
52 CONSTITUTE A CLASS A OR B FELONY ONLY, reaches the age of twenty-one, or
53 has been discharged from placement under this act for at least three
54 years, whichever occurs later, and has no criminal convictions or pend-
55 ing criminal actions which ultimately terminate in a criminal
56 conviction, all fingerprints, palmprints, photographs, and related

1 information and copies thereof obtained pursuant to section 306.1 in the
2 possession of the division of criminal justice services, any police
3 department, law enforcement agency or any other agency shall be
4 destroyed forthwith. The division of criminal justice services shall
5 notify the agency or agencies which forwarded fingerprints to such divi-
6 sion pursuant to section 306.1 of their obligation to destroy those
7 records in their possession. In the case of a pending criminal action
8 which does not terminate in a criminal conviction, such records shall be
9 destroyed forthwith upon such determination.

10 S 75. Subdivision 6 of section 355.3 of the family court act, as
11 amended by chapter 663 of the laws of 1985, is amended to read as
12 follows:

13 6. Successive extensions of placement under this section may be grant-
14 ed, but no placement may be made or continued beyond the respondent's
15 eighteenth birthday without the child's consent FOR ACTS COMMITTED
16 BEFORE THE RESPONDENT'S SIXTEENTH BIRTHDAY and in no event past the
17 child's twenty-first birthday EXCEPT AS PROVIDED FOR IN SUBDIVISION FOUR
18 OF SECTION 353.5.

19 S 76. Paragraph (b) of subdivision 3 of section 355.5 of the family
20 court act, as amended by chapter 145 of the laws of 2000, is amended to
21 read as follows:

22 (b) subsequent permanency hearings shall be held no later than every
23 twelve months following the respondent's initial twelve months in place-
24 ment BUT IN NO EVENT PAST THE RESPONDENT'S TWENTY-FIRST BIRTHDAY;
25 provided, however, that they shall be held in conjunction with an exten-
26 sion of placement hearing held pursuant to section 355.3 of this [arti-
27 cle] PART.

28 S 77. Section 360.3 of the family court act is amended by adding a new
29 subdivision 7 to read as follows:

30 7. NOTHING HEREIN SHALL AUTHORIZE A RESPONDENT TO BE DETAINED UNDER
31 SUBDIVISION TWO OF THIS SECTION OR PLACED UNDER SUBDIVISION SIX OF THIS
32 SECTION FOR A VIOLATION OF A CONDITION THAT WOULD NOT CONSTITUTE A CRIME
33 IF COMMITTED BY AN ADULT UNLESS THE COURT DETERMINES (A) THAT THE
34 RESPONDENT POSES A SPECIFIC IMMINENT THREAT TO PUBLIC SAFETY AND STATES
35 THE REASONS FOR THE FINDING ON THE RECORD OR (B) THE RESPONDENT IS ON
36 PROBATION FOR AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY AS DEFINED
37 IN SECTION 70.02 OF THE PENAL LAW IF COMMITTED BY AN ADULT AND THE USE
38 OF GRADUATED SANCTIONS HAS BEEN EXHAUSTED WITHOUT SUCCESS.

39 S 78. Subdivisions 5 and 6 of section 371 of the social services law,
40 subdivision 5 as added by chapter 690 of the laws of 1962, and subdivi-
41 sion 6 as amended by chapter 596 of the laws of 2000, are amended to
42 read as follows:

43 5. "Juvenile delinquent" means a person [over seven and less than
44 sixteen years of age who does any act which, if done by an adult, would
45 constitute a crime] AS DEFINED IN SECTION 301.2 OF THE FAMILY COURT ACT.

46 6. "Person in need of supervision" means a person [less than eighteen
47 years of age who is habitually truant or who is incorrigible, ungoverna-
48 ble or habitually disobedient and beyond the lawful control of a parent
49 or other person legally responsible for such child's care, or other
50 lawful authority] AS DEFINED IN SECTION SEVEN HUNDRED TWELVE OF THE
51 FAMILY COURT ACT.

52 S 79. Subdivisions 3 and 4 of section 502 of the executive law, subdivi-
53 sion 3 as amended by section 1 of subpart B of part Q of chapter 58 of
54 the laws of 2011 and subdivision 4 as added by chapter 465 of the laws
55 of 1992, are amended to read as follows:

1 3. "Detention" means the temporary care and maintenance of youth held
2 away from their homes pursuant to article three [or seven] of the family
3 court act, or held pending a hearing for alleged violation of the condi-
4 tions of release from an office of children and family services facility
5 or authorized agency, or held pending a hearing for alleged violation of
6 the condition of parole as a juvenile offender, or held pending return
7 to a jurisdiction other than the one in which the youth is held, or held
8 pursuant to a securing order of a criminal court if the youth named
9 therein as principal is charged as a juvenile offender or held pending a
10 hearing on an extension of placement or held pending transfer to a
11 facility upon commitment or placement by a court OR PURSUANT TO ARTICLE
12 SEVEN OF THE FAMILY COURT ACT IF THE PETITION PURSUANT TO SUCH ARTICLE
13 WAS FILED PRIOR TO JANUARY FIRST, TWO THOUSAND NINETEEN. Only alleged or
14 convicted juvenile offenders who have not attained their eighteenth OR,
15 COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, THEIR TWENTY-FIRST
16 birthday shall be subject to detention in a detention facility.

17 4. For purposes of this article, the term "youth" shall [be synonymous
18 with the term "child" and means] MEAN a person not less than seven years
19 of age and not more than twenty OR COMMENCING JANUARY FIRST, TWO THOU-
20 SAND EIGHTEEN, NOT MORE THAN TWENTY-TWO years of age.

21 S 80. Paragraph (a) of subdivision 2 and subdivision 5 of section
22 507-a of the executive law, as amended by chapter 465 of the laws of
23 1992, are amended to read as follows:

24 (a) Consistent with other provisions of law, only those youth who have
25 reached the age of [seven] TEN but who have not reached the age of twen-
26 ty-one may be placed in[, committed to or remain in] the [division's]
27 custody OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. EXCEPT AS
28 PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, NO YOUTH WHO HAS
29 REACHED THE AGE OF TWENTY-ONE MAY REMAIN IN CUSTODY OF THE OFFICE OF
30 CHILDREN AND FAMILY SERVICES.

31 (A-1) (I) A YOUTH WHO IS COMMITTED TO THE OFFICE OF CHILDREN AND FAMI-
32 LY SERVICES AS A JUVENILE OFFENDER OR YOUTHFUL OFFENDER MAY REMAIN IN
33 THE CUSTODY OF THE OFFICE DURING THE PERIOD OF HIS OR HER SENTENCE
34 BEYOND THE AGE OF TWENTY-ONE IN ACCORDANCE WITH THE PROVISIONS OF SUBDI-
35 VISION FIVE OF SECTION FIVE HUNDRED EIGHT OF THIS TITLE BUT IN NO EVENT
36 MAY SUCH A YOUTH REMAIN IN THE CUSTODY OF THE OFFICE BEYOND HIS OR HER
37 TWENTY-THIRD BIRTHDAY; AND (II) A YOUTH FOUND TO HAVE COMMITTED A DESIG-
38 NATED CLASS A FELONY ACT WHO IS RESTRICTIVELY PLACED WITH THE OFFICE
39 UNDER SUBDIVISION FOUR OF SECTION 353.5 OF THE FAMILY COURT ACT FOR
40 COMMITTING AN ACT ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY MAY REMAIN
41 IN THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES UP TO THE
42 AGE OF TWENTY-THREE IN ACCORDANCE WITH HIS OR HER PLACEMENT ORDER.

43 (A-2) Whenever it shall appear to the satisfaction of the [division]
44 OFFICE OF CHILDREN AND FAMILY SERVICES that any youth placed therewith
45 is not of proper age to be so placed or is not properly placed, or is
46 mentally or physically incapable of being materially benefited by the
47 program of the [division] OFFICE, the [division] OFFICE shall cause the
48 return of such youth to the county from which placement was made.

49 5. Consistent with other provisions of law, in the discretion of the
50 [director, youth] COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY
51 SERVICES, YOUTH PLACED WITHIN THE OFFICE UNDER THE FAMILY COURT ACT who
52 attain the age of eighteen while in [division] custody OF THE OFFICE AND
53 WHO ARE NOT REQUIRED TO REMAIN IN THE PLACEMENT WITH THE OFFICE AS A
54 RESULT OF A DISPOSITIONAL ORDER OF THE FAMILY COURT may reside in a
55 non-secure facility until the age of twenty-one, provided that such

1 youth attend a full-time vocational or educational program and are like-
2 ly to benefit from such program.

3 S 81. Paragraphs (a), (b), (c), (d) and (e) of subdivision 2 and
4 subdivision 4 of section 508 of the executive law are REPEALED.

5 S 82. Subdivisions 1, 2, 3, 5, 6, 7, 8 and 9 of section 508 of the
6 executive law, subdivision 1 as amended by chapter 738 of the laws of
7 2004, subdivision 2 as amended by chapter 572 of the laws of 1985,
8 subdivision 3 as added by chapter 481 of the laws of 1978 and renumbered
9 by chapter 465 of the laws of 1992, subdivisions 5, 6 and 7 as amended
10 by section 97 of subpart B of part C of chapter 62 of the laws of 2011,
11 subdivision 8 as added by chapter 560 of the laws of 1984 and subdivi-
12 sion 9 as added by chapter 7 of the laws of 2007, are amended and a new
13 subdivision 1-a is added to read as follows:

14 1. The office of children and family services shall maintain [secure]
15 facilities for the care and confinement of juvenile offenders committed
16 [for an indeterminate, determinate or definite sentence] TO THE OFFICE
17 pursuant to the sentencing provisions of the penal law. Such facilities
18 shall provide appropriate services to juvenile offenders including but
19 not limited to residential care, educational and vocational training,
20 physical and mental health services, and employment counseling.

21 1-A. (A) (I) THE STATE SHALL ESTABLISH ONE OR MORE FACILITIES WITH
22 ENHANCED SECURITY FEATURES AND SPECIALLY TRAINED STAFF TO SERVE THOSE
23 YOUTH SENTENCED FOR COMMITTING OFFENSES ON OR AFTER THEIR SIXTEENTH
24 BIRTHDAY WHO ARE DETERMINED, BASED ON THE PLACEMENT CLASSIFICATION
25 PROTOCOL ESTABLISHED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, TO
26 NEED AN ENHANCED LEVEL OF SECURE CARE WHICH SHALL BE ADMINISTERED BY THE
27 OFFICE OF CHILDREN AND FAMILY SERVICES.

28 (II) A COUNCIL COMPRISED OF THE COMMISSIONER OF THE OFFICE OF CHILDREN
29 AND FAMILY SERVICES, THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS
30 AND COMMUNITY SUPERVISION, THE COMMISSIONER OF THE STATE COMMISSION OF
31 CORRECTION, AND THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE
32 SERVICES SHALL BE ESTABLISHED TO OVERSEE THE OPERATION OF THE FACILITY.
33 THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COUNCIL. THE COUNCIL SHALL
34 HAVE THE POWER TO PERFORM ALL ACTS NECESSARY TO CARRY OUT ITS DUTIES
35 INCLUDING MAKING UNANNOUNCED VISITS AND INSPECTIONS OF THE FACILITY AT
36 ANY TIME. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
37 CONTRARY, THE COUNCIL MAY REQUEST AND THE OFFICE SHALL SUBMIT TO THE
38 COUNCIL, TO THE EXTENT PERMITTED BY FEDERAL LAW, ALL INFORMATION IN THE
39 FORM AND MANNER AND AT SUCH TIMES AS THE COUNCIL MAY REQUIRE THAT IS
40 APPROPRIATE TO THE PURPOSES AND OPERATION OF THE COUNCIL. THE COUNCIL
41 SHALL BE SUBJECT TO THE SAME LAWS AS APPLY TO THE OFFICE REGARDING THE
42 PROTECTION AND CONFIDENTIALITY OF THE INFORMATION MADE AVAILABLE TO THE
43 COUNCIL AND SHALL PREVENT ACCESS THERETO BY, OR THE DISTRIBUTION THEREOF
44 TO, PERSONS NOT AUTHORIZED BY LAW.

45 (III) YOUTH DIVISION AIDES AND OTHER APPROPRIATE STAFF WORKING IN THE
46 FACILITY SHALL RECEIVE SPECIALIZED TRAINING TO ADDRESS WORKING WITH THE
47 TYPES OF YOUTH PLACED IN THE FACILITY, WHICH SHALL INCLUDE BUT NOT BE
48 LIMITED TO, TRAINING ON TACTICAL RESPONSES AND DE-ESCALATION TECHNIQUES.
49 ANY APPLICANT FOR EMPLOYMENT IN THE FACILITY AS A YOUTH DIVISION AIDE
50 SHALL BE SUBJECT TO THE SAME REQUIREMENTS AND PROCESSES FOR PSYCHOLOG-
51 ICAL SCREENING AS APPLICANTS FOR EMPLOYMENT AS CORRECTIONAL OFFICERS
52 WITH THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION PURSUANT TO
53 SECTION EIGHT OF THE CORRECTION LAW INCLUDING THE RIGHT TO REVIEW BY THE
54 INDEPENDENT ADVISORY BOARD ESTABLISHED PURSUANT TO SUCH SECTION,
55 PROVIDED, HOWEVER, THAT WHEN REFERRED TO IN SUCH SECTION "DEPARTMENT"
56 SHALL MEAN THE OFFICE OF CHILDREN AND FAMILY SERVICES AND "COMMISSIONER"

1 SHALL MEAN THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY
2 SERVICES. ALL STAFF OF THE FACILITY SHALL BE SUBJECT TO RANDOM DRUG
3 TESTS.

4 (B) THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR THE
5 STATE COMMISSION OF CORRECTION SHALL ASSIGN AN ASSISTANT COMMISSIONER TO
6 ASSIST THE OFFICE OF CHILDREN AND FAMILY SERVICES, ON A PERMANENT BASIS,
7 WITH THE SECURITY ISSUES RELATING TO OPERATING FACILITIES SERVING THE
8 ADDITIONAL YOUTH SENTENCED TO THE OFFICE.

9 (C) THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION OR THE
10 STATE COMMISSION OF CORRECTION AND THE OFFICE OF CHILDREN AND FAMILY
11 SERVICES SHALL JOINTLY ESTABLISH A PLACEMENT CLASSIFICATION PROTOCOL TO
12 BE USED BY THE ASSISTANT COMMISSIONER ASSIGNED TO THE OFFICE PURSUANT TO
13 PARAGRAPH (B) OF THIS SUBDIVISION AND AN OFFICE OF CHILDREN AND FAMILY
14 SERVICES OFFICIAL DESIGNATED BY THE COMMISSIONER OF THE OFFICE TO DETER-
15 MINE THE APPROPRIATE LEVEL OF CARE FOR EACH YOUTH SENTENCED TO THE
16 OFFICE. THE PROTOCOL SHALL INCLUDE, BUT NOT NECESSARILY BE LIMITED TO,
17 CONSIDERATION OF THE NATURE OF THE YOUTH'S OFFENSE AND THE YOUTH'S
18 HISTORY AND SERVICE NEEDS.

19 (D) ANY NEW FACILITIES DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY
20 SERVICES TO SERVE THE ADDITIONAL YOUTH PLACED WITH THE OFFICE AS A
21 RESULT OF RAISING THE AGE OF JUVENILE JURISDICTION SHALL, TO THE EXTENT
22 PRACTICABLE, CONSIST OF SMALLER, MORE HOME-LIKE FACILITIES LOCATED NEAR
23 THE YOUTHS' HOMES AND FAMILIES THAT PROVIDE GENDER-RESPONSIVE PROGRAM-
24 MING, SERVICES AND TREATMENT IN SMALL, CLOSELY SUPERVISED GROUPS THAT
25 OFFER EXTENSIVE AND ON-GOING INDIVIDUAL ATTENTION AND ENCOURAGE SUPPORT-
26 IVE PEER RELATIONSHIPS.

27 2. Juvenile offenders COMMITTED TO THE OFFICE FOR COMMITTING CRIMES
28 PRIOR TO THE AGE OF SIXTEEN shall be confined in such facilities until
29 the age of twenty-one IN ACCORDANCE WITH THEIR SENTENCES, and shall not
30 be released, discharged or permitted home visits except pursuant to the
31 provisions of this section.

32 3. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall report
33 in writing to the sentencing court and district attorney, not less than
34 once every six months during the period of confinement, on the status,
35 adjustment, programs and progress of the offender.

36 [5.] 4. The office of children and family services may transfer an
37 offender not less than eighteen [nor more than twenty-one] years of age
38 to the department of corrections and community supervision if the
39 commissioner of the office certifies to the commissioner of corrections
40 and community supervision that there is no substantial likelihood that
41 the youth will benefit from the programs offered by office facilities.

42 [6. At age twenty-one, all] 5. (A) ALL juvenile offenders COMMITTED TO
43 THE OFFICE FOR COMMITTING A CRIME PRIOR TO THE YOUTH'S SIXTEENTH BIRTH-
44 DAY WHO STILL HAVE TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT shall be
45 transferred AT AGE TWENTY-ONE to the custody of the department of
46 corrections and community supervision for confinement pursuant to the
47 correction law.

48 [7.] (B) ALL OFFENDERS COMMITTED OR TRANSFERRED TO THE OFFICE FOR
49 COMMITTING A CRIME ON OR AFTER THEIR SIXTEENTH BIRTHDAY WHO STILL HAVE
50 TIME LEFT ON THEIR SENTENCES OF IMPRISONMENT SHALL BE TRANSFERRED TO THE
51 CUSTODY OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION FOR
52 CONFINEMENT PURSUANT TO THE CORRECTION LAW AFTER COMPLETING TWO YEARS OF
53 CARE IN OFFICE OF CHILDREN AND FAMILY SERVICES FACILITIES UNLESS THEY
54 ARE WITHIN FOUR MONTHS OF COMPLETING THE IMPRISONMENT PORTION OF THEIR
55 SENTENCE AND THE OFFICE DETERMINES, IN ITS DISCRETION, ON A CASE-BY-CASE
56 BASIS THAT THE YOUTH SHOULD BE PERMITTED TO REMAIN WITH THE OFFICE FOR

1 THE ADDITIONAL SHORT PERIOD OF TIME NECESSARY TO ENABLE THEM TO COMPLETE
2 THEIR SENTENCE. IN MAKING SUCH A DETERMINATION, THE FACTORS THE OFFICE
3 MAY CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, THE AGE OF THE YOUTH, THE
4 AMOUNT OF TIME REMAINING ON THE YOUTH'S SENTENCE OF IMPRISONMENT, THE
5 LEVEL OF THE YOUTH'S PARTICIPATION IN THE PROGRAM, THE YOUTH'S EDUCA-
6 TIONAL AND VOCATIONAL PROGRESS, THE OPPORTUNITIES AVAILABLE TO THE YOUTH
7 THROUGH THE OFFICE AND THROUGH THE DEPARTMENT, AND THE LENGTH OF THE
8 YOUTH'S POST-RELEASE SUPERVISION SENTENCE. NOTHING IN THIS PARAGRAPH
9 SHALL AUTHORIZE A YOUTH TO REMAIN IN AN OFFICE FACILITY BEYOND HIS OR
10 HER TWENTY-THIRD BIRTHDAY.

11 (C) COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, ALL JUVENILE
12 OFFENDERS WHO ARE ELIGIBLE TO BE RELEASED FROM AN OFFICE OF CHILDREN AND
13 FAMILY SERVICES FACILITY BEFORE THEY ARE REQUIRED TO BE TRANSFERRED TO
14 THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AND WHO ARE ABLE
15 TO COMPLETE THE FULL-TERM OF THEIR POST-RELEASE SUPERVISION SENTENCES
16 BEFORE THEY TURN TWENTY-THREE YEARS OF AGE SHALL REMAIN WITH THE OFFICE
17 OF CHILDREN AND FAMILY SERVICES FOR POST-RELEASE SUPERVISION.

18 (D) COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, ALL JUVENILE
19 OFFENDERS RELEASED FROM AN OFFICE OF CHILDREN AND FAMILY SERVICES FACIL-
20 ITY BEFORE THEY ARE TRANSFERRED TO THE DEPARTMENT OF CORRECTIONS AND
21 COMMUNITY SUPERVISION WHO ARE UNABLE TO COMPLETE THE FULL-TERM OF THEIR
22 POST-RELEASE SUPERVISION SENTENCES BEFORE THEY TURN TWENTY-THREE YEARS
23 OF AGE SHALL BE UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS
24 AND COMMUNITY SUPERVISION UNTIL EXPIRATION OF THE MAXIMUM TERM OR PERIOD
25 OF SENTENCE, OR EXPIRATION OF SUPERVISION, INCLUDING ANY POST-RELEASE
26 SUPERVISION AS THE CASE MAY BE PROVIDED, HOWEVER, THAT THE OFFICE SHALL
27 ASSIST SUCH DEPARTMENT IN PLANNING FOR THE YOUTH'S POST-RELEASE SUPER-
28 VISION.

29 6. While in the custody of the office of children and family services,
30 an offender shall be subject to the rules and regulations of the office,
31 except that his OR HER parole, POST-RELEASE SUPERVISION, temporary
32 release and discharge shall be governed by the laws applicable to
33 inmates of state correctional facilities and his OR HER transfer to
34 state hospitals in the office of mental health shall be governed by
35 section five hundred nine of this chapter; PROVIDED, HOWEVER, THAT AN
36 OTHERWISE ELIGIBLE JUVENILE OFFENDER MAY RECEIVE THE SIX-MONTH LIMITED
37 CREDIT TIME ALLOWANCE FOR SUCCESSFUL PARTICIPATION IN ONE OR MORE
38 PROGRAMS DEVELOPED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES THAT
39 ARE COMPARABLE TO THE PROGRAMS SET FORTH IN SECTION EIGHT HUNDRED
40 THREE-B OF THE CORRECTION LAW, TAKING INTO CONSIDERATION THE AGE OF
41 JUVENILE OFFENDERS. The commissioner of the office of children and
42 family services shall, however, establish and operate temporary release
43 programs at office of children and family services facilities AND
44 PROVIDE POST-RELEASE SUPERVISION for eligible juvenile offenders and
45 [contract with the department of corrections and community supervision
46 for the provision of parole] PROVIDE supervision [services] for tempo-
47 rary releasees AND JUVENILES ON POST-RELEASE SUPERVISION. The rules and
48 regulations for these programs shall not be inconsistent with the laws
49 for temporary release AND POST-RELEASE SUPERVISION applicable to inmates
50 of state correctional facilities. For the purposes of temporary release
51 programs for juvenile offenders only, when referred to or defined in
52 article twenty-six of the correction law, "institution" shall mean any
53 facility designated by the commissioner of the office of children and
54 family services, "department" shall mean the office of children and
55 family services, "inmate" shall mean a juvenile offender residing in an
56 office of children and family services facility, and "commissioner"

1 shall mean the [director] COMMISSIONER of the office of children and
2 family services. FOR THE PURPOSES OF SUCH POST-RELEASE SUPERVISION FOR
3 JUVENILE OFFENDERS UNDER PARAGRAPH (C) OF SUBDIVISION FIVE OF THIS
4 SECTION ONLY, WHEN REFERRED TO IN SECTION 70.45 OF THE PENAL LAW OR
5 ARTICLE TWELVE-B OF THE EXECUTIVE LAW, THE TERM "DEPARTMENT OF
6 CORRECTIONS AND COMMUNITY SUPERVISION", "DEPARTMENT", "DIVISION OF
7 PAROLE", "DIVISION", "BOARD OF PAROLE" AND "BOARD" SHALL MEAN THE OFFICE
8 OF CHILDREN AND FAMILY SERVICES, AND THE TERM "COMMISSIONER" SHALL MEAN
9 THE OFFICE OF CHILDREN AND FAMILY SERVICES. Time spent in office of
10 children and family services facilities and in juvenile detention facil-
11 ities shall be credited towards the sentence imposed in the same manner
12 and to the same extent applicable to inmates of state correctional
13 facilities.

14 [8] 7. Whenever a juvenile offender or a juvenile offender adjudi-
15 cated a youthful offender shall be delivered to the director of [a divi-
16 sion for youth] AN OFFICE OF CHILDREN AND FAMILY SERVICES facility
17 pursuant to a commitment to the [director of the division for youth]
18 OFFICE OF CHILDREN AND FAMILY SERVICES, the officer so delivering such
19 person shall deliver to such facility director a certified copy of the
20 sentence received by such officer from the clerk of the court by which
21 such person shall have been sentenced, a copy of the report of the
22 probation officer's investigation and report, any other pre-sentence
23 memoranda filed with the court, a copy of the person's fingerprint
24 records, a detailed summary of available medical records, psychiatric
25 records and reports relating to assaults, or other violent acts,
26 attempts at suicide or escape by the person while in the custody of a
27 local detention facility.

28 [9] 8. Notwithstanding any provision of law, including section five
29 hundred one-c of this article, the office of children and family
30 services shall make records pertaining to a person convicted of a sex
31 offense as defined in subdivision (p) of section 10.03 of the mental
32 hygiene law available upon request to the commissioner of mental health
33 or the commissioner of [mental retardation and] THE OFFICE FOR PERSONS
34 WITH developmental disabilities, as appropriate; a case review panel;
35 and the attorney general; in accordance with the provisions of article
36 ten of the mental hygiene law.

37 S 83. Section 712 of the family court act, as amended by chapter 920
38 of the laws of 1982, subdivision (a) as amended by section 7 of part G
39 of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter
40 465 of the laws of 1992, subdivision (g) as amended by section 2 of part
41 B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter
42 7 of the laws of 1999, subdivision (i) as amended and subdivisions (j),
43 (k), (l) and (m) as added by chapter 38 of the laws of 2014, is amended
44 to read as follows:

45 S 712. Definitions. As used in this article, the following terms shall
46 have the following meanings:

47 (a) "Person in need of supervision". A person less than eighteen years
48 of age who does not attend school in accordance with the provisions of
49 part one of article sixty-five of the education law or who is incorrigi-
50 ble, ungovernable or habitually disobedient and beyond the lawful
51 control of a parent or other person legally responsible for such child's
52 care, or other lawful authority, or who violates the provisions of
53 section 221.05 or 230.00 of the penal law, or who appears to be a sexu-
54 ally exploited child as defined in paragraph (a), (c) or (d) of subdivi-
55 sion one of section four hundred forty-seven-a of the social services

1 law, but only if the child consents to the filing of a petition under
2 this article.

3 (b) ["Detention". The temporary care and maintenance of children away
4 from their own homes as defined in section five hundred two of the exec-
5 utive law.

6 (c) "Secure detention facility". A facility characterized by phys-
7 ically restricting construction, hardware and procedures.

8 (d) "Non-secure detention facility". A facility characterized by the
9 absence of physically restricting construction, hardware and procedures.

10 (e) "Fact-finding hearing". A hearing to determine whether the
11 respondent did the acts alleged to show that he OR SHE violated a law or
12 is incorrigible, ungovernable or habitually disobedient and beyond the
13 control of his OR HER parents, guardian or legal custodian.

14 [(f)] (C) "Dispositional hearing". A hearing to determine whether the
15 respondent requires supervision or treatment.

16 [(g)] (D) "Aggravated circumstances". Aggravated circumstances shall
17 have the same meaning as the definition of such term in subdivision (j)
18 of section one thousand twelve of this act.

19 [(h)] (E) "Permanency hearing". A hearing held in accordance with
20 paragraph (b) of subdivision two of section seven hundred fifty-four or
21 section seven hundred fifty-six-a of this article for the purpose of
22 reviewing the foster care status of the respondent and the appropriate-
23 ness of the permanency plan developed by the social services official on
24 behalf of such respondent.

25 [(i)] (F) "Diversion services". Services provided to children and
26 families pursuant to section seven hundred thirty-five of this article
27 for the purpose of avoiding the need to file a petition [or direct the
28 detention of the child]. Diversion services shall include: efforts to
29 adjust cases pursuant to this article before a petition is filed, or by
30 order of the court, after the petition is filed but before fact-finding
31 is commenced; and preventive services provided in accordance with
32 section four hundred nine-a of the social services law to avert the
33 placement of the child [into foster care], including crisis intervention
34 and respite services. Diversion services may also include, in cases
35 where any person is seeking to file a petition that alleges that the
36 child has a substance use disorder or is in need of immediate detoxifi-
37 cation or substance use disorder services, an assessment for substance
38 use disorder; provided, however, that notwithstanding any other
39 provision of law to the contrary, the designated lead agency shall not
40 be required to pay for all or any portion of the costs of such assess-
41 ment or substance use disorder or detoxification services, except in
42 cases where medical assistance for needy persons may be used to pay for
43 all or any portion of the costs of such assessment or services.

44 [(j)] (G) "Substance use disorder". The misuse of, dependence on, or
45 addiction to alcohol and/or legal or illegal drugs leading to effects
46 that are detrimental to the person's physical and mental health or the
47 welfare of others.

48 [(k)] (H) "Assessment for substance use disorder". Assessment by a
49 provider that has been certified by the office of alcoholism and
50 substance abuse services of a person less than eighteen years of age
51 where it is alleged that the youth is suffering from a substance use
52 disorder which could make a youth a danger to himself or herself or
53 others.

54 [(l)] (I) "A substance use disorder which could make a youth a danger
55 to himself or herself or others". A substance use disorder that is
56 accompanied by the dependence on, or the repeated use or abuse of, drugs

1 or alcohol to the point of intoxication such that the person is in need
2 of immediate detoxification or other substance use disorder services.

3 [(m)] (J) "Substance use disorder services". Substance use disorder
4 services shall have the same meaning as provided for in section 1.03 of
5 the mental hygiene law.

6 S 84. The part heading of part 2 of article 7 of the family court act
7 is amended to read as follows:

8 CUSTODY [AND DETENTION]

9 S 85. Section 720 of the family court act, as amended by chapter 419
10 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B
11 of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by
12 section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)
13 of subdivision 5 as added by section 8 of part G of chapter 58 of the
14 laws of 2010, is amended to read as follows:

15 S 720. Detention PRECLUDED. [1.] THE DETENTION OF A CHILD SHALL NOT BE
16 DIRECTED UNDER ANY OF THE PROVISIONS OF THIS ARTICLE, EXCEPT AS OTHER-
17 WISE AUTHORIZED BY THE INTERSTATE COMPACT ON JUVENILES. No child to whom
18 the provisions of this article may apply, shall be detained in any pris-
19 on, jail, lockup, or other place used for adults convicted of crime or
20 under arrest and charged with a crime.

21 [2. The detention of a child in a secure detention facility shall not
22 be directed under any of the provisions of this article.

23 3. Detention of a person alleged to be or adjudicated as a person in
24 need of supervision shall, except as provided in subdivision four of
25 this section, be authorized only in a foster care program certified by
26 the office of children and family services, or a certified or approved
27 family boarding home, or a non-secure detention facility certified by
28 the office and in accordance with section seven hundred thirty-nine of
29 this article. The setting of the detention shall take into account (a)
30 the proximity to the community in which the person alleged to be or
31 adjudicated as a person in need of supervision lives with such person's
32 parents or to which such person will be discharged, and (b) the existing
33 educational setting of such person and the proximity of such setting to
34 the location of the detention setting.

35 4. Whenever detention is authorized and ordered pursuant to this arti-
36 cle, for a person alleged to be or adjudicated as a person in need of
37 supervision, a family court in a city having a population of one million
38 or more shall, notwithstanding any other provision of law, direct
39 detention in a foster care facility established and maintained pursuant
40 to the social services law. In all other respects, the detention of such
41 a person in a foster care facility shall be subject to the identical
42 terms and conditions for detention as are set forth in this article and
43 in section two hundred thirty-five of this act.

44 5. (a) The court shall not order or direct detention under this arti-
45 cle, unless the court determines that there is no substantial likelihood
46 that the youth and his or her family will continue to benefit from
47 diversion services and that all available alternatives to detention have
48 been exhausted; and

49 (b) Where the youth is sixteen years of age or older, the court shall
50 not order or direct detention under this article, unless the court
51 determines and states in its order that special circumstances exist to
52 warrant such detention.

53 (c) If the respondent may be a sexually exploited child as defined in
54 subdivision one of section four hundred forty-seven-a of the social
55 services law, the court may direct the respondent to an available short-
56 term safe house as defined in subdivision two of section four hundred

1 forty-seven-a of the social services law as an alternative to
2 detention.]

3 S 86. Section 727 of the family court act is REPEALED.

4 S 87. The section heading and subdivisions (c) and (d) of section 728
5 of the family court act, subdivision (d) as added by chapter 145 of the
6 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision
7 (d) as renumbered by section 5 of part E of chapter 57 of the laws of
8 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision
9 (d) as added by section 10 of subpart B of part Q of chapter 58 of the
10 laws of 2011, are amended to read as follows:

11 Discharge[,] OR release [or detention] by judge after hearing and
12 before filing of petition in custody cases.

13 (c) An order of release under this section may, but need not, be
14 conditioned upon the giving of a recognizance in accord with [sections]
15 SECTION seven hundred twenty-four (b) (i).

16 [(d) Upon a finding of facts and reasons which support a detention
17 order pursuant to this section, the court shall also determine and state
18 in any order directing detention:

19 (i) that there is no substantial likelihood that the youth and his or
20 her family will continue to benefit from diversion services and that all
21 available alternatives to detention have been exhausted; and

22 (ii) whether continuation of the child in the child's home would be
23 contrary to the best interests of the child based upon, and limited to,
24 the facts and circumstances available to the court at the time of the
25 hearing held in accordance with this section; and

26 (iii) where appropriate, whether reasonable efforts were made prior to
27 the date of the court hearing that resulted in the detention order, to
28 prevent or eliminate the need for removal of the child from his or her
29 home or, if the child had been removed from his or her home prior to the
30 court appearance pursuant to this section, where appropriate, whether
31 reasonable efforts were made to make it possible for the child to safely
32 return home; and

33 (iv) whether the setting of the detention takes into account the prox-
34 imity to the community in which the person alleged to be or adjudicated
35 as a person in need of supervision lives with such person's parents or
36 to which such person will be discharged, and the existing educational
37 setting of such person and the proximity of such setting to the location
38 of the detention setting.]

39 S 88. Section 729 of the family court act is REPEALED.

40 S 89. Subdivisions (b) and (f) and paragraph (i) of subdivision (d) of
41 section 735 of the family court act, subdivision (b) as amended by chap-
42 ter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended
43 by chapter 535 of the laws of 2011 and subdivision (f) as added by
44 section 7 of part E of chapter 57 of the laws of 2005, are amended to
45 read as follows:

46 (b) The designated lead agency shall:

47 (i) confer with any person seeking to file a petition, the youth who
48 may be a potential respondent, his or her family, and other interested
49 persons, concerning the provision of diversion services before any peti-
50 tion may be filed; and

51 (ii) diligently attempt to prevent the filing of a petition under this
52 article or, after the petition is filed, to prevent the placement of the
53 youth into foster care; and

54 (iii) assess whether the youth would benefit from residential respite
55 services; and

1 (iv) ASSESS WHETHER THE YOUTH IS A SEXUALLY EXPLOITED CHILD AS DEFINED
2 IN SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW AND, IF
3 SO, WHETHER SUCH YOUTH SHOULD BE REFERRED TO A SAFE HOUSE; AND

4 (V) determine whether alternatives to detention are appropriate to
5 avoid remand of the youth to detention INCLUDING WHETHER THE YOUTH AND
6 HIS OR HER FAMILY SHOULD BE REFERRED TO AN AVAILABLE FAMILY SUPPORT
7 CENTER; and

8 [(v)] (VI) determine whether an assessment of the youth for substance
9 use disorder by an office of alcoholism and substance abuse services
10 certified provider is necessary when a person seeking to file a petition
11 alleges in such petition that the youth is suffering from a substance
12 use disorder which could make the youth a danger to himself or herself
13 or others. Provided, however, that notwithstanding any other provision
14 of law to the contrary, the designated lead agency shall not be required
15 to pay for all or any portion of the costs of such assessment or for any
16 substance use disorder or detoxification services, except in cases where
17 medical assistance for needy persons may be used to pay for all or any
18 portion of the costs of such assessment or services. The office of alco-
19 holism and substance abuse services shall make a list of its certified
20 providers available to the designated lead agency.

21 (i) providing, at the first contact, information on the availability
22 of or a referral to services in the geographic area where the youth and
23 his or her family are located that may be of benefit in avoiding the
24 need to file a petition under this article; including the availability,
25 for up to twenty-one days, of a residential respite program, if the
26 youth and his or her parent or other person legally responsible for his
27 or her care agree, and the availability of other non-residential crisis
28 intervention programs such as A FAMILY SUPPORT CENTER, family crisis
29 counseling or alternative dispute resolution programs or an educational
30 program as defined in section four hundred fifty-eight-1 of the social
31 services law.

32 (f) Efforts to prevent the filing of a petition pursuant to this
33 section may extend until the designated lead agency determines that
34 there is no substantial likelihood that the youth and his or her family
35 will benefit from further attempts. Efforts at diversion pursuant to
36 this section may continue after the filing of a petition where the
37 designated lead agency determines that the youth and his or her family
38 will benefit from further attempts to prevent PLACEMENT OF the youth
39 [from entering foster care] IN ACCORDANCE WITH SECTION SEVEN HUNDRED
40 FIFTY-SIX OF THIS ARTICLE.

41 S 90. Section 739 of the family court act, as amended by chapter 920
42 of the laws of 1982, subdivision (a) as amended by section 10 of part G
43 of chapter 58 of the laws of 2010, subdivision (c) as added by chapter
44 145 of the laws of 2000, is amended to read as follows:

45 S 739. Release or [detention] REFERRAL after filing of petition and
46 prior to order of disposition. [(a)] After the filing of a petition
47 under section seven hundred thirty-two of this part, the court in its
48 discretion may release the respondent [or direct his or her detention].
49 If the respondent may be a sexually exploited child as defined in subdi-
50 vision one of section four hundred forty-seven-a of the social services
51 law, the court may direct the respondent to an available short-term safe
52 house [as an alternative to detention. However, the court shall not
53 direct detention unless it finds and states the facts and reasons for so
54 finding that unless the respondent is detained there is a substantial
55 probability that the respondent will not appear in court on the return
56 date and all available alternatives to detention have been exhausted.

1 (b) Unless the respondent waives a determination that probable cause
2 exists to believe that he is a person in need of supervision, no
3 detention under this section may last more than three days (i) unless
4 the court finds, pursuant to the evidentiary standards applicable to a
5 hearing on a felony complaint in a criminal court, that such probable
6 cause exists, or (ii) unless special circumstances exist, in which cases
7 such detention may be extended not more than an additional three days
8 exclusive of Saturdays, Sundays and public holidays.

9 (c) Upon a finding of facts and reasons which support a detention
10 order pursuant to subdivision (a) of this section, the court shall also
11 determine and state in any order directing detention:

12 (i) whether continuation of the respondent in the respondent's home
13 would be contrary to the best interests of the respondent based upon,
14 and limited to, the facts and circumstance available to the court at the
15 time of the court's determination in accordance with this section; and

16 (ii) where appropriate, whether reasonable efforts were made prior to
17 the date of the court order directing detention in accordance with this
18 section, to prevent or eliminate the need for removal of the respondent
19 from his or her home or, if the respondent had been removed from his or
20 her home prior to the court appearance pursuant to this section, where
21 appropriate, whether reasonable efforts were made to make it possible
22 for the respondent to safely return home].

23 S 91. Section 741-a of the family court act, as amended by section 3
24 of part B of chapter 327 of the laws of 2007, is amended to read as
25 follows:

26 S 741-a. Notice and right to be heard. The foster parent caring for
27 [the child] A SEXUALLY EXPLOITED CHILD PLACED IN ACCORDANCE WITH SECTION
28 SEVEN HUNDRED FIFTY-SIX OF THIS ARTICLE or any pre-adoptive parent or
29 relative providing care for the respondent shall be provided with notice
30 of any permanency hearing held pursuant to this article by the social
31 services official. Such foster parent, pre-adoptive parent or relative
32 shall have the right to be heard at any such hearing; provided, however,
33 no such foster parent, pre-adoptive parent or relative shall be
34 construed to be a party to the hearing solely on the basis of such
35 notice and right to be heard. The failure of the foster parent, pre-a-
36 doptive parent, or relative caring for the child to appear at a perman-
37 ency hearing shall constitute a waiver of the right to be heard and such
38 failure to appear shall not cause a delay of the permanency hearing nor
39 shall such failure to appear be a ground for the invalidation of any
40 order issued by the court pursuant to this section.

41 S 92. Section 747 of the family court act is REPEALED.

42 S 93. Section 748 of the family court act is REPEALED.

43 S 94. Subdivision (b) of section 749 of the family court act, as
44 amended by chapter 806 of the laws of 1973, is amended to read as
45 follows:

46 (b) On its own motion, the court may adjourn the proceedings on
47 conclusion of a fact-finding hearing or during a dispositional hearing
48 to enable it to make inquiry into the surroundings, conditions and
49 capacities of the respondent. An [adjournment on the court's motion may
50 not be for a period of more than ten days if the respondent is detained,
51 in which case not more than a total of two such adjournments may be
52 granted in the absence of special circumstances. If the respondent is
53 not detained, an] adjournment may be for a reasonable time, but the
54 total number of adjourned days may not exceed two months.

55 S 95. Paragraph (a) of subdivision 2 of section 754 of the family
56 court act, as amended by chapter 7 of the laws of 1999, subparagraph

1 (ii) of paragraph (a) as amended by section 20 of part L of chapter 56
2 of the laws of 2015, is amended to read as follows:

3 (a) The order shall state the court's reasons for the particular
4 disposition. If the court places the child in accordance with section
5 seven hundred fifty-six of this part, the court in its order shall
6 determine: (i) whether continuation in the child's home would be contra-
7 ry to the best interest of the child and where appropriate, that reason-
8 able efforts were made prior to the date of the dispositional hearing
9 held pursuant to this article to prevent or eliminate the need for
10 removal of the child from his or her home and, if the child was removed
11 from his or her home prior to the date of such hearing, that such
12 removal was in the child's best interest and, where appropriate, reason-
13 able efforts were made to make it possible for the child to return safe-
14 ly home. If the court determines that reasonable efforts to prevent or
15 eliminate the need for removal of the child from the home were not made
16 but that the lack of such efforts was appropriate under the circum-
17 stances, the court order shall include such a finding; and (ii) in the
18 case of a child who has attained the age of fourteen, the services need-
19 ed, if any, to assist the child to make the transition from foster care
20 to independent living. [Nothing in this subdivision shall be construed
21 to modify the standards for directing detention set forth in section
22 seven hundred thirty-nine of this article.]

23 S 96. Section 756 of the family court act, as amended by chapter 920
24 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
25 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
26 of subdivision (a) as amended by section 11 of part G of chapter 58 of
27 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
28 1999, and subdivision (c) as amended by section 10 of part E of chapter
29 57 of the laws of 2005, is amended to read as follows:

30 S 756. Placement. (a) (i) For purposes of section seven hundred
31 fifty-four, the court may place the child in its own home or in the
32 custody of a suitable relative or other suitable private person [or a
33 commissioner of social services], subject to the orders of the court.

34 (ii) [Where the child is placed] IF THE COURT FINDS THAT THE RESPOND-
35 ENT IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF
36 SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, THE COURT
37 MAY PLACE THE CHILD with the commissioner of the local social services
38 district[, the court] AND may direct the commissioner to place the child
39 with an authorized agency or class of authorized agencies, including[,
40 if the court finds that the respondent is a sexually exploited child as
41 defined in subdivision one of section four hundred forty-seven-a of the
42 social services law,] an available long-term safe house. Unless the
43 dispositional order provides otherwise, the court so directing shall
44 include one of the following alternatives to apply in the event that the
45 commissioner is unable to so place the child:

46 (1) the commissioner shall apply to the court for an order to stay,
47 modify, set aside, or vacate such directive pursuant to the provisions
48 of section seven hundred sixty-two or seven hundred sixty-three; or

49 (2) the commissioner shall return the child to the family court for a
50 new dispositional hearing and order.

51 (b) Placements under this section may be for an initial period of
52 twelve months. The court may extend a placement pursuant to section
53 seven hundred fifty-six-a. In its discretion, the court may recommend
54 restitution or require services for public good pursuant to section
55 seven hundred fifty-eight-a in conjunction with an order of placement.
56 For the purposes of calculating the initial period of placement, such

1 placement shall be deemed to have commenced sixty days after the date
2 the child was removed from his or her home in accordance with the
3 provisions of this article. [If the respondent has been in detention
4 pending disposition, the initial period of placement ordered under this
5 section shall be credited with and diminished by the amount of time
6 spent by the respondent in detention prior to the commencement of the
7 placement unless the court finds that all or part of such credit would
8 not serve the best interests of the respondent.]

9 (c) A placement pursuant to this section with the commissioner of
10 social services shall not be directed in any detention facility, but the
11 court may direct detention pending transfer to a placement authorized
12 and ordered under this section for no more than than fifteen days after
13 such order of placement is made. Such direction shall be subject to
14 extension pursuant to subdivision three of section three hundred nine-
15 ty-eight of the social services law, upon written documentation to the
16 office of children and family services that the youth is in need of
17 specialized treatment or placement and the diligent efforts by the
18 commissioner of social services to locate an appropriate placement.]

19 S 97. Section 758-a of the family court act, as amended by chapter 73
20 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws
21 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the
22 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of
23 1996, and subdivision 3 as separately amended by chapter 568 of the laws
24 of 1979, is amended to read as follows:

25 S 758-a. Restitution. 1. In cases involving acts of [infants] CHILDREN
26 over [ten] TWELVE and less than [sixteen] EIGHTEEN years of age, the
27 court may

28 (a) recommend as a condition of placement, or order as a condition of
29 probation or suspended judgment, restitution in an amount representing a
30 fair and reasonable cost to replace the property or repair the damage
31 caused by the [infant] CHILD, not, however, to exceed one thousand
32 dollars. [In the case of a placement, the court may recommend that the
33 infant pay out of his or her own funds or earnings the amount of
34 replacement or damage, either in a lump sum or in periodic payments in
35 amounts set by the agency with which he is placed, and in the case of
36 probation or suspended judgment, the] THE court may require that the
37 [infant] CHILD pay out of his or her own funds or earnings the amount of
38 replacement or damage, either in a lump sum or in periodic payments in
39 amounts set by the court; and/or

40 (b) order as a condition of placement, probation, or suspended judg-
41 ment, services for the public good including in the case of a crime
42 involving willful, malicious, or unlawful damage or destruction to real
43 or personal property maintained as a cemetery plot, grave, burial place,
44 or other place of interment of human remains, services for the mainte-
45 nance and repair thereof, taking into consideration the age and physical
46 condition of the [infant] CHILD.

47 2. [If the court recommends restitution or requires services for the
48 public good in conjunction with an order of placement pursuant to
49 section seven hundred fifty-six, the placement shall be made only to an
50 authorized agency which has adopted rules and regulations for the super-
51 vision of such a program, which rules and regulations shall be subject
52 to the approval of the state department of social services. Such rules
53 and regulations shall include, but not be limited to provisions (i)
54 assuring that the conditions of work, including wages, meet the stand-
55 ards therefor prescribed pursuant to the labor law; (ii) affording
56 coverage to the child under the workers' compensation law as an employee

1 of such agency, department or institution; (iii) assuring that the enti-
2 ty receiving such services shall not utilize the same to replace its
3 regular employees; and (iv) providing for reports to the court not less
4 frequently than every six months, unless the order provides otherwise.

5 3.] If the court requires restitution or services for the public good
6 [as a condition of probation or suspended judgment], it shall provide
7 that an agency or person supervise the restitution or services and that
8 such agency or person report to the court not less frequently than every
9 six months, unless the order provides otherwise. Upon the written notice
10 sent by a school district to the court and the appropriate probation
11 department or agency which submits probation recommendations or reports
12 to the court, the court may provide that such school district shall
13 supervise the performance of services for the public good.

14 [4.] 3. The court, upon receipt of the reports provided for in subdi-
15 vision two [or three] of this section may, on its own motion or the
16 motion of any party or the agency, hold a hearing to determine whether
17 the [placement] CONDITION should be altered or modified.

18 S 98. Section 774 of the family court act is amended to read as
19 follows:

20 S 774. Action on petition for transfer. On receiving a petition under
21 section seven hundred seventy-three, the court may proceed under
22 sections seven hundred thirty-seven, seven hundred thirty-eight or seven
23 hundred thirty-nine with respect to the issuance of a summons or warrant
24 [and sections seven hundred twenty-seven and seven hundred twenty-nine
25 govern questions of detention and failure to comply with a promise to
26 appear]. Due notice of the petition and a copy of the petition shall
27 also be served personally or by mail upon the office of the locality
28 chargeable for the support of the person involved and upon the person
29 involved and his OR HER parents and other persons.

30 S 98-a. Article 6 of the social services law is amended by adding a
31 new title 12 to read as follows:

32 TITLE 12

33 FAMILY SUPPORT CENTERS

34 SECTION 458-M. FAMILY SUPPORT CENTERS.

35 458-N. FUNDING FOR FAMILY SUPPORT CENTERS.

36 S 458-M. FAMILY SUPPORT CENTERS. 1. AS USED IN THIS TITLE, THE TERM
37 "FAMILY SUPPORT CENTER" SHALL MAN A PROGRAM ESTABLISHED PURSUANT TO THIS
38 TITLE TO PROVIDE COMMUNITY-BASED SUPPORTIVE SERVICES TO CHILDREN AND
39 FAMILIES WITH THE GOAL OF PREVENTING A CHILD FROM BEING ADJUDICATED A
40 PERSON IN NEED OF SUPERVISION AND HELP PREVENT THE OUT OF HOME PLACE-
41 MENTS OF SUCH YOUTH UNDER ARTICLE SEVEN OF THE FAMILY COURT ACT.

42 2. FAMILY SUPPORT CENTERS SHALL PROVIDE COMPREHENSIVE SERVICES TO SUCH
43 CHILDREN AND THEIR FAMILIES, EITHER DIRECTLY OR THROUGH REFERRALS WITH
44 PARTNER AGENCIES, INCLUDING, BUT NOT LIMITED TO:

- 45 (A) RAPID FAMILY ASSESSMENTS AND SCREENINGS;
- 46 (B) CRISIS INTERVENTION;
- 47 (C) FAMILY MEDIATION AND SKILLS BUILDING;
- 48 (D) MENTAL AND BEHAVIORAL HEALTH SERVICES INCLUDING COGNITIVE INTER-
49 VENTIONS;
- 50 (E) CASE MANAGEMENT;
- 51 (F) RESPITE SERVICES;
- 52 (G) EDUCATION ADVOCACY; AND
- 53 (H) OTHER FAMILY SUPPORT SERVICES.

54 3. THE SERVICES THAT ARE PROVIDED SHALL BE TRAUMA RESPONSIVE, FAMILY
55 FOCUSED, GENDER-RESPONSIVE, AND EVIDENCE BASED OR INFORMED AND STRENGTHS
56 BASED AND SHALL BE TAILORED TO THE INDIVIDUALIZED NEEDS OF THE CHILD AND

1 FAMILY BASED ON THE ASSESSMENTS AND SCREENINGS CONDUCTED BY SUCH FAMILY
2 SUPPORT CENTER.

3 4. FAMILY SUPPORT CENTERS SHALL HAVE THE CAPACITY TO SERVE FAMILIES
4 OUTSIDE OF REGULAR BUSINESS HOURS INCLUDING EVENINGS AND WEEKENDS.

5 S 458-N. FUNDING FOR FAMILY SUPPORT CENTERS. 1. NOTWITHSTANDING ANY
6 OTHER PROVISION OF LAW TO THE CONTRARY, TO THE EXTENT THAT FUNDS ARE
7 AVAILABLE FOR SUCH PURPOSE, THE OFFICE OF CHILDREN AND FAMILY SERVICES
8 SHALL DISTRIBUTE FUNDING TO THE HIGHEST NEED SOCIAL SERVICES DISTRICTS
9 TO CONTRACT WITH NOT-FOR-PROFIT CORPORATIONS TO OPERATE FAMILY SUPPORT
10 CENTERS IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE AND THE SPECIFIC
11 PROGRAM MODEL REQUIREMENTS ISSUED BY THE OFFICE.

12 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHEN
13 DETERMINING THE HIGHEST NEED SOCIAL SERVICES DISTRICTS PURSUANT TO THIS
14 SUBDIVISION, THE OFFICE MAY CONSIDER FACTORS THAT MAY INCLUDE, BUT ARE
15 NOT NECESSARILY LIMITED TO:

16 (A) THE TOTAL AMOUNT OF AVAILABLE FUNDING AND THE AMOUNT OF FUNDING
17 REQUIRED FOR FAMILY SUPPORT CENTERS TO MEET THE OBJECTIVES OUTLINED IN
18 SECTION FOUR HUNDRED FIFTY-EIGHT-M OF THIS TITLE;

19 (B) RELEVANT, AVAILABLE STATISTICS REGARDING EACH DISTRICT, WHICH MAY
20 INCLUDE, BUT NOT NECESSARILY BE LIMITED TO:

21 (I) THE AVAILABILITY OF SERVICES WITHIN SUCH DISTRICT TO PREVENT OR
22 REDUCE DETENTION OR RESIDENTIAL PLACEMENT OF YOUTH PURSUANT TO ARTICLE
23 SEVEN OF THE FAMILY COURT ACT; AND

24 (II) RELATIVE TO THE YOUTH POPULATION OF SUCH SOCIAL SERVICES
25 DISTRICT:

26 (1) THE NUMBER OF PETITIONS FILED PURSUANT TO ARTICLE SEVEN OF THE
27 FAMILY COURT ACT; OR

28 (2) THE NUMBER OF PLACEMENTS OF YOUTH INTO RESIDENTIAL CARE OR
29 DETENTION PURSUANT TO ARTICLE SEVEN OF THE FAMILY COURT ACT;

30 (C) ANY REPORTED PERFORMANCE OUTCOMES REPORTED TO THE OFFICE PURSUANT
31 TO SUBDIVISION THREE OF THIS SECTION FOR PROGRAMS THAT PREVIOUSLY
32 RECEIVED FUNDING PURSUANT TO THIS TITLE; OR

33 (D) OTHER APPROPRIATE FACTORS AS DETERMINED BY THE OFFICE.

34 3. SOCIAL SERVICES DISTRICTS RECEIVING FUNDING UNDER THIS TITLE SHALL
35 REPORT TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, IN THE FORM AND
36 MANNER AND AT SUCH TIMES AS DETERMINED BY THE OFFICE, ON THE PERFORMANCE
37 OUTCOMES OF ANY FAMILY SUPPORT CENTER LOCATED WITHIN SUCH DISTRICT THAT
38 RECEIVES FUNDING UNDER THIS TITLE.

39 S 98-b. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social
40 services law, subdivision 3 as amended by chapter 419 of the laws of
41 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E
42 of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1
43 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11
44 as added by chapter 514 of the laws of 1976 and subdivision 12 as
45 amended by section 12 of subpart B of part Q of chapter 58 of the laws
46 of 2011, are amended to read as follows:

47 3. As to delinquent children [and persons in need of supervision]:

48 (a) Investigate complaints as to alleged delinquency of a child.

49 (b) Bring such case of alleged delinquency when necessary before the
50 family court.

51 (c) Receive within fifteen days from the order of placement as a
52 public charge any delinquent child committed or placed [or person in
53 need of supervision placed] in his or her care by the family court
54 provided, however, that the commissioner of the social services district
55 with whom the child is placed may apply to the state commissioner or his
56 or her designee for approval of an additional fifteen days, upon written

1 documentation to the office of children and family services that the
2 youth is in need of specialized treatment or placement and the diligent
3 efforts by the commissioner of social services to locate an appropriate
4 placement.

5 [3-a. As to delinquent children:

6 (a)] (D) (1) Conditionally release any juvenile delinquent placed with
7 the district to aftercare whenever the district determines conditional
8 release to be consistent with the needs and best interests of such juve-
9 nile delinquent, that suitable care and supervision can be provided, and
10 that there is a reasonable probability that such juvenile delinquent can
11 be conditionally released without endangering public safety; provided,
12 however, that such conditional release shall be made in accordance with
13 the regulations of the office of children and family services, and
14 provided further that no juvenile delinquent while absent from a facili-
15 ty or program without the consent of the director of such facility or
16 program shall be conditionally released by the district solely by reason
17 of the absence.

18 (2) It shall be a condition of such release that a juvenile delinquent
19 so released shall continue to be the responsibility of the social
20 services district for the period provided in the order of placement.

21 (3) The social services district may provide clothing, services and
22 other necessities for any conditionally released juvenile delinquent, as
23 may be required, including medical care and services not provided to
24 such juvenile delinquent as medical assistance for needy persons pursu-
25 ant to title eleven of article five of this chapter.

26 (4) The social services district, pursuant to the regulations of the
27 office of children and family services, may cause a juvenile delinquent
28 to be returned to a facility operated and maintained by the district, or
29 an authorized agency under contract with the district, at any time with-
30 in the period of placement, where there is a violation of the conditions
31 of release or a change of circumstances.

32 (5) Juvenile delinquents conditionally released by a social services
33 district may be provided for as follows:

34 (i) If, in the opinion of the social services district, there is no
35 suitable parent, relative or guardian to whom a juvenile delinquent can
36 be conditionally released, and suitable care cannot otherwise be
37 secured, the district may conditionally release such juvenile delinquent
38 to the care of any other suitable person; provided that where such suit-
39 able person has no legal relationship with the juvenile, the district
40 shall advise such person of the procedures for obtaining custody or
41 guardianship of the juvenile.

42 (ii) If a conditionally released juvenile delinquent is subject to
43 article sixty-five of the education law or elects to participate in an
44 educational program leading to a high school diploma, he or she shall be
45 enrolled in a school or educational program leading to a high school
46 diploma following release, or, if such release occurs during the summer
47 recess, upon the commencement of the next school term. If a condi-
48 tionally released juvenile delinquent is not subject to article sixty-
49 five of the education law, and does not elect to participate in an
50 educational program leading to a high school diploma, steps shall be
51 taken, to the extent possible, to facilitate his or her gainful employ-
52 ment or enrollment in a vocational program following release.

53 [(b)] (E) When a juvenile delinquent placed with the social services
54 district is absent from placement without consent, such absence shall
55 interrupt the calculation of time for his or her placement. Such inter-
56 ruption shall continue until such juvenile delinquent returns to the

1 facility or authorized agency in which he or she was placed. Provided,
2 however, that any time spent by a juvenile delinquent in custody from
3 the date of absence to the date placement resumes shall be credited
4 against the time of such placement provided that such custody:

- 5 (1) was due to an arrest or surrender based upon the absence; or
- 6 (2) arose from an arrest or surrender on another charge which did not
7 culminate in a conviction, adjudication or adjustment.

8 [(c)] (F) In addition to the other requirements of this section, no
9 juvenile delinquent placed with a social services district operating an
10 approved juvenile justice services close to home initiative pursuant to
11 section four hundred four of this chapter pursuant to a restrictive
12 placement under the family court act shall be released except pursuant
13 to section 353.5 of the family court act.

14 11. In the case of a child who is adjudicated [a person in need of
15 supervision or] a juvenile delinquent and is placed by the family court
16 with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES and
17 who is placed by [the division for youth] SUCH OFFICE with an authorized
18 agency pursuant to court order, the social services official shall make
19 expenditures in accordance with the regulations of the department for
20 the care and maintenance of such child during the term of such placement
21 subject to state reimbursement pursuant to SECTION ONE HUNDRED
22 FIFTY-THREE-K OF this [title, or article nineteen-G of the executive law
23 in applicable cases] ARTICLE.

24 12. A social services official shall be permitted to place persons
25 adjudicated [in need of supervision or] delinquent[, and alleged persons
26 to be in need of supervision] in detention pending transfer to a place-
27 ment, in the same foster care facilities as are providing care to desti-
28 tute, neglected, abused or abandoned children. Such foster care facili-
29 ties shall not provide care to a youth in the care of a social services
30 official as a convicted juvenile offender.

31 S 98-c. Paragraph (a) of subdivision 1 of section 409-a of the social
32 services law, as amended by chapter 87 of the laws of 1993, subparagraph
33 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)
34 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
35 amended to read as follows:

36 (a) A social services official shall provide preventive services to a
37 child and his or her family, in accordance with the family's service
38 plan as required by section four hundred nine-e of this [chapter] ARTI-
39 CLE and the social services district's child welfare services plan
40 submitted and approved pursuant to section four hundred nine-d of this
41 [chapter] ARTICLE, upon a finding by such official that [(i)] the child
42 will be placed, returned to or continued in foster care unless such
43 services are provided and that it is reasonable to believe that by
44 providing such services the child will be able to remain with or be
45 returned to his or her family, and for a former foster care youth under
46 the age of twenty-one who was previously placed in the care and custody
47 or custody and guardianship of the local commissioner of social services
48 or other officer, board or department authorized to receive children as
49 public charges where it is reasonable to believe that by providing such
50 services the former foster care youth will avoid a return to foster care
51 [or (ii) the child is the subject of a petition under article seven of
52 the family court act, or has been determined by the assessment service
53 established pursuant to section two hundred forty-three-a of the execu-
54 tive law, or by the probation service where no such assessment service
55 has been designated, to be at risk of being the subject of such a peti-
56 tion, and the social services official determines that the child is at

1 risk of placement into foster care]. Such finding shall be entered in
2 the child's uniform case record established and maintained pursuant to
3 section four hundred nine-f of this [chapter] ARTICLE. The commissioner
4 shall promulgate regulations to assist social services officials in
5 making determinations of eligibility for mandated preventive services
6 pursuant to this [subparagraph] PARAGRAPH.

7 S 99. Subdivision 1, the opening paragraph of subdivision 2 and
8 subparagraphs (i) and (iii) of paragraph (a) of subdivision 3 of section
9 529-b of the executive law, as added by section 3 of subpart B of part Q
10 of chapter 58 of the laws of 2011, are amended to read as follows:

11 1. (a) Notwithstanding any provision of law to the contrary, eligible
12 expenditures by an eligible municipality for services to divert youth at
13 risk of, alleged to be, or adjudicated as juvenile delinquents [or
14 persons alleged or adjudicated to be in need of supervision], or youth
15 alleged to be or convicted as juvenile offenders from placement in
16 detention or in residential care shall be subject to state reimbursement
17 under the supervision and treatment services for juveniles program for
18 up to sixty-two percent of the municipality's expenditures, subject to
19 available appropriations and exclusive of any federal funds made avail-
20 able for such purposes, not to exceed the municipality's distribution
21 under the supervision and treatment services for juveniles program.

22 (b) The state funds appropriated for the supervision and treatment
23 services for juveniles program shall be distributed to eligible munic-
24 ipalities by the office of children and family services based on a plan
25 developed by the office which may consider historical information
26 regarding the number of youth seen at probation intake for an alleged
27 act of delinquency, THE NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION
28 RECEIVING DIVERSION SERVICES UNDER SECTION SEVEN HUNDRED THIRTY-FIVE OF
29 THE FAMILY COURT ACT, the number of youth remanded to detention, the
30 number of juvenile delinquents placed with the office, the number of
31 juvenile delinquents [and persons in need of supervision] placed in
32 residential care with the municipality, the municipality's reduction in
33 the use of detention and residential placements, and other factors as
34 determined by the office. Such plan developed by the office shall be
35 subject to the approval of the director of the budget. The office is
36 authorized, in its discretion, to make advance distributions to a muni-
37 cipality in anticipation of state reimbursement.

38 As used in this section, the term "municipality" shall mean a county,
39 or a city having a population of one million or more, and "supervision
40 and treatment services for juveniles" shall mean community-based
41 services or programs designed to safely maintain youth in the community
42 pending a family court disposition or conviction in criminal court and
43 services or programs provided to youth adjudicated as juvenile delin-
44 quents [or persons in need of supervision,] or youth alleged to be juve-
45 nile offenders to prevent residential placement of such youth or a
46 return to placement where such youth have been released to the community
47 from residential placement OR PROGRAMS PROVIDED TO YOUTH ADJUDICATED
48 PERSONS IN NEED OF SUPERVISION TO MAINTAIN SUCH YOUTH IN THEIR HOMES.
49 Supervision and treatment services for juveniles may include but are not
50 limited to services or programs that:

51 (i) an analysis that identifies the neighborhoods or communities from
52 which the greatest number of juvenile delinquents [and persons in need
53 of supervision] are remanded to detention or residentially placed AND
54 FROM WHICH THE GREATEST NUMBER OF ALLEGED PERSONS IN NEED OF SUPERVISION
55 ARE OFFERED DIVERSION SERVICES;

1 (iii) a description of how the services and programs proposed for
2 funding will reduce the number of youth from the municipality who are
3 detained and residentially OR OTHERWISE placed; how such services and
4 programs are family-focused; and whether such services and programs are
5 capable of being replicated across multiple sites;

6 S 100. The opening paragraph and paragraph (a) of subdivision 2 and
7 subdivisions 4, 5, 6 and 7 of section 530 of the executive law, the
8 opening paragraph of subdivision 2 and subdivision 4 as amended by
9 section 4 of subpart B of part Q of chapter 58 of the laws of 2011,
10 paragraph (a) of subdivision 2 as amended by section 1 of part M of
11 chapter 57 of the laws of 2012, subdivision 5 as amended by chapter 920
12 of the laws of 1982, subparagraphs 1, 2 and 4 of paragraph (a) and para-
13 graph (b) of subdivision 5 as amended by section 5 of subpart B of part
14 Q of chapter 58 of the laws of 2011, subdivision 6 as amended by chapter
15 880 of the laws of 1976, and subdivision 7 as amended by section 6 of
16 subpart B of part Q of chapter 58 of the laws of 2011, are amended to
17 read as follows:

18 [Expenditures] EXCEPT AS PROVIDED FOR IN SUBDIVISION EIGHT OF THIS
19 SECTION, EXPENDITURES made by municipalities in providing care, mainte-
20 nance and supervision to youth in detention facilities designated pursu-
21 ant to [sections seven hundred twenty and] SECTION 305.2 of the family
22 court act and certified by [the division for youth] OFFICE OF CHILDREN
23 AND FAMILY SERVICES, shall be subject to reimbursement by the state, as
24 follows:

25 (a) Notwithstanding any provision of law to the contrary, eligible
26 expenditures by a municipality during a particular program year for the
27 care, maintenance and supervision [in foster care programs certified by
28 the office of children and family services, certified or approved family
29 boarding homes, and non-secure detention facilities certified by the
30 office for those youth alleged to be persons in need of supervision or
31 adjudicated persons in need of supervision held pending transfer to a
32 facility upon placement; and] in secure and non-secure detention facili-
33 ties certified by the office in accordance with section five hundred
34 three of this article for those youth alleged to be juvenile delin-
35 quents; adjudicated juvenile delinquents held pending transfer to a
36 facility upon placement, and juvenile delinquents held at the request of
37 the office of children and family services pending extension of place-
38 ment hearings or release revocation hearings or while awaiting disposi-
39 tion of such hearings; and youth alleged to be or convicted as juvenile
40 offenders AND, PRIOR TO JANUARY FIRST, TWO THOUSAND NINETEEN, YOUTH
41 ALLEGED TO BE PERSONS IN NEED OF SUPERVISION OR ADJUDICATED PERSONS IN
42 NEED OF SUPERVISION HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT
43 IN FOSTER CARE PROGRAMS CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY
44 SERVICES, CERTIFIED OR APPROVED FAMILY BOARDING HOMES, AND NON-SECURE
45 DETENTION FACILITIES CERTIFIED BY THE OFFICE, shall be subject to state
46 reimbursement for up to fifty percent of the municipality's expendi-
47 tures, exclusive of any federal funds made available for such purposes,
48 not to exceed the municipality's distribution from funds that have been
49 appropriated specifically therefor for that program year. Municipalities
50 shall implement the use of detention risk assessment instruments in a
51 manner prescribed by the office so as to inform detention decisions.
52 Notwithstanding any other provision of state law to the contrary, data
53 necessary for completion of a detention risk assessment instrument may
54 be shared among law enforcement, probation, courts, detention adminis-
55 trators, detention providers, and the attorney for the child upon
56 retention or appointment; solely for the purpose of accurate completion

1 of such risk assessment instrument, and a copy of the completed
2 detention risk assessment instrument shall be made available to the
3 applicable detention provider, the attorney for the child and the court.

4 4. (a) The municipality must notify the office of children and family
5 services of state aid received under other state aid formulas by each
6 detention facility for which the municipality is seeking reimbursement
7 pursuant to this section, including but not limited to, aid for educa-
8 tion, probation and mental health services.

9 (b) EXCEPT AS PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION: (I) In
10 computing reimbursement to the municipality pursuant to this section,
11 the office shall insure that the aggregate of state aid under all state
12 aid formulas shall not exceed fifty percent of the cost of care, mainte-
13 nance and supervision provided to detainees eligible for state
14 reimbursement under subdivision two of this section, exclusive of feder-
15 al aid for such purposes not to exceed the amount of the municipality's
16 distribution under the juvenile detention services program.

17 [(c)] (II) Reimbursement for administrative related expenditures as
18 defined by the office of children and family services, for secure and
19 nonsecure detention services shall not exceed seventeen percent of the
20 total approved expenditures for facilities of twenty-five beds or more
21 and shall not exceed twenty-one percent of the total approved expendi-
22 tures for facilities with less than twenty-five beds.

23 5. (a) Except as provided in paragraph (b) of this subdivision, care,
24 maintenance and supervision for the purpose of this section shall mean
25 and include only:

26 (1) temporary care, maintenance and supervision provided TO alleged
27 juvenile delinquents and persons in need of supervision in detention
28 facilities certified pursuant to sections seven hundred twenty and 305.2
29 of the family court act by the office of children and family services,
30 pending adjudication of alleged delinquency or alleged need of super-
31 vision by the family court, or pending transfer to institutions to which
32 committed or placed by such court or while awaiting disposition by such
33 court after adjudication or held pursuant to a securing order of a crim-
34 inal court if the person named therein as principal is under [sixteen]
35 SEVENTEEN YEARS OF AGE; or[,]

36 (1-A) COMMENCING ON JANUARY FIRST, TWO THOUSAND NINETEEN, TEMPORARY
37 CARE, MAINTENANCE, AND SUPERVISION PROVIDED TO ALLEGED JUVENILE DELIN-
38 QUENTS IN DETENTION FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND
39 FAMILY SERVICES, PENDING ADJUDICATION OF ALLEGED DELINQUENCY BY THE
40 FAMILY COURT, OR PENDING TRANSFER TO INSTITUTIONS TO WHICH COMMITTED OR
41 PLACED BY SUCH COURT OR WHILE AWAITING DISPOSITION BY SUCH COURT AFTER
42 ADJUDICATION OR HELD PURSUANT TO A SECURING ORDER OF A CRIMINAL COURT IF
43 THE PERSON NAMED THEREIN AS PRINCIPAL IS UNDER TWENTY-ONE; OR

44 (2) temporary care, maintenance and supervision provided juvenile
45 delinquents in approved detention facilities at the request of the
46 office of children and family services pending release revocation hear-
47 ings or while awaiting disposition after such hearings; or

48 (3) temporary care, maintenance and supervision in approved detention
49 facilities for youth held pursuant to the family court act or the inter-
50 state compact on juveniles, pending return to their place of residence
51 or domicile[.]; OR

52 (4) PRIOR TO JANUARY FIRST, TWO THOUSAND NINETEEN, temporary care,
53 maintenance and supervision provided youth detained in foster care
54 facilities or certified or approved family boarding homes pursuant to
55 article seven of the family court act.

1 (b) Payments made for reserved accommodations, whether or not in full
2 time use, approved AND CERTIFIED by the office of children and family
3 services [and certified pursuant to sections seven hundred twenty and
4 305.2 of the family court act], in order to assure that adequate accom-
5 modations will be available for the immediate reception and proper care
6 therein of youth for which detention costs are reimbursable pursuant to
7 paragraph (a) of this subdivision, shall be reimbursed as expenditures
8 for care, maintenance and supervision under the provisions of this
9 section, provided the office shall have given its prior approval for
10 reserving such accommodations.

11 6. The [director of the division for youth] OFFICE OF CHILDREN AND
12 FAMILY SERVICES may adopt, amend, or rescind all rules and regulations,
13 subject to the approval of the director of the budget and certification
14 to the chairmen of the senate finance and assembly ways and means
15 committees, necessary to carry out the provisions of this section.

16 7. The agency administering detention for each county and the city of
17 New York shall submit to the office of children and family services, at
18 such times and in such form and manner and containing such information
19 as required by the office of children and family services, an annual
20 report on youth remanded pursuant to article three or seven of the fami-
21 ly court act who are detained during each calendar year including,
22 commencing January first, two thousand twelve, the risk level of each
23 detained youth as assessed by a detention risk assessment instrument
24 approved by the office of children and family services PROVIDED, HOWEV-
25 ER, THAT THE REPORT DUE JANUARY FIRST, TWO THOUSAND TWENTY AND THEREAFT-
26 ER SHALL NOT BE REQUIRED TO CONTAIN ANY INFORMATION ON YOUTH WHO ARE
27 SUBJECT TO ARTICLE SEVEN OF THE FAMILY COURT ACT. The office may
28 require that such data on detention use be submitted to the office elec-
29 tronically. Such report shall include, but not be limited to, the reason
30 for the court's determination in accordance with section 320.5 or seven
31 hundred thirty-nine of the family court act, IF APPLICABLE, to detain
32 the youth; the offense or offenses with which the youth is charged; and
33 all other reasons why the youth remains detained. The office shall
34 submit a compilation of all the separate reports to the governor and the
35 legislature.

36 S 100-a. Subparagraph 1 of paragraph d of subdivision 3 of section
37 3214 of the education law, as amended by chapter 425 of the laws of
38 2002, is amended to read as follows:

39 (1) Consistent with the federal gun-free schools act, any public
40 school pupil who is determined under this subdivision to have brought a
41 firearm to or possessed a firearm at a public school shall be suspended
42 for a period of not less than one calendar year and any nonpublic school
43 pupil participating in a program operated by a public school district
44 using funds from the elementary and secondary education act of nineteen
45 hundred sixty-five who is determined under this subdivision to have
46 brought a firearm to or possessed a firearm at a public school or other
47 premises used by the school district to provide such programs shall be
48 suspended for a period of not less than one calendar year from partic-
49 ipation in such program. The procedures of this subdivision shall apply
50 to such a suspension of a nonpublic school pupil. A superintendent of
51 schools, district superintendent of schools or community superintendent
52 shall have the authority to modify this suspension requirement for each
53 student on a case-by-case basis. The determination of a superintendent
54 shall be subject to review by the board of education pursuant to para-
55 graph c of this subdivision and the commissioner pursuant to section
56 three hundred ten of this chapter. Nothing in this subdivision shall be

1 deemed to authorize the suspension of a student with a disability in
2 violation of the individuals with disabilities education act or article
3 eighty-nine of this chapter. A superintendent shall refer the pupil
4 under the age of sixteen who has been determined to have brought a weap-
5 on or firearm to school in violation of this subdivision to a present-
6 ment agency for a juvenile delinquency proceeding consistent with arti-
7 cle three of the family court act except a student fourteen or fifteen
8 years of age who qualifies for juvenile offender status under subdivi-
9 sion forty-two of section 1.20 of the criminal procedure law; PROVIDED
10 HOWEVER, THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND EIGHTEEN, A
11 SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF SEVENTEEN WHO HAS
12 BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN
13 VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE
14 DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT
15 ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER
16 SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW; AND
17 PROVIDED FURTHER THAT COMMENCING ON JANUARY FIRST, TWO THOUSAND NINE-
18 TEEN, A SUPERINTENDENT SHALL REFER THE PUPIL UNDER THE AGE OF EIGHTEEN
19 WHO HAS BEEN DETERMINED TO HAVE BROUGHT A WEAPON OR FIREARM TO SCHOOL IN
20 VIOLATION OF THIS SUBDIVISION TO A PRESENTMENT AGENCY FOR A JUVENILE
21 DELINQUENCY PROCEEDING CONSISTENT WITH ARTICLE THREE OF THE FAMILY COURT
22 ACT EXCEPT A STUDENT WHO QUALIFIES FOR JUVENILE OFFENDER STATUS UNDER
23 SUBDIVISION FORTY-TWO OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW. A
24 superintendent shall refer any pupil sixteen years of age or older or a
25 student fourteen or fifteen years of age who qualifies for juvenile
26 offender status under subdivision forty-two of section 1.20 of the crim-
27 inal procedure law, who has been determined to have brought a weapon or
28 firearm to school in violation of this subdivision to the appropriate
29 law enforcement officials.

30 S 100-b. Paragraph b of subdivision 4 of section 3214 of the education
31 law, as amended by chapter 181 of the laws of 2000, is amended to read
32 as follows:

33 b. The school authorities may institute proceedings before a court
34 having jurisdiction to determine the liability of a person in parental
35 relation to contribute towards the maintenance of a school delinquent
36 under [sixteen] SEVENTEEN years of age OR COMMENCING JANUARY FIRST, TWO
37 THOUSAND NINETEEN, UNDER EIGHTEEN YEARS OF AGE ordered to attend upon
38 instruction under confinement. If the court shall find the person in
39 parental relation able to contribute towards the maintenance of such a
40 minor, it may issue an order fixing the amount to be paid weekly.

41 S 101. The executive law is amended by adding a new section 259-p to
42 read as follows:

43 S 259-p. INTERSTATE DETENTION. (1) NOTWITHSTANDING ANY OTHER PROVISION
44 OF LAW, A DEFENDANT SUBJECT TO SECTION TWO HUNDRED FIFTY-NINE-MM OF THIS
45 ARTICLE, MAY BE DETAINED AS AUTHORIZED BY THE INTERSTATE COMPACT FOR
46 ADULT OFFENDER SUPERVISION.

47 (2) A DEFENDANT SHALL BE DETAINED AT A LOCAL CORRECTIONAL FACILITY,
48 EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION THREE OF THIS SECTION.

49 (3) (A) A DEFENDANT SIXTEEN YEARS OF AGE OR YOUNGER, WHO ALLEGEDLY
50 COMMITS A CRIMINAL ACT OR VIOLATION OF HIS OR HER SUPERVISION ON OR
51 AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN OR (B) A DEFENDANT SEVENTEEN
52 YEARS OF AGE OR YOUNGER WHO ALLEGEDLY COMMITS A CRIMINAL ACT OR
53 VIOLATION OF HIS OR HER SUPERVISION ON OR AFTER JANUARY FIRST, TWO THOU-
54 SAND NINETEEN, SHALL BE DETAINED IN A JUVENILE DETENTION FACILITY.

55 S 102. Section 153-k of the social services law is amended by adding a
56 new subdivision 2-a to read as follows:

1 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
2 COMMENCING JANUARY FIRST, TWO THOUSAND EIGHTEEN, STATE REIMBURSEMENT
3 SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF EXPENDITURES MADE BY
4 SOCIAL SERVICES DISTRICTS, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE
5 FOR SUCH PURPOSES, FOR PREVENTIVE SERVICES, AFTERCARE SERVICES, INDE-
6 PENDENT LIVING SERVICES AND FOSTER CARE SERVICES PROVIDED TO YOUTH AGE
7 SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE
8 HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE PROVISIONS IN A CHAPTER OF
9 THE LAWS OF TWO THOUSAND SIXTEEN THAT INCREASED THE AGE OF JUVENILE
10 JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

11 S 103. The opening paragraph of paragraph (a) of subdivision 8 of
12 section 404 of the social services law, as added by section 1 of subpart
13 A of part G of chapter 57 of the laws of 2012, is amended and a new
14 paragraph (a-1) is added to read as follows:

15 Notwithstanding any other provision of law to the contrary[,] EXCEPT
16 AS PROVIDED FOR IN PARAGRAPH (A-1) OF THIS SUBDIVISION, eligible expend-
17 itures during the applicable time periods made by a social services
18 district for an approved juvenile justice services close to home initi-
19 ative shall, if approved by the department of family assistance, be
20 subject to reimbursement with state funds only up to the extent of an
21 annual appropriation made specifically therefor, after first deducting
22 therefrom any federal funds properly received or to be received on
23 account thereof; provided, however, that when such funds have been
24 exhausted, a social services district may receive state reimbursement
25 from other available state appropriations for that state fiscal year for
26 eligible expenditures for services that otherwise would be reimbursable
27 under such funding streams. Any claims submitted by a social services
28 district for reimbursement for a particular state fiscal year for which
29 the social services district does not receive state reimbursement from
30 the annual appropriation for the approved close to home initiative may
31 not be claimed against that district's appropriation for the initiative
32 for the next or any subsequent state fiscal year.

33 (A-1) STATE REIMBURSEMENT SHALL BE MADE AVAILABLE FOR ONE HUNDRED
34 PERCENT OF ELIGIBLE EXPENDITURES MADE BY A SOCIAL SERVICES DISTRICT,
35 EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH PURPOSES, FOR
36 APPROVED JUVENILE JUSTICE SERVICES UNDER AN APPROVED CLOSE TO HOME
37 INITIATIVE PROVIDED TO YOUTH SIXTEEN YEARS OF AGE OR OLDER WHEN SUCH
38 SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED TO SUCH YOUTH ABSENT THE
39 PROVISIONS IN A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT
40 INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

41 S 104. Subdivision 4 of section 246 of the executive law, as amended
42 by section 10 of part D of chapter 56 of the laws of 2010, is amended to
43 read as follows:

44 4. An approved plan and compliance with standards relating to the
45 administration of probation services promulgated by the commissioner of
46 the division of criminal justice services shall be a prerequisite to
47 eligibility for state aid.

48 The commissioner of the division of criminal justice services may take
49 into consideration granting additional state aid from an appropriation
50 made for state aid for county probation services for counties or the
51 city of New York when a county or the city of New York demonstrates that
52 additional probation services were dedicated to intensive supervision
53 programs[,] AND intensive programs for sex offenders [or programs
54 defined as juvenile risk intervention services]. THE COMMISSIONER SHALL
55 GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO JUVENILE
56 RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPARTMENTS WHICH

1 SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES PERFORMED UNDER
2 ARTICLE THREE OF THE FAMILY COURT ACT. The administration of such addi-
3 tional grants shall be made according to rules and regulations promul-
4 gated by the commissioner of the division of criminal justice services.
5 Each county and the city of New York shall certify the total amount
6 collected pursuant to section two hundred fifty-seven-c of this chapter.
7 The commissioner of the division of criminal justice services shall
8 thereupon certify to the comptroller for payment by the state out of
9 funds appropriated for that purpose, the amount to which the county or
10 the city of New York shall be entitled under this section. THE COMMIS-
11 SIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR SUCH
12 PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR A
13 CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR
14 ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY
15 COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART
16 IN ACCORDANCE WITH THE CRIMINAL PROCEDURE LAW. SUCH ADDITIONAL STATE
17 AID SHALL BE MADE IN AN AMOUNT NECESSARY TO PAY ONE HUNDRED PERCENT OF
18 THE EXPENDITURES FOR EVIDENCE-BASED PRACTICES AND JUVENILE RISK AND
19 EVIDENCE-BASED INTERVENTION SERVICES PROVIDED TO YOUTH SIXTEEN YEARS OF
20 AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED
21 ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN
22 THAT INCREASED THE AGE OF JUVENILE JURISDICTION.

23 S 105. The second undesignated paragraph of subdivision 4 of section
24 246 of the executive law, as added by chapter 479 of the laws of 1970,
25 is amended to read as follows:

26 [The director shall thereupon certify to the comptroller for payment
27 by the state out of funds appropriated for that purpose, the amount to
28 which the county or the city of New York shall be entitled under this
29 section.]

30 THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES MAY TAKE
31 INTO CONSIDERATION GRANTING ADDITIONAL STATE AID FROM AN APPROPRIATION
32 MADE FOR STATE AID FOR COUNTY PROBATION SERVICES FOR COUNTIES OR THE
33 CITY OF NEW YORK WHEN A COUNTY OR THE CITY OF NEW YORK DEMONSTRATES THAT
34 ADDITIONAL PROBATION SERVICES WERE DEDICATED TO INTENSIVE SUPERVISION
35 PROGRAMS AND INTENSIVE PROGRAMS FOR SEX OFFENDERS. THE COMMISSIONER
36 SHALL GRANT ADDITIONAL STATE AID FROM AN APPROPRIATION DEDICATED TO
37 JUVENILE RISK INTERVENTION SERVICES COORDINATION BY PROBATION DEPART-
38 MENTS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, PROBATION SERVICES
39 PERFORMED UNDER ARTICLE THREE OF THE FAMILY COURT ACT. THE ADMINIS-
40 TRATION OF SUCH ADDITIONAL GRANTS SHALL BE MADE ACCORDING TO RULES AND
41 REGULATIONS PROMULGATED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL
42 JUSTICE SERVICES. EACH COUNTY AND THE CITY OF NEW YORK SHALL CERTIFY THE
43 TOTAL AMOUNT COLLECTED PURSUANT TO SECTION TWO HUNDRED FIFTY-SEVEN-C OF
44 THIS CHAPTER. THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE
45 SERVICES SHALL THEREUPON CERTIFY TO THE COMPTROLLER FOR PAYMENT BY THE
46 STATE OUT OF FUNDS APPROPRIATED FOR THAT PURPOSE, THE AMOUNT TO WHICH
47 THE COUNTY OR THE CITY OF NEW YORK SHALL BE ENTITLED UNDER THIS SECTION.
48 THE COMMISSIONER SHALL, SUBJECT TO AN APPROPRIATION MADE AVAILABLE FOR
49 SUCH PURPOSE, ESTABLISH AND PROVIDE FUNDING TO PROBATION DEPARTMENTS FOR
50 A CONTINUUM OF EVIDENCE-BASED INTERVENTION SERVICES FOR YOUTH ALLEGED OR
51 ADJUDICATED JUVENILE DELINQUENTS PURSUANT TO ARTICLE THREE OF THE FAMILY
52 COURT ACT OR FOR ELIGIBLE YOUTH BEFORE OR SENTENCED UNDER THE YOUTH PART
53 IN ACCORDANCE WITH THE CRIMINAL PROCEDURE LAW. SUCH ADDITIONAL STATE
54 AID SHALL BE MADE IN AN AMOUNT NECESSARY TO PAY ONE HUNDRED PERCENT OF
55 THE EXPENDITURES FOR EVIDENCE-BASED PRACTICES AND JUVENILE RISK AND
56 EVIDENCE-BASED INTERVENTION SERVICES PROVIDED TO YOUTH SIXTEEN YEARS OF

1 AGE OR OLDER WHEN SUCH SERVICES WOULD NOT OTHERWISE HAVE BEEN PROVIDED
2 ABSENT THE PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN
3 THAT INCREASED THE AGE OF JUVENILE JURISDICTION.

4 S 106. Section 529 of the executive law is amended by adding a new
5 subdivision 5-b to read as follows:

6 5-B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO
7 REIMBURSEMENT SHALL BE REQUIRED FROM A SOCIAL SERVICES DISTRICT FOR
8 EXPENDITURES MADE BY THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE
9 CARE, MAINTENANCE, SUPERVISION OR AFTERCARE SUPERVISION OF YOUTH SIXTEEN
10 YEARS OF AGE OR OLDER THAT WOULD NOT OTHERWISE HAVE BEEN MADE ABSENT THE
11 PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT
12 INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE OR
13 THAT AUTHORIZED THE PLACEMENT IN OFFICE OF CHILDREN AND FAMILY SERVICES
14 FACILITIES OF CERTAIN OTHER YOUTH WHO COMMITTED A CRIME ON OR AFTER
15 THEIR SIXTEENTH BIRTHDAYS.

16 S 106-a. Section 530 of the executive law is amended by adding a new
17 subdivision 8 to read as follows:

18 8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
19 COMMENCING APRIL FIRST, TWO THOUSAND SEVENTEEN, STATE REIMBURSEMENT
20 SHALL BE MADE AVAILABLE FOR ONE HUNDRED PERCENT OF A MUNICIPALITY'S
21 ELIGIBLE EXPENDITURES FOR THE CARE, MAINTENANCE AND SUPERVISION OF YOUTH
22 SIXTEEN YEARS OF AGE OR OLDER IN NON-SECURE AND SECURE DETENTION FACILI-
23 TIES WHEN SUCH DETENTION WOULD NOT OTHERWISE HAVE OCCURRED ABSENT THE
24 PROVISIONS OF A CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT
25 INCREASED THE AGE OF JUVENILE JURISDICTION ABOVE FIFTEEN YEARS OF AGE.

26 S 107. Severability. If any clause, sentence, paragraph, subdivision,
27 section or part contained in any part of this act shall be adjudged by
28 any court of competent jurisdiction to be invalid, such judgment shall
29 not affect, impair, or invalidate the remainder thereof, but shall be
30 confined in its operation to the clause, sentence, paragraph, subdivi-
31 sion, section or part contained in any part thereof directly involved in
32 the controversy in which such judgment shall have been rendered. It is
33 hereby declared to be the intent of the legislature that this act would
34 have been enacted even if such invalid provisions had not been included
35 herein.

36 S 108. This act shall take effect immediately; provided that:

37 a. sections forty-eight and forty-eight-a of this act shall take
38 effect on the one hundred and eightieth day after this act shall have
39 become a law and shall be deemed to apply to offenses committed prior
40 to, on, or after such effective date;

41 b. sections one through forty-one, forty-four through forty-seven,
42 forty-nine, fifty-four through eighty, one hundred-a, one hundred-b and
43 one hundred one of this act shall take effect January 1, 2018; provided,
44 however, that when the applicability of such provision is dependent on
45 the age of the youth that is alleged or adjudicated to have been commit-
46 ted or is convicted of a crime or an act that would constitute a crime
47 if committed by an adult:

48 (i) effective January 1, 2018, such provisions shall be deemed to
49 apply to youth who have been alleged to have committed, adjudicated for,
50 or convicted of, an offense that occurred on or after such effective
51 date and who were 16 years of age at the time the offense occurred, and

52 (ii) effective January 1, 2019, such provisions shall be deemed to
53 apply to youth who have been alleged to have committed, adjudicated for,
54 or convicted of, an offense that occurred on or after such effective
55 date and who were seventeen years of age at the time such offense
56 occurred;

1 c. sections ninety-eight-a and one hundred two through one hundred
2 six-a of this act shall take effect April 1, 2017;

3 d. sections eighty-three through ninety-eight and sections ninety-
4 eight-b through one hundred of this act shall take effect January 1,
5 2019 and shall be deemed to be applicable to the detention or placement
6 of youth pursuant to petitions filed pursuant to article seven of the
7 family court act on or after such effective date;

8 e. sections forty-two and forty-three of this act shall take effect
9 January 1, 2020;

10 f. the amendments to subdivision 1 of section 70.02 of the penal law
11 made by section forty-two of this act shall not affect the expiration of
12 such subdivision and shall be deemed to expire therewith;

13 g. the amendments to paragraph d of section 3214 of the education law
14 made by section fifty-one of this act shall not affect the expiration of
15 such paragraph and shall be deemed to expire therewith;

16 h. the amendments to subdivision 4 of section 353.5 of the family
17 court act made by section seventy-two of this act shall be subject to
18 the expiration and reversion of such subdivision pursuant to section 11
19 of subpart A of part G of chapter 57 of the laws of 2012, as amended,
20 when upon such date the provisions of section seventy-three of this act
21 shall take effect;

22 i. the amendments to section 153-k of the social services law made by
23 section one hundred two of this act shall not affect the expiration of
24 such section and shall be deemed repealed therewith;

25 j. the amendments to subdivision 3-a of section 398 of the social
26 services law made by section ninety-eight-b of this act shall not affect
27 the expiration of such subdivision and shall be deemed repealed there-
28 with;

29 k. the amendments to subparagraph (ii) of paragraph (a) of subdivision
30 1 of section 409-a of the social services law made by section ninety-
31 eight-c of this act shall not affect the expiration of such subparagraph
32 and shall be deemed to expire therewith;

33 l. the amendments to section 404 of the social services law made by
34 section one hundred three of this act shall not affect the expiration of
35 such section and shall be deemed repealed therewith;

36 m. the amendments to the second undesignated paragraph of subdivision
37 4 of section 246 of the executive law made by section one hundred four
38 of this act shall be subject to the expiration and reversion of such
39 undesignated paragraph as provided in subdivision (aa) of section 427 of
40 chapter 55 of the laws of 1992, as amended, when upon such date section
41 one hundred five of this act shall take effect; and

42 n. the amendments to paragraph (f) of subdivision 1 of section 70.30
43 of the penal law made by section forty-four-a of this act shall not
44 affect the expiration and reversion of such paragraph and shall expire
45 and be deemed repealed therewith.

46

PART O

47 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
48 section 131-o of the social services law, as amended by section 1 of
49 part I of chapter 56 of the laws of 2015, are amended to read as
50 follows:

51 (a) in the case of each individual receiving family care, an amount
52 equal to at least \$141.00 for each month beginning on or after January
53 first, two thousand [fifteen] SIXTEEN.

1 (b) in the case of each individual receiving residential care, an
2 amount equal to at least \$163.00 for each month beginning on or after
3 January first, two thousand [fifteen] SIXTEEN.

4 (c) in the case of each individual receiving enhanced residential
5 care, an amount equal to at least \$193.00 for each month beginning on or
6 after January first, two thousand [fifteen] SIXTEEN.

7 (d) for the period commencing January first, two thousand [sixteen]
8 SEVENTEEN, the monthly personal needs allowance shall be an amount equal
9 to the sum of the amounts set forth in subparagraphs one and two of this
10 paragraph:

11 (1) the amounts specified in paragraphs (a), (b) and (c) of this
12 subdivision; and

13 (2) the amount in subparagraph one of this paragraph, multiplied by
14 the percentage of any federal supplemental security income cost of
15 living adjustment which becomes effective on or after January first, two
16 thousand [sixteen] SEVENTEEN, but prior to June thirtieth, two thousand
17 [sixteen] SEVENTEEN, rounded to the nearest whole dollar.

18 S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
19 section 209 of the social services law, as amended by section 2 of part
20 I of chapter 56 of the laws of 2015, are amended to read as follows:

21 (a) On and after January first, two thousand [fifteen] SIXTEEN, for an
22 eligible individual living alone, \$820.00; and for an eligible couple
23 living alone, \$1204.00.

24 (b) On and after January first, two thousand [fifteen] SIXTEEN, for an
25 eligible individual living with others with or without in-kind income,
26 \$756.00; and for an eligible couple living with others with or without
27 in-kind income, \$1146.00.

28 (c) On and after January first, two thousand [fifteen] SIXTEEN, (i)
29 for an eligible individual receiving family care, \$999.48 if he or she
30 is receiving such care in the city of New York or the county of Nassau,
31 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
32 receiving family care in the city of New York or the county of Nassau,
33 Suffolk, Westchester or Rockland, two times the amount set forth in
34 subparagraph (i) of this paragraph; or (iii) for an eligible individual
35 receiving such care in any other county in the state, \$961.48; and (iv)
36 for an eligible couple receiving such care in any other county in the
37 state, two times the amount set forth in subparagraph (iii) of this
38 paragraph.

39 (d) On and after January first, two thousand [fifteen] SIXTEEN, (i)
40 for an eligible individual receiving residential care, \$1168.00 if he or
41 she is receiving such care in the city of New York or the county of
42 Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
43 couple receiving residential care in the city of New York or the county
44 of Nassau, Suffolk, Westchester or Rockland, two times the amount set
45 forth in subparagraph (i) of this paragraph; or (iii) for an eligible
46 individual receiving such care in any other county in the state,
47 \$1138.00; and (iv) for an eligible couple receiving such care in any
48 other county in the state, two times the amount set forth in subpara-
49 graph (iii) of this paragraph.

50 (e) (i) On and after January first, two thousand [fifteen] SIXTEEN,
51 for an eligible individual receiving enhanced residential care,
52 \$1427.00; and (ii) for an eligible couple receiving enhanced residential
53 care, two times the amount set forth in subparagraph (i) of this para-
54 graph.

55 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
56 vision shall be increased to reflect any increases in federal supple-

1 mental security income benefits for individuals or couples which become
2 effective on or after January first, two thousand [sixteen] SEVENTEEN
3 but prior to June thirtieth, two thousand [sixteen] SEVENTEEN.
4 S 3. This act shall take effect December 31, 2016.

5

PART P

6 Section 1. Notwithstanding any other provision of law, the housing
7 trust fund corporation may provide, for purposes of the rural rental
8 assistance program, a sum not to exceed twenty-two million two hundred
9 ninety-two thousand dollars for the fiscal year ending March 31, 2017.
10 Notwithstanding any other provision of law, and subject to the approval
11 of the New York state director of the budget, the board of directors of
12 the state of New York mortgage agency shall authorize the transfer to
13 the housing trust fund corporation, for the purposes of reimbursing any
14 costs associated with rural rental assistance program contracts author-
15 ized by this section, a total sum not to exceed twenty-two million two
16 hundred ninety-two thousand dollars, such transfer to be made from (i)
17 the special account of the mortgage insurance fund created pursuant to
18 section 2429-b of the public authorities law, in an amount not to exceed
19 the actual excess balance in the special account of the mortgage insur-
20 ance fund, as determined and certified by the state of New York mortgage
21 agency for the fiscal year 2015-2016 in accordance with section 2429-b
22 of the public authorities law, if any, and/or (ii) provided that the
23 reserves in the project pool insurance account of the mortgage insurance
24 fund created pursuant to section 2429-b of the public authorities law
25 are sufficient to attain and maintain the credit rating (as determined
26 by the state of New York mortgage agency) required to accomplish the
27 purposes of such account, the project pool insurance account of the
28 mortgage insurance fund, such transfer to be made as soon as practicable
29 but no later than June 30, 2016. Notwithstanding any other provision of
30 law, such funds may be used by the corporation in support of contracts
31 scheduled to expire in the fiscal year ending March 31, 2017 for as many
32 as 10 additional years; in support of contracts for new eligible
33 projects for a period not to exceed 5 years; and in support of contracts
34 which reach their 25 year maximum in and/or prior to the fiscal year
35 ending March 31, 2017 for an additional one year period.

36 S 2. Notwithstanding any other provision of law, the housing finance
37 agency may provide, for costs associated with the rehabilitation of
38 Mitchell Lama housing projects, a sum not to exceed forty-two million
39 dollars for the fiscal year ending March 31, 2017. Notwithstanding any
40 other provision of law, and subject to the approval of the New York
41 state director of the budget, the board of directors of the state of New
42 York mortgage agency shall authorize the transfer to the housing finance
43 agency, for the purposes of reimbursing any costs associated with Mitc-
44 hell Lama housing projects authorized by this section, a total sum not
45 to exceed forty-two million dollars, such transfer to be made from (i)
46 the special account of the mortgage insurance fund created pursuant to
47 section 2429-b of the public authorities law, in an amount not to exceed
48 the actual excess balance in the special account of the mortgage insur-
49 ance fund, as determined and certified by the state of New York mortgage
50 agency for the fiscal year 2015-2016 in accordance with section 2429-b
51 of the public authorities law, if any, and/or (ii) provided that the
52 reserves in the project pool insurance account of the mortgage insurance
53 fund created pursuant to section 2429-b of the public authorities law
54 are sufficient to attain and maintain the credit rating (as determined

1 by the state of New York mortgage agency) required to accomplish the
2 purposes of such account, the project pool insurance account of the
3 mortgage insurance fund, such transfer to be made as soon as practicable
4 but no later than March 31, 2017.

5 S 3. Notwithstanding any other provision of law, the housing trust
6 fund corporation may provide, for purposes of the neighborhood preserva-
7 tion program, a sum not to exceed eight million four hundred seventy-
8 nine thousand dollars for the fiscal year ending March 31, 2017.
9 Notwithstanding any other provision of law, and subject to the approval
10 of the New York state director of the budget, the board of directors of
11 the state of New York mortgage agency shall authorize the transfer to
12 the housing trust fund corporation, for the purposes of reimbursing any
13 costs associated with neighborhood preservation program contracts
14 authorized by this section, a total sum not to exceed eight million four
15 hundred seventy-nine thousand dollars, such transfer to be made from (i)
16 the special account of the mortgage insurance fund created pursuant to
17 section 2429-b of the public authorities law, in an amount not to exceed
18 the actual excess balance in the special account of the mortgage insur-
19 ance fund, as determined and certified by the state of New York mortgage
20 agency for the fiscal year 2015-2016 in accordance with section 2429-b
21 of the public authorities law, if any, and/or (ii) provided that the
22 reserves in the project pool insurance account of the mortgage insurance
23 fund created pursuant to section 2429-b of the public authorities law
24 are sufficient to attain and maintain the credit rating (as determined
25 by the state of New York mortgage agency) required to accomplish the
26 purposes of such account, the project pool insurance account of the
27 mortgage insurance fund, such transfer to be made as soon as practicable
28 but no later than June 30, 2016.

29 S 4. Notwithstanding any other provision of law, the housing trust
30 fund corporation may provide, for purposes of the rural preservation
31 program, a sum not to exceed three million five hundred thirty-nine
32 thousand dollars for the fiscal year ending March 31, 2017. Notwith-
33 standing any other provision of law, and subject to the approval of the
34 New York state director of the budget, the board of directors of the
35 state of New York mortgage agency shall authorize the transfer to the
36 housing trust fund corporation, for the purposes of reimbursing any
37 costs associated with rural preservation program contracts authorized by
38 this section, a total sum not to exceed three million five hundred thir-
39 ty-nine thousand dollars, such transfer to be made from (i) the special
40 account of the mortgage insurance fund created pursuant to section
41 2429-b of the public authorities law, in an amount not to exceed the
42 actual excess balance in the special account of the mortgage insurance
43 fund, as determined and certified by the state of New York mortgage
44 agency for the fiscal year 2015-2016 in accordance with section 2429-b
45 of the public authorities law, if any, and/or (ii) provided that the
46 reserves in the project pool insurance account of the mortgage insurance
47 fund created pursuant to section 2429-b of the public authorities law
48 are sufficient to attain and maintain the credit rating (as determined
49 by the state of New York mortgage agency) required to accomplish the
50 purposes of such account, the project pool insurance account of the
51 mortgage insurance fund, such transfer to be made as soon as practicable
52 but no later than June 30, 2016.

53 S 5. Notwithstanding any other provision of law, the housing trust
54 fund corporation may provide, for purposes of the rural and urban commu-
55 nity investment fund program created pursuant to article XXVII of the
56 private housing finance law, a sum not to exceed thirty-five million two

1 hundred fifty thousand dollars for the fiscal year ending March 31,
2 2017. Notwithstanding any other provision of law, and subject to the
3 approval of the New York state director of the budget, the board of
4 directors of the state of New York mortgage agency shall authorize the
5 transfer to the housing trust fund corporation, for the purposes of
6 reimbursing any costs associated with rural and urban community invest-
7 ment fund program contracts authorized by this section, a total sum not
8 to exceed thirty-five million two hundred fifty thousand dollars, such
9 transfer to be made from (i) the special account of the mortgage insur-
10 ance fund created pursuant to section 2429-b of the public authorities
11 law, in an amount not to exceed the actual excess balance in the special
12 account of the mortgage insurance fund, as determined and certified by
13 the state of New York mortgage agency for the fiscal year 2015-2016 in
14 accordance with section 2429-b of the public authorities law, if any,
15 and/or (ii) provided that the reserves in the project pool insurance
16 account of the mortgage insurance fund created pursuant to section
17 2429-b of the public authorities law are sufficient to attain and main-
18 tain the credit rating (as determined by the state of New York mortgage
19 agency) required to accomplish the purposes of such account, the project
20 pool insurance account of the mortgage insurance fund, such transfer to
21 be made as soon as practicable but no later than March 31, 2017.

22 S 6. Notwithstanding any other provision of law, the housing trust
23 fund corporation may provide, for the purposes of carrying out the
24 provisions of the low income housing trust fund program created pursuant
25 to article XVIII of the private housing finance law, a sum not to exceed
26 ten million dollars for the fiscal year ending March 31, 2017. Notwith-
27 standing any other provision of law, and subject to the approval of the
28 New York state director of the budget, the board of directors of the
29 state of New York mortgage agency shall authorize the transfer to the
30 housing trust fund corporation, for the purposes of carrying out the
31 provisions of the low income housing trust fund program created pursuant
32 to article XVIII of the private housing finance law authorized by this
33 section, a total sum not to exceed ten million dollars, such transfer to
34 be made from (i) the special account of the mortgage insurance fund
35 created pursuant to section 2429-b of the public authorities law, in an
36 amount not to exceed the actual excess balance in the special account of
37 the mortgage insurance fund, as determined and certified by the state of
38 New York mortgage agency for the fiscal year 2015-2016 in accordance
39 with section 2429-b of the public authorities law, if any, and/or (ii)
40 provided that the reserves in the project pool insurance account of the
41 mortgage insurance fund created pursuant to section 2429-b of the public
42 authorities law are sufficient to attain and maintain the credit rating
43 (as determined by the state of New York mortgage agency) required to
44 accomplish the purposes of such account, the project pool insurance
45 account of the mortgage insurance fund, such transfer to be made as soon
46 as practicable but no later than March 31, 2017.

47 S 7. Notwithstanding any other provision of law, the housing trust
48 fund corporation may provide, for purposes of the homes for working
49 families program for deposit in the housing trust fund created pursuant
50 to section 59-a of the private housing finance law and subject to the
51 provisions of article XVIII of the private housing finance law, a sum
52 not to exceed twelve million seven hundred fifty thousand dollars for
53 the fiscal year ending March 31, 2017. Notwithstanding any other
54 provision of law, and subject to the approval of the New York state
55 director of the budget, the board of directors of the state of New York
56 mortgage agency shall authorize the transfer to the housing trust fund

1 corporation, for the purposes of reimbursing any costs associated with
2 homes for working families program contracts authorized by this section,
3 a total sum not to exceed twelve million seven hundred fifty thousand
4 dollars, such transfer to be made from (i) the special account of the
5 mortgage insurance fund created pursuant to section 2429-b of the public
6 authorities law, in an amount not to exceed the actual excess balance in
7 the special account of the mortgage insurance fund, as determined and
8 certified by the state of New York mortgage agency for the fiscal year
9 2015-2016 in accordance with section 2429-b of the public authorities
10 law, if any, and/or (ii) provided that the reserves in the project pool
11 insurance account of the mortgage insurance fund created pursuant to
12 section 2429-b of the public authorities law are sufficient to attain
13 and maintain the credit rating (as determined by the state of New York
14 mortgage agency) required to accomplish the purposes of such account,
15 the project pool insurance account of the mortgage insurance fund, such
16 transfer to be made as soon as practicable but no later than March 31,
17 2017.

18 S 8. Notwithstanding any other provision of law, the homeless housing
19 and assistance corporation may provide, for purposes of the New York
20 state supportive housing program, the solutions to end homelessness
21 program or the operational support for AIDS housing program, or to qual-
22 ified grantees under those programs, in accordance with the requirements
23 of those programs, a sum not to exceed fifteen million six hundred nine-
24 ty thousand dollars for the fiscal year ending March 31, 2017. The home-
25 less housing and assistance corporation may enter into an agreement with
26 the office of temporary and disability assistance to administer such sum
27 in accordance with the requirements of the programs. Notwithstanding any
28 other provision of law, and subject to the approval of the director of
29 the budget, the board of directors of the state of New York mortgage
30 agency shall authorize the transfer to the homeless housing and assist-
31 ance corporation, a total sum not to exceed fifteen million six hundred
32 ninety thousand dollars, such transfer to be made from (i) the special
33 account of the mortgage insurance fund created pursuant to section
34 2429-b of the public authorities law, in an amount not to exceed the
35 actual excess balance in the special account of the mortgage insurance
36 fund, as determined and certified by the state of New York mortgage
37 agency for the fiscal year 2015-2016 in accordance with section 2429-b
38 of the public authorities law, if any, and/or (ii) provided that the
39 reserves in the project pool insurance account of the mortgage insurance
40 fund created pursuant to section 2429-b of the public authorities law
41 are sufficient to attain and maintain the credit rating (as determined
42 by the state of New York mortgage agency) required to accomplish the
43 purposes of such account, the project pool insurance account of the
44 mortgage insurance fund, such transfer to be made as soon as practicable
45 but no later than March 31, 2017.

46 S 9. This act shall take effect immediately.

47

PART Q

48 Section 1. Section 4 of subpart A of part D of chapter 58 of the laws
49 the 2011 amending the education law relating to capital facilities in
50 support of the state university and community colleges, is amended to
51 read as follows:

52 S 4. This act shall take effect immediately and shall expire and be
53 deemed repealed June 30, [2016] 2021.

1 S 2. Section 4 of subpart B of part D of chapter 58 of the laws of
2 2011 amending the education law relating to procurement in support of
3 the state and city universities, is amended to read as follows:

4 S 4. This act shall take effect immediately and shall expire and be
5 deemed repealed June 30, [2016] 2021.

6 S 3. Section 3 of subpart C of part D of chapter 58 of the laws of
7 2011 amending the education law relating to state university health care
8 facilities, is amended to read as follows:

9 S 3. This act shall take effect immediately, and shall expire and be
10 deemed repealed June 30, [2016] 2021.

11 S 4. This act shall take effect immediately.

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

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