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

3664--B

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. AUBRY, BENJAMIN -- Multi-Sponsored by -- M. of A. COOK, GOTTFRIED, JACOBS, JEFFRIES, McENENY, MILLMAN, ORTIZ, PERRY -- read once and referred to the Committee on Correction -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, the executive law, the alcoholic beverage control law, the agriculture and markets law, the banking law, the civil rights law, the education law, the town law, the general business law, the general municipal law, the insurance law, the public health law, the real property law, the tax law, and the vehicle and traffic law, in relation to certificates of relief from disabilities and certificates of good conduct

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

Section 1. Paragraph 5 of subdivision a of section 265.20 of the penal law, as amended by chapter 235 of the laws of 2007, is amended to read as follows:

5. Possession of a rifle or shotgun by a person other than a person who has been convicted of a class A-I felony or a violent felony offense, as defined in subdivision one of section 70.02 of this chapter, who has been convicted as specified in subdivision four of section 265.01 to whom A CERTIFICATE OF RELIEF FROM DISABILITIES OR a certificate of good conduct has been issued pursuant to [section seven hundred three-b] ARTICLE TWENTY-THREE of the correction law.

S 2. Section 130 of the executive law, as amended by chapter 680 of the laws of 1967 and the opening paragraph as amended by chapter 673 of the laws of 2002, is amended to read as follows:

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

LBD04436-04-0

S 130. Appointment of notaries public. 1. The secretary of state may appoint and commission as many notaries public for the state of New York as in his or her judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state. The appointment of a notary public shall be for a term of four years. An application for an appointment as notary public shall be in form and set forth such matters as the secretary of state shall prescribe. Every person appointed as notary public must, at the time of his or her appointment, be a citizen of the United States and either a resident of the state of New York or have an office or place of business in New York state. A notary public who is a resident of the state and who moves out of the state but still maintains a place of business or an office in New York state does not vacate his or her office as a notary public. A notary public who is a nonresident and who ceases to have an office or place of business in this state, vacates his or her office as a notary public. A notary public who is a resident of New York state and moves out of the state and who does not retain an office or place of business in this state shall vacate his or her office as a notary public. A non-resident who accepts the office of notary public in this state thereby appoints the secretary of state as the person upon whom process can be served on his or her behalf. Before issuing to any applicant a commission as notary public, unless he or she be an attorney and counsellor at law duly admitted to practice in this state or a court clerk of the unified court system who has been appointed to such position after taking a civil service promotional examination in the court clerk series of titles, the secretary of state shall satisfy himself or herself that the applicant is of good moral character, has the equivalent of a common school education and is familiar with the duties and responsibilities of a notary public; provided, however, that where a notary public applies, before the expiration of his or her term, for reappointment with the county clerk or where a person whose term as notary public shall have expired applies within six months thereafter for reappointment as a notary public with the county clerk, such qualifying requirements may be waived by the secretary of state, and further, where an application for reappointment is filed with the county clerk after the expiration of the aforementioned renewal period by a person who failed or was unable to re-apply by reason of his or her induction or enlistment in the armed forces of the United States, such qualifying requirements may also be waived by the secretary of state, provided such application for reappointment is made within a period of one year after the military discharge of the applicant under conditions other than dishonorable. In any case, the appointment or reappointment of any applicant is in the discretion of the secretary of state. The secretary of state may suspend or remove from office, for misconduct, any notary public appointed by him or her but no such removal shall be made unless the person who is sought to be removed shall have been served with a copy of the charges against him or her and have an opportunity of being heard. No person shall be appointed as a notary public under this article who has been convicted, in this state or any other state or territory, of a felony or any of the following offenses, to wit:

(a) Illegally using, carrying or possessing a pistol or other dangerous weapon; (b) making or possessing burglar's instruments; (c) buying or receiving or criminally possessing stolen property; (d) unlawful entry of a building; (e) aiding escape from prison; (f) unlawfully possessing or distributing habit forming narcotic drugs; (g) violating sections two hundred seventy, two hundred seventy-a, two hundred seven-

ty-b, two hundred seventy-c, two hundred seventy-one, two hundred seventy-five, two hundred seventy-six, five hundred fifty, five hundred fifty-one, five hundred fifty-one-a and subdivisions six, eight, ten or eleven of section seven hundred twenty-two of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or violating sections 165.25, 165.30, subdivision one of section 240.30, subdivision three of section 240.35 of the penal law, or violating sections four hundred seventy-eight, four hundred seventy-nine, four hundred eighty, four hundred eighty-one, four hundred eighty-four, four hundred eighty-nine and four hundred ninety-one of the judiciary law; or (h) vagrancy or prostitution, and who has not subsequent to such conviction received an executive pardon therefor OR A CERTIFICATE OF RELIEF FROM DISABILITIES or a certificate of good conduct [from the parole board] PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW to remove the disability under this section because of such conviction.

2. A person regularly admitted to practice as an attorney and counsellor in the courts of record of this state, whose office for the practice of law is within the state, may be appointed a notary public and retain his office as such notary public although he resides in or removes to an adjoining state. For the purpose of this and the following sections of this article such person shall be deemed a resident of the county where he maintains such office.

S 3. Subdivision 3 of section 175 of the executive law, as amended by chapter 43 of the laws of 2002, is amended to read as follows:

3. Upon a showing by the attorney general in an application for an injunction that any person engaged in solicitation has been convicted in this state or elsewhere of a felony or of a misdemeanor involving the misappropriation, misapplication or misuse of the money or property of another, and who has not, subsequent to such conviction, received executive pardon therefor or A CERTIFICATE OF RELIEF FROM DISABILITIES OR a certificate of good conduct [from the parole board] PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW, the supreme court, after a hearing, may enjoin such person from engaging in any solicitation.

S 4. The opening paragraph of subdivision 2 of section 102 of the alcoholic beverage control law, as amended by chapter 340 of the laws of 1972, is amended to read as follows:

No person holding any license hereunder, other than a license to sell an alcoholic beverage at retail for off-premises consumption, shall knowingly employ in connection with his business in any capacity whatsoever, any person, who has been convicted of a felony, or any of the following offenses, who has not subsequent to such conviction received an executive pardon therefor removing any civil disabilities incurred thereby, A CERTIFICATE OF RELIEF FROM DISABILITIES OR a certificate of good conduct PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW, or other relief from disabilities provided by law, or the written approval of the state liquor authority permitting such employment, to wit:

S 5. Subdivision 4 of section 96-z-3 of the agriculture and markets law, as added by chapter 391 of the laws of 1968, is amended to read as follows:

(4) applicant, an officer, director, partner, or holder of ten per centum or more of the voting stock of an applicant has been convicted of a felony by a court of the United States or any state or territory thereof, without subsequent pardon by the governor or other appropriate authority of the state or jurisdiction in which such conviction occurred, or the receipt of [either] A CERTIFICATE OF RELIEF FROM DISA-

BILITIES OR a certificate of good conduct [from the board of parole] pursuant to [the executive law] ARTICLE TWENTY-THREE OF THE CORRECTION LAW,

S 6. Paragraph (d) of subdivision 4 of section 129 of the agriculture and markets law, as added by chapter 816 of the laws of 1974, is amended to read as follows:

(d) The applicant or registrant, or an officer, director, partner or holder of ten per centum or more of the voting stock of the applicant or registrant, has been convicted of a felony by a court of the United States or any state or territory thereof, without subsequent pardon by the governor or other appropriate authority of the state or jurisdiction in which such conviction occurred, or receipt of a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [from the board of parole] pursuant to ARTICLE TWENTY-THREE OF the correction law;

S 7. Paragraph (b) of subdivision 6 of section 369 of the banking law, as amended by chapter 164 of the laws of 2003, is amended to read as follows:

(b) is associating or consorting with any person who has, or persons who have, been convicted of a crime or crimes in any jurisdiction or jurisdictions; provided, however, that the superintendent shall not issue such a license if he shall find that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder of the applicant, has been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws thereof. For the purposes of this article, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty to a charge thereof before a court or magistrate, or shall have been found guilty thereof by the decision or judgment of a court or magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such plea of guilty, or such decision, judgment or verdict, shall have been set aside, reversed or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefor from the president of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive law] ARTICLE TWENTY-THREE OF THE CORRECTION LAW to remove the disability under this article because of such conviction. The term "substantial stockholder," as used in this subdivision, shall be deemed to refer to a person owning or controlling ten per centum or more of the total outstanding stock of the corporation in which such person is a stockholder. In making a determination pursuant to this subdivision, the superintendent shall require fingerprinting of the applicant. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check.

S 8. Subdivision 4 of section 79-a of the civil rights law, as amended by chapter 687 of the laws of 1973, is amended to read as follows:

4. This section shall not apply to a person sentenced to imprisonment for an indeterminate term, having a minimum of one day and a maximum of his natural life.

Nothing in this section shall be deemed to preclude the issuance of a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct

[by the board of parole] pursuant to ARTICLE TWENTY-THREE OF THE CORRECTION law to a person who previously has been sentenced to imprisonment for life.

S 9. Paragraph b of subdivision 5 of section 2018-a of the education law, as amended by chapter 506 of the laws of 1991, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least eighteen years of age, on the date of the school district election; that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and duly registered in the school district and school election district, if any, shown on the reverse side of this envelope and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

S 10. Paragraph b of subdivision 6 of section 2018-b of the education law, as amended by chapter 46 of the laws of 1992, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I am a citizen of the United States, and will be at least eighteen years of age on the date of the school district election;

that I will have been a resident of this state and of the school district and school election district, if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a qualified voter of said school district; that I will be unable to appear personally on the day of said school district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery [of] OR any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or have received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter .....

S 11. Paragraph b of subdivision 5 of section 84-a of the town law, as amended by chapter 281 of the laws of 1998, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the special town election; that I will have been a resident of this state and of the town shown on the reverse side of this envelope for thirty days next preceding the said election; that I am or on such date will be, a registered voter of said town; that I will be unable to appear personally on the day of said special town election at the polling place of the election district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this special town election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the

result of this special town election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date..... Signature of Voter.....

S 12. Paragraph b of subdivision 5 of section 175-b of the town law, as amended by chapter 401 of the laws of 1996, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the district election; that I will have been a resident of this state and of the district if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a registered voter of said district; that I will be unable to appear personally on the day of said district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....Signature of Voter.....

S 13. Paragraph b of subdivision 5 of section 213-b of the town law, as added by chapter 400 of the laws of 1985, is amended to read as follows:

b. On the reverse side of such envelope shall be printed the following statement:

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the district election; that I will have been a resident of this state and of the district if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a registered voter of said district; that I will be unable to appear personally on the day of said district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to register and vote.

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date..... Signature of Voter .....

S 14. Paragraph (h) of subdivision 2 of section 74 of the general business law, as amended by chapter 680 of the laws of 1967, is amended to read as follows:

(h) violating section seven hundred forty-two, section seven hundred forty-three, or section seven hundred forty-five of the said former penal law, or violating any section contained in article two hundred fifty of the penal law. Except as hereinafter in this subdivision provided, no license shall be issued to any person whose license has been previously revoked by the department of state or the authorities of any other state or territory because of conviction of any of the offenses specified in this section. The provisions of this subdivision shall not prevent the issuance of a license to any person who, subsequent to his conviction, shall have received executive pardon therefor removing this disability, or who has received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the disability under this section because of such conviction or previous license revocation occasioned thereby.

S 15. Subdivision 1 of section 81 of the general business law, as amended by chapter 562 of the laws of 2000, is amended to read as follows:

1. The holder of any license certificate issued pursuant to this article may employ to assist him in his work of private detective or investigator or bail enforcement agent as described in section seventy-one OF

THIS ARTICLE and in the conduct of such business as many persons as he may deem necessary, and shall at all times during such employment be legally responsible for the good conduct in the business of each and every person so employed.

No holder of any unexpired license certificate issued pursuant to this article shall knowingly employ in connection with his or its business in any capacity whatsoever, any person who has been convicted of a felony or any of the offenses specified in subdivision two of section seventy-four of this [chapter] ARTICLE, and who has not subsequent to such conviction received executive pardon therefor removing this disability, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the disability under this section because of such a conviction, or any person whose private detective or investigator's license or bail enforcement agent's license was revoked or application for such license was denied by the department of state or by the authorities of any other state or territory because of conviction of any of such offenses. Should the holder of an unexpired license certificate falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective or employed by a detective agency or that he is or has been a bail enforcement agent or employed by a bail enforcement agency shall be guilty of a misdemeanor.

S 16. Paragraph (a) of subdivision 1 of section 191 of the general municipal law, as amended by chapter 574 of the laws of 1978, is amended to read as follows:

(a) Issuance of licenses to conduct games of chance. If such clerk or department shall determine that the applicant is duly qualified to be licensed to conduct games of chance under this article; that the member or members of the applicant designated in the application to manage games of chance are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime, or, if convicted, have received a pardon, a certificate of good conduct or a certificate of relief from disabilities PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW; that such games are to be conducted in accordance with the provisions of this article and in accordance with the rules and regulations of the board and applicable local laws or ordinances and that the proceeds thereof are to be disposed of as provided by this article, and if such clerk or department is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person managing, operating or assisting therein except as in this article otherwise provided; it shall issue a license to the applicant for the conduct of games of chance upon payment of a license fee of twenty-five dollars for each license period.

S 17. Paragraph (a) of subdivision 9 of section 476 of the general municipal law, as amended by chapter 1057 of the laws of 1965, is amended to read as follows:

(a) a person convicted of a crime who has not received a pardon or a certificate of good conduct OR A CERTIFICATE OF RELIEF FROM DISABILITIES PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW;

S 18. Paragraph (a) of subdivision 1 of section 481 of the general municipal law, as amended by chapter 328 of the laws of 1994, is amended to read as follows:

(a) Issuance of licenses to conduct bingo. If the governing body of the municipality shall determine that the applicant is duly qualified to be licensed to conduct bingo under this article; that the member or members of the applicant designated in the application to conduct bingo are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime or, if convicted, have received a pardon or a certificate of good conduct OR A CERTIFICATE OF RELIEF FROM DISABILITIES PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW; that such games are to be conducted in accordance with the provisions of this article and in accordance with the rules and regulations of the commission, and that the proceeds thereof are to be disposed of as provided by this article, and if the governing body is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games except as in this article otherwise provided; and that no prize will be offered and given in excess of the sum or value of one thousand dollars in any single game and that the aggregate of all prizes offered and given in all of such games conducted on a single occasion, under said license shall not exceed the sum or value of three thousand dollars, it shall issue a license to the applicant for the conduct of bingo upon payment of a license fee of eighteen dollars and seventy-five cents for each bingo occasion; provided, however, that the governing body shall refuse to issue a license to an applicant seeking to conduct bingo in premises of a licensed commercial lessor where it determines that the premises presently owned or occupied by said applicant are in every respect adequate and suitable for conducting bingo games.

S 19. Paragraph 4 of subsection (d) of section 2108 of the insurance law is amended to read as follows:

(4) This subsection shall not prevent the employment of or the issuance of a license to any person who, subsequent to his conviction, shall have received executive pardon therefor removing this disability, or who has received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the disability under this section because of such conviction or previous license revocation occasioned thereby.

S 20. Paragraph 1 of subsection (c) of section 4413 of the insurance law is amended to read as follows:

(1) No person who has been convicted by a court of the United States or by a court of any state or territory thereof of a felony, or of any crime or offense involving fraudulent or dishonest practices, shall serve, be appointed, designated or employed as a trustee, administrator, officer, agent or employee of any employee welfare fund (other than an employee performing non-discretionary clerical or building maintenance duties exclusively) during or for five years after such conviction or the suspension of sentence therefor or from the date of his unrevoked release from custody by parole, commutation or termination of sentence, whichever event occurs later, unless prior to the expiration of said five year period the conviction is finally reversed by a court of competent jurisdiction or he has been pardoned therefor by the governor or other appropriate authority of the state or jurisdiction in which he was convicted or he has received a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT pursuant to the provisions of article twenty-three of the correction law which specifically removes the disability herein provided.

S 21. Paragraph (a) of subdivision 5 of section 2806 of the public health law, as amended by chapter 584 of the laws of 1983, is amended to read as follows:

(a) Except as provided in paragraphs (b) and (d) of this subdivision, anything contained in this section or in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law to the contrary notwithstanding, a hospital operating certificate of a hospital under control of a controlling person as defined in paragraph (a) of subdivision twelve of section twenty-eight hundred one-a of this [chapter] ARTICLE, or under control of any other entity, shall be revoked upon a finding by the department that such controlling person or any individual, member of a partnership or shareholder of a corporation to whom or to which an operating certificate has been issued, has been convicted of a class A, B or C felony, or a felony related in any way to any activity or program subject to the regulations, supervision, or administration of the department or of the [department of social services] OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE or in violation of the public officers law in a court of competent jurisdiction in the state, or of a crime outside the state which, if committed within the state, would have been a class A, B or C felony or a felony related in any way to any activity or program subject to the regulations, supervision, or administration of the department or of the [department of social services] OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE or in violation of the public officers law.

S 22. Paragraph (c) of subdivision 2 of section 2897 of the public health law, as added by chapter 569 of the laws of 1970, is amended to read as follows:

(c) If a person convicted of a felony or crime deemed hereby to be a felony is subsequently pardoned by the governor of the state where such conviction was had, or by the president of the United States, or shall receive a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law for the purpose of removing the disability under this section because of such conviction, the board may, in its discretion, on application of such person, and on the submission to it of satisfactory evidence, restore to such person the right to practice nursing home administration in this state.

S 23. Section 3454 of the public health law is amended to read as follows:

S 3454. Restoration of licenses after conviction of a felony. If a person convicted of a felony or crime deemed to be a felony is subsequently pardoned by the governor of the state where such conviction was had or by the president of the United States, or shall receive a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law to remove the disability under this section because of such conviction, the commissioner may, in his discretion, on application of such person, and on the submission to him of satisfactory evidence, restore to such person the right to practice in this state.

S 24. The first undesignated paragraph of section 440-a of the real property law, as amended by chapter 430 of the laws of 2008, is amended to read as follows:

No person, co-partnership, limited liability company or corporation shall engage in or follow the business or occupation of, or hold himself

or itself out or act temporarily or otherwise as a real estate broker or real estate salesman in this state without first procuring a license therefor as provided in this article. No person shall be entitled to a license as a real estate broker under this article, either as an individual or as a member of a co-partnership, or as a member or manager of a limited liability company or as an officer of a corporation, unless he or she is twenty years of age or over, a citizen of the United States or an alien lawfully admitted for permanent residence in the United States. No person shall be entitled to a license as a real estate salesman under this article unless he or she is over the age of eighteen years. No person shall be entitled to a license as a real estate broker or real estate salesman under this article who has been convicted in this state or elsewhere of a felony, of a sex offense, as defined in subdivision two of section one hundred sixty-eight-a of the correction law or any offense committed outside of this state which would constitute a sex offense, or a sexually violent offense, as defined in subdivision three of section one hundred sixty-eight-a of the correction law or any offense committed outside this state which would constitute a sexually violent offense, and who has not subsequent to such conviction received executive pardon therefor or a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [from the parole board] PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW, to remove the disability under this section because of such conviction. No person shall be entitled to a license as a real estate broker or real estate salesman under this article who does not meet the requirements of section 3-503 of the general obligations law.

S 25. Paragraph (c) of subdivision 8 of section 283 of the tax law, as amended by chapter 276 of the laws of 1986, is amended to read as follows:

(c) If a person convicted of a felony or crime deemed hereby to be a felony is subsequently pardoned by the governor of the state where such conviction was had, or by the president of the United States, or shall receive a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law for the purpose of removing the disability under this section because of such conviction, the tax commission may, in its discretion, on application of such person and compliance with subdivision two of this section, and on the submission to it of satisfactory evidence of good moral character and suitability, again register such person as a distributor under this article.

S 26. Paragraph (a) of subdivision 1 of section 509-c of the vehicle and traffic law, as amended by chapter 360 of the laws of 1986, is amended to read as follows:

(a) permanently, if that person has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law, provided, however, the provisions of this paragraph shall not apply to convictions, suspensions or revocations or forfeitures of bonds for collateral upon any of the charges listed in this paragraph for violations which occurred prior to September first, nineteen hundred seventy-four committed by a person

employed as a bus driver on September first, nineteen hundred seventy-four. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law.

S 27. Paragraph (a) of subdivision 2 of section 509-c of the vehicle and traffic law, as added by chapter 675 of the laws of 1985, is amended to read as follows:

(a) permanently, if that person has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation committed prior to September fifteenth, nineteen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law.

S 28. Subparagraphs (i), (ii) and (iii) of paragraph (a) and subparagraph (i) of paragraph (b) of subdivision 1 of section 509-cc of the vehicle and traffic law, as added by chapter 675 of the laws of 1985, are amended to read as follows:

(i) has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation committed prior to September fifteenth, nineteen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law, provided, however, the provisions of this subparagraph shall not apply to convictions, suspensions or revocations or forfeitures of bonds for collateral upon any of the charges listed in this subparagraph for violations which occurred prior to September first, nineteen hundred seventy-four committed by a person employed as a bus driver on September first, nineteen hundred seventy-four. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any,

the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children to the applicant's prospective employment, prior to granting such a certificate; or

(ii) has been convicted of an offense listed in paragraph (a) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification may be waived by the commissioner provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate; or

(iii) has been convicted of an offense listed in paragraph (b) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification shall be waived provided that five years have expired since the applicant discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate. Provided, however, that at the discretion of the commissioner, the certificate of relief from disabilities may remove disqualification at any time; or

(i) has been convicted within the preceding five years of an offense listed in paragraph (c) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification shall be waived provided that the applicant has been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate;

S 29. Paragraphs (a) and (b) and subparagraph (i) of paragraph (c) of subdivision 2 of section 509-cc of the vehicle and traffic law, para-

graph (a) and subparagraph (i) of paragraph (c) as added by chapter 675 of the laws of 1985 and paragraph (b) as amended by chapter 360 of the laws of 1986, are amended to read as follows:

(a) permanently, if that person has been convicted of an offense listed in paragraph (a) of subdivision four of this section. However, such disqualification may be waived by the commissioner provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children to the applicant's prospective employment, prior to granting such a certificate.

(b) permanently, if that person has been convicted of an offense listed in paragraph (b) of subdivision four of this section. However, such disqualification shall be waived provided that five years have expired since the applicant was incarcerated pursuant to a sentence of imprisonment imposed on conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate. Provided, however, that at the discretion of the commissioner the certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW may remove disqualification at any time.

(i) has been convicted within the preceding five years of an offense listed in paragraph (c) of subdivision four of this section. However, notwithstanding the provisions of subdivision three of section seven hundred one of the correction law. Such disqualification shall be waived provided that the applicant has been granted a certificate of relief from disabilities [as provided for in section seven hundred one-g] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children, prior to granting such a certificate.

S 30. Subparagraph (iii) of paragraph d of subdivision 6 of section 510 of the vehicle and traffic law, as added by chapter 173 of the laws of 1990, is amended to read as follows:

(iii) after such documentation, if required, is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law by the court in which such person was last penalized.

S 31. Subparagraph (iii) of paragraph (c) of subdivision 2 of section 510-a of the vehicle and traffic law, as amended by section 13 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(iii) after such documentation, if required, is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law by the court in which such person was last penalized.

S 32. Subdivision 5 of section 530 of the vehicle and traffic law, as amended by section 15 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(5) A restricted use license or privilege shall be valid for the operation of any motor vehicle, except a vehicle for hire as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck as defined in this chapter subject to the conditions set forth herein, which the holder would otherwise be entitled to operate had his drivers license or privilege not been suspended or revoked. Notwithstanding anything to the contrary in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law, a restricted use license shall not be valid for the operation of a commercial motor vehicle. A restricted use license shall not be valid for the operation of a vehicle for hire as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck where the holder thereof had his or her drivers license suspended or revoked and (i) such suspension or revocation is mandatory pursuant to the provisions of subdivision two or two-a of section five hundred ten of this title; or (ii) any such suspension is permissive for habitual or persistent violations of this chapter or any local law relating to traffic as set forth in paragraph d or i of subdivision three of section five hundred ten of this title; or (iii) any such suspension is permissive and has been imposed by a magistrate, justice or judge of any city, town or village, any supreme court justice, any county judge, or judge of a district court. Except for a commercial motor vehicle as defined in subdivision four of section five hundred one-a of this title, the restrictions on types of vehicles which may be operated with a restricted license contained in this subdivision shall not be applicable to a restricted license issued to a person whose license has been suspended pursuant to paragraph three of subdivision four-e of section five hundred ten of this [chapter] TITLE.

S 33. Item (ii) of clause (b) of subparagraph 12 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as added by chapter 732 of the laws of 2006, is amended to read as follows:

(ii) that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one of the correction law by the court in which such person was last sentenced] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

Provided, however, that the commissioner may, on a case by case basis, refuse to restore a license which otherwise would be restored pursuant to this item, in the interest of the public safety and welfare.

S 34. Item (iii) of clause (e) of subparagraph 12 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as added by chapter 732 of the laws of 2006, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one of the correction law by the court in which such person was last sentenced] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

S 35. Subparagraph 1 of paragraph (d) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

(1) Notwithstanding anything to the contrary contained in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law, where a suspension or revocation, other than a revocation required to be issued by the commissioner, is mandatory pursuant to paragraph (a) or (b) of this subdivision, the magistrate, justice or judge shall issue an order suspending or revoking such license upon sentencing, and the license holder shall surrender such license to the court. Except as hereinafter provided, such suspension or revocation shall take effect immediately.

S 36. Item (iii) of clause a of subparagraph 3 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one of the correction law by the court in which such person was last penalized pursuant to paragraph (d) of subdivision one of this section] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

S 37. Item (iii) of clause b of subparagraph 3 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by section 17 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one of the correction law by the court in which such person was last penalized pursuant to paragraph (d) of subdivision one of this section] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW.

S 38. Item (iii) of clause c of subparagraph 1 of paragraph (d) of subdivision 2 of section 1194 of the vehicle and traffic law, as amended by chapter 732 of the laws of 2006, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law by the court in which such person was last penalized.

S 39. Paragraph (g) of subdivision 7 of section 1196 of the vehicle and traffic law, as amended by section 19 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(g) Notwithstanding anything to the contrary contained in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law, any

conditional license or privilege issued to a person convicted of a violation of any subdivision of section eleven hundred ninety-two of this article shall not be valid for the operation of any commercial motor vehicle. In addition, no such conditional license or privilege shall be valid for the operation of a taxicab as defined in this chapter.

S 40. This act shall take effect immediately, provided, however, that the amendments to subdivision 5 of section 530 of the vehicle and traffic law made by section thirty-two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.