

4923

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. AUBRY, LENTOL, WRIGHT, BENJAMIN, GLICK, V. LOPEZ, CAMARA, JAFFEE -- Multi-Sponsored by -- M. of A. CAHILL, GOTTFRIED, HEASTIE, HIKIND, MAISEL, MARKEY, McENENY, NOLAN, REILLY, TITONE, WEISENBERG -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, the executive law, the tax law, the alcoholic beverage control law, the agriculture and markets law, the public health law, the general municipal law, the town law, the education law, the general business law, the insurance law, the banking law, the penal law, the civil rights law, the real property law, the administrative code of the city of New York and the vehicle and traffic law, in relation to establishing a certificate of restoration to replace the certificate of good conduct and the certificate of relief from disabilities; and to repeal certain provisions of the correction law relating to certificates of good conduct

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

1 Section 1. Paragraph (a) of subdivision 1 of section 700 of the
2 correction law, as amended by section 342 of the laws of 1972, is
3 amended to read as follows:

4 (a) "Eligible offender" shall mean a person who has been convicted of
5 a crime or of an offense[, but who has not been convicted more than once
6 of a felony].

7 S 2. Section 701 of the correction law, as amended by chapter 342 of
8 the laws of 1972, subdivision 2 as amended by section 2 of chapter 235
9 of the laws of 2007, is amended to read as follows:

10 S 701. Certificate of [relief from disabilities] RESTORATION. 1. A
11 certificate of [relief from disabilities] RESTORATION may be granted as
12 provided in this article to relieve an eligible offender of any forfei-
13 ture or disability, or to remove any bar to his employment, automat-
14 ically imposed by law by reason of his conviction of the crime or of the
15 offense specified therein. Such certificate may be limited to one or

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

LBD06337-04-9

1 more enumerated forfeitures, disabilities or bars, or may relieve the
2 eligible offender of all forfeitures, disabilities and bars. [Provided,
3 however, that no such certificate shall apply, or be construed so as to
4 apply, to the right of such person to retain or to be eligible for
5 public office.]

6 2. Notwithstanding any other provision of law, except subdivision five
7 of section twenty-eight hundred six of the public health law or para-
8 graph (b) of subdivision two of section eleven hundred ninety-three of
9 the vehicle and traffic law, a conviction of a crime or of an offense
10 specified in a certificate of [relief from disabilities] RESTORATION
11 shall not cause automatic forfeiture of any license, other than a
12 license issued pursuant to section 400.00 of the penal law to a person
13 convicted of a class A-I felony or a violent felony offense, as defined
14 in subdivision one of section 70.02 of the penal law, permit, employ-
15 ment, or franchise, including the right to register for or vote at an
16 election, or automatic forfeiture of any other right or privilege, held
17 by the eligible offender and covered by the certificate. Nor shall such
18 conviction be deemed to be a conviction within the meaning of any
19 provision of law that imposes, by reason of a conviction, a bar to any
20 employment, a disability to exercise any right, or a disability to apply
21 for or to receive any license, permit, or other authority or privilege
22 covered by the certificate; provided, however, that a conviction for a
23 second or subsequent violation of any subdivision of section eleven
24 hundred ninety-two of the vehicle and traffic law committed within the
25 preceding ten years shall impose a disability to apply for or receive an
26 operator's license during the period provided in such law; and provided
27 further, however, that a conviction for a class A-I felony or a violent
28 felony offense, as defined in subdivision one of section 70.02 of the
29 penal law, shall impose a disability to apply for or receive a license
30 or permit issued pursuant to section 400.00 of the penal law. A certif-
31 icate of [relief from a disability] RESTORATION imposed pursuant to
32 subparagraph (v) of paragraph b of subdivision two and paragraphs i and
33 j of subdivision six of section five hundred ten of the vehicle and
34 traffic law may only be issued upon a determination that compelling
35 circumstances warrant such relief.

36 3. A certificate of [relief from disabilities] RESTORATION shall not,
37 however, in any way prevent any judicial, administrative, licensing or
38 other body, board or authority from relying upon the conviction speci-
39 fied therein as the basis for the exercise of its discretionary power to
40 suspend, revoke, refuse to issue or refuse to renew any license, permit
41 or other authority or privilege.

42 S 3. Subdivision 2 of section 701 of the correction law, as amended by
43 section 3 of chapter 235 of the laws of 2007, is amended to read as
44 follows:

45 2. Notwithstanding any other provision of law, except subdivision five
46 of section twenty-eight hundred six of the public health law or para-
47 graph (b) of subdivision two of section eleven hundred ninety-three of
48 the vehicle and traffic law, a conviction of a crime or of an offense
49 specified in a certificate of [relief from disabilities] RESTORATION
50 shall not cause automatic forfeiture of any license, other than a
51 license issued pursuant to section 400.00 of the penal law to a person
52 convicted of a class A-I felony or a violent felony offense, as defined
53 in subdivision one of section 70.02 of the penal law, permit, employ-
54 ment, or franchise, including the right to register for or vote at an
55 election, or automatic forfeiture of any other right or privilege, held
56 by the eligible offender and covered by the certificate. Nor shall such

1 conviction be deemed to be a conviction within the meaning of any
2 provision of law that imposes, by reason of a conviction, a bar to any
3 employment, a disability to exercise any right, or a disability to apply
4 for or to receive any license, permit, or other authority or privilege
5 covered by the certificate; provided, however, that a conviction for a
6 second or subsequent violation of any subdivision of section eleven
7 hundred ninety-two of the vehicle and traffic law committed within the
8 preceding ten years shall impose a disability to apply for or receive an
9 operator's license during the period provided in such law; and provided
10 further, however, that a conviction for a class A-I felony or a violent
11 felony offense, as defined in subdivision one of section 70.02 of the
12 penal law, shall impose a disability to apply for or receive a license
13 or permit issued pursuant to section 400.00 of the penal law.

14 S 4. Section 702 of the correction law, as amended by chapter 342 of
15 the laws of 1972, the section heading as amended by chapter 931 of the
16 laws of 1976, subdivision 3 as amended by chapter 134 of the laws of
17 1985 and subdivision 6 as amended by chapter 720 of the laws of 2006, is
18 amended to read as follows:

19 S 702. Certificates of [relief from disabilities] RESTORATION issued
20 by courts. 1. Any court of this state [may, in its discretion,] SHALL,
21 ABSENT A FINDING THAT ISSUANCE OF SUCH CERTIFICATE WILL JEOPARDIZE
22 PUBLIC SAFETY, issue a certificate of [relief from disabilities] RESTO-
23 RATION AT THE TIME OF SENTENCING to an eligible offender for a
24 conviction that occurred in such court, if the court [either (a) imposed
25 a revokable sentence or (b)] imposed a sentence other than one executed
26 by commitment to an institution under the jurisdiction of the state
27 department of correctional services. Such certificate [may] SHALL be
28 issued (i) at the time sentence is pronounced, in which case it may
29 grant relief from forfeitures as well as from disabilities, or (ii) [at
30 any time thereafter, in which case it shall apply only to disabilities]
31 IF PUBLIC SAFETY CONCERNS OUTWEIGH THE PRESUMPTION OF THE GRANTING OF
32 SUCH CERTIFICATE AT THE TIME OF SENTENCING, SUCH CERTIFICATE SHALL BE
33 ISSUED AS FOLLOWS:

34 (A) FOR AN OFFENDER WHO RECEIVES A REVOCABLE SENTENCE, SUCH OFFENDER
35 SHALL BE ISSUED SUCH CERTIFICATE AFTER SERVING ONE YEAR OF SUCH REVOCA-
36 BLE SENTENCE IMPOSED BY THE COURT PROVIDED THAT SUCH OFFENDER HAS NOT
37 BEEN CONVICTED OF A NEW CRIME DURING THAT TIME AND IS NOT THE SUBJECT OF
38 AN UNDISPOSED ARREST. SUCH CERTIFICATE SHALL APPLY ONLY TO DISABILITIES.
39 IN ORDER TO RECEIVE SUCH A CERTIFICATE, THE ELIGIBLE OFFENDER MUST APPLY
40 TO THE COURT IN WHICH THEY WERE SENTENCED.

41 (B) FOR AN OFFENDER WHO RECEIVES A DEFINITE SENTENCE OF IMPRISONMENT,
42 SUCH OFFENDER SHALL BE ISSUED SUCH CERTIFICATE ONE YEAR AFTER RELEASE
43 FROM INCARCERATION PROVIDED THAT SUCH OFFENDER HAS NOT BEEN CONVICTED OF
44 A NEW CRIME DURING THAT TIME AND IS NOT THE SUBJECT OF AN UNDISPOSED
45 ARREST. SUCH CERTIFICATE SHALL APPLY ONLY TO DISABILITIES. IN ORDER TO
46 RECEIVE SUCH A CERTIFICATE, THE ELIGIBLE OFFENDER MUST APPLY TO THE
47 COURT IN WHICH THEY WERE SENTENCED.

48 IN CALCULATING THE ONE YEAR PERIODS UNDER PARAGRAPHS (A) AND (B) OF
49 THIS SUBDIVISION, ANY PERIOD OF TIME DURING WHICH THE PERSON WAS INCAR-
50 CERATED FOR ANY REASON BETWEEN THE TIME OF CONVICTION AND THE DATE ON
51 WHICH THE ELIGIBLE OFFENDER BECOMES ELIGIBLE FOR A CERTIFICATE SHALL BE
52 EXCLUDED AND SUCH ONE YEAR PERIOD SHALL BE EXTENDED BY A PERIOD OR PERI-
53 ODS EQUAL TO THE TIME SERVED UNDER SUCH INCARCERATION.

54 2. [Such] THE RELIEF GRANTED BY SUCH certificate shall [not be issued
55 by the court unless the court is satisfied that:

1 (a) The person to whom it is to be granted is an eligible offender, as
2 defined in section seven hundred;

3 (b) The relief to be granted by the certificate is] BE consistent with
4 the rehabilitation of the eligible offender[;] and

5 [(c) The relief to be granted by the certificate is] BE consistent
6 with the public interest.

7 3. [Where a certificate of relief from disabilities is not issued at
8 the time sentence is pronounced it shall only be issued thereafter upon
9 verified application to the court. The court may, for the purpose of
10 determining whether such certificate shall be issued, request its
11 probation service to conduct an investigation of the applicant, or if
12 the court has no probation service it may request the probation service
13 of the county court for the county in which the court is located to
14 conduct such investigation, or if there be no such probation service the
15 court may request the state director of probation and correctional
16 alternatives to arrange for such investigation. Any probation officer
17 requested to make an investigation pursuant to this section shall
18 prepare and submit to the court a written report in accordance with such
19 request.

20 4.] Where the court has imposed a revokable sentence and the certif-
21 icate of [relief from disabilities] RESTORATION is issued prior to the
22 expiration or termination of the time which the court may revoke such
23 sentence, the certificate shall be deemed to be a temporary certificate
24 until such time as the court's authority to revoke the sentence has
25 expired or is terminated. While temporary, such certificate (a) may be
26 revoked by the court for violation of the conditions of the sentence,
27 and (b) shall be revoked by the court if it revokes the sentence and
28 commits the person to an institution under the jurisdiction of the state
29 department of correctional services. Any such revocation shall be upon
30 notice and after an opportunity to be heard. If the certificate is not
31 so revoked, it shall become a permanent certificate upon expiration or
32 termination of the court's authority to revoke the sentence.

33 [5] 4. Any court that has issued a certificate of [relief from disa-
34 bilities] RESTORATION may at any time issue a new certificate to enlarge
35 the relief previously granted, provided, however, that the provisions of
36 subdivisions one through [four] THREE of this section shall apply to the
37 issuance of any such new certificate.

38 [6] 5. Any written report submitted to the court [pursuant to] FOR THE
39 PURPOSES OF this section is confidential and may not be made available
40 to any person or public or private agency except where specifically
41 required or permitted by statute or upon specific authorization of the
42 court. However, upon the court's receipt of such report, the court shall
43 provide a copy of such report, or direct that such report be provided to
44 the applicant's attorney, or the applicant himself, if he has no attor-
45 ney. In its discretion, the court may except from disclosure a part or
46 parts of the report which are not relevant to the granting of a certif-
47 icate, or sources of information which have been obtained on a promise
48 of confidentiality, or any other portion thereof, disclosure of which
49 would not be in the interest of justice. The action of the court except-
50 ing information from disclosure shall be subject to appellate review.
51 The court, in its discretion, may hold a conference in open court or in
52 chambers to afford an applicant an opportunity to controvert or to
53 comment upon any portions of the report. The court may also conduct a
54 summary hearing at the conference on any matter relevant to the granting
55 of the application and may take testimony under oath.

1 S 5. Section 703 of the correction law, as amended by chapter 342 of
2 the laws of 1972, the section heading as amended by chapter 931 of the
3 laws of 1976, subdivision 1 as amended by chapter 475 of the laws of
4 1974 and subdivision 6 as added by chapter 378 of the laws of 1988, is
5 amended to read as follows:

6 S 703. Certificates of [relief from disabilities] RESTORATION issued
7 by the board of parole. 1. The state board of parole shall [have the
8 power to] issue a certificate of [relief from disabilities] RESTORATION
9 to:

10 (a) any eligible offender who has been committed to an institution
11 under the jurisdiction of the state department of correctional services
12 WHO SUCCESSFULLY EARNED MERIT TIME OR A CERTIFICATE OF EARNED ELIGIBIL-
13 ITY DURING THEIR PERIOD OF INCARCERATION. Such certificate [may] SHALL
14 be issued by the board at the time the offender is released from such
15 institution under the board's supervision [or otherwise or at any time
16 thereafter]. IF SUCH ELIGIBLE OFFENDER DID NOT EARN MERIT TIME OR A
17 CERTIFICATE OF EARNED ELIGIBILITY, THE BOARD SHALL ISSUE SUCH CERTIF-
18 ICATE AT THE TIME OF SUCH ELIGIBLE OFFENDER'S RELEASE FROM PRISON UNLESS
19 IT IS DETERMINED THAT THE ISSUANCE OF SUCH CERTIFICATE WOULD JEOPARDIZE
20 PUBLIC SAFETY. IF SUCH CERTIFICATE IS NOT ISSUED UPON SUCH ELIGIBLE
21 OFFENDER'S RELEASE FROM PRISON, SUCH OFFENDER SHALL BE ISSUED A CERTIF-
22 ICATE BY THE BOARD OF PAROLE AFTER TWO YEARS OF UNREVOKED PAROLE OR
23 POST-RELEASE SUPERVISION. SUCH INDIVIDUAL SHALL APPLY TO THE BOARD OF
24 PAROLE IN ORDER TO RECEIVE SUCH CERTIFICATE.

25 IN CALCULATING THE TWO YEAR PERIOD UNDER THIS PARAGRAPH, ANY PERIOD OF
26 TIME DURING WHICH THE PERSON WAS INCARCERATED FOR ANY REASON BETWEEN THE
27 TIME OF CONVICTION AND THE DATE ON WHICH THE ELIGIBLE OFFENDER BECOMES
28 ELIGIBLE FOR A CERTIFICATE SHALL BE EXCLUDED AND SUCH TWO YEAR PERIOD
29 SHALL BE EXTENDED BY A PERIOD OR PERIODS EQUAL TO THE TIME SERVED UNDER
30 SUCH INCARCERATION;

31 (b) any eligible offender who resides within this state and whose
32 judgment of conviction was rendered by a court in any other jurisdiction
33 WHERE SUCH ELIGIBLE OFFENDER APPLIES FOR SUCH CERTIFICATE, IS NOT INCAR-
34 CERATED AT THE TIME OF THE APPLICATION AND IS NOT SUBJECT TO AN UNDIS-
35 POSED ARREST, UNLESS THE BOARD DETERMINES THAT THE ISSUANCE OF SUCH
36 CERTIFICATE WOULD JEOPARDIZE PUBLIC SAFETY. IF A CERTIFICATE OF RESTORA-
37 TION IS NOT ISSUED AT THE TIME OF THE APPLICATION, THE BOARD SHALL ISSUE
38 A CERTIFICATE TO SUCH ELIGIBLE OFFENDER ONE YEAR AFTER THE DATE OF THE
39 APPLICATION WHERE THE JUDGMENT OF CONVICTION WAS FOR A MISDEMEANOR AND
40 TWO YEARS AFTER THE DATE OF THE APPLICATION WHERE THE JUDGMENT OF
41 CONVICTION WAS FOR A FELONY, PROVIDED THAT SUCH OFFENDER HAS NOT BEEN
42 CONVICTED OF A NEW CRIME AND IS NOT THE SUBJECT OF AN UNDISPOSED ARREST.

43 2. Where the board of parole has issued a certificate of [relief from
44 disabilities] RESTORATION, the board may at any time issue a new certif-
45 icate enlarging the relief previously granted.

46 3. The RELIEF GRANTED BY THE board of parole [shall not issue any] IN
47 A certificate of [relief from disabilities] RESTORATION pursuant to
48 [subdivisions] SUBDIVISION one or two[, unless the board is satisfied
49 that:

50 (a) The person to whom it is to be granted is an eligible offender, as
51 defined in section seven hundred;

52 (b) The relief to be granted by the certificate is] OF THIS SECTION
53 SHALL BE consistent with the rehabilitation of the eligible offender[;]
54 and

55 [(c) The relief to be granted by the certificate is] BE consistent
56 with the public interest.

1 4. Any certificate of [relief from disabilities] RESTORATION issued by
2 the board of parole to an eligible offender who at time of the issuance
3 of the certificate is under the board's supervision, shall be deemed to
4 be a temporary certificate until such time as the eligible offender is
5 discharged from the board's supervision, and, while temporary, such
6 certificate may be revoked by the board for violation of the conditions
7 of parole or release. Revocation shall be upon notice to the parolee,
8 who shall be accorded an opportunity to explain the violation prior to
9 decision thereon. If the certificate is not so revoked, it shall become
10 a permanent certificate upon expiration or termination of the board's
11 jurisdiction over the offender.

12 5. In granting or revoking a certificate of [relief from disabili-
13 ties] RESTORATION the action of the board of parole shall be by unani-
14 mous vote of the members authorized to grant or revoke parole. Such
15 action shall be deemed a judicial function and shall not be reviewable
16 if done according to law.

17 6. For the purpose of determining whether such certificate shall be
18 issued, the board may conduct an investigation of the applicant.

19 S 6. Section 703-a of the correction law is REPEALED.

20 S 7. Section 703-b of the correction law is REPEALED.

21 S 8. Section 704 of the correction law, as added by chapter 654 of the
22 laws of 1966, is amended to read as follows:

23 S 704. Effect of revocation; use of revoked certificate. 1. Where a
24 certificate of [relief from disabilities] RESTORATION is deemed to be
25 temporary and such certificate is revoked, disabilities and forfeitures
26 thereby relieved shall be reinstated as of the date upon which the
27 person to whom the certificate was issued receives written notice of
28 such revocation. Any such person shall upon receipt of such notice
29 surrender the certificate to the issuing court or board.

30 2. A person who knowingly uses or attempts to use, a revoked certif-
31 icate of [relief from disabilities] RESTORATION in order to obtain or to
32 exercise any right or privilege that he would not be entitled to obtain
33 or to exercise without a valid certificate shall be guilty of a misde-
34 meanor.

35 3. WHERE A CERTIFICATE OF RESTORATION HAS BEEN REVOKED, THE OFFENDER
36 SHALL BE ELIGIBLE FOR A NEW CERTIFICATE IN ACCORDANCE WITH SECTIONS
37 SEVEN HUNDRED TWO AND SEVEN HUNDRED THREE OF THIS ARTICLE AS APPLICABLE.

38 S 9. Section 705 of the correction law, as added by chapter 654 of the
39 laws of 1966, subdivision 1 as amended by chapter 193 of the laws of
40 1991, is amended to read as follows:

41 S 705. Forms and filing. 1. All applications, certificates and orders
42 of revocation necessary for the purposes of this article shall be upon
43 forms prescribed pursuant to agreement among the state commissioner of
44 correctional services, the chairman of the state board of parole and the
45 administrator of the state judicial conference. Such forms relating to
46 certificates of [relief from disabilities] RESTORATION shall be distrib-
47 uted by the director of the state division of probation and correctional
48 alternatives and [forms relating to certificates of good conduct shall
49 be distributed] by the chairman of the board of parole.

50 2. Any court or board issuing or revoking any certificate pursuant to
51 this article shall immediately file a copy of the certificate, or of the
52 order of revocation, with the New York state identification and intelli-
53 gence system.

54 S 10. Clause 1 of paragraph c of subdivision 2 of section 435 of the
55 executive law, as amended by chapter 371 of the laws of 1974, is amended
56 to read as follows:

1 (1) a person convicted of a crime who has not received a pardon[,] OR
2 a certificate of [good conduct or a certificate of relief from disabili-
3 ties] RESTORATION;

4 S 11. Subdivision (h) of section 130 of the executive law, as amended
5 by chapter 680 of the laws of 1967, is amended to read as follows:

6 (h) vagrancy or prostitution, and who has not subsequent to such
7 conviction received an executive pardon therefor or a certificate of
8 [good conduct from the parole board] RESTORATION PURSUANT TO ARTICLE
9 TWENTY-THREE OF THE CORRECTION LAW to remove the disability under this
10 section because of such conviction.

11 S 12. Subdivision 3 of section 175 of the executive law, as amended by
12 chapter 43 of the laws of 2002, is amended to read as follows:

13 3. Upon a showing by the attorney general in an application for an
14 injunction that any person engaged in solicitation has been convicted in
15 this state or elsewhere of a felony or of a misdemeanor involving the
16 misappropriation, misapplication or misuse of the money or property of
17 another, and who has not, subsequent to such conviction, received execu-
18 tive pardon therefor or a certificate of [good conduct from the parole
19 board] RESTORATION PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION
20 LAW, the supreme court, after a hearing, may enjoin such person from
21 engaging in any solicitation.

22 S 13. Paragraph (c) of subdivision 8 of section 283 of the tax law, as
23 amended by chapter 276 of the laws of 1986, is amended to read as
24 follows:

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

36 S 14. Subdivision 2 of section 102 of the alcoholic beverage control
37 law, as amended by chapter 340 of the laws of 1972, is amended to read
38 as follows:

39 2. No person holding any license hereunder, other than a license to
40 sell an alcoholic beverage at retail for off-premises consumption, shall
41 knowingly employ in connection with his business in any capacity whatso-
42 ever, any person, who has been convicted of a felony, or any of the
43 following offenses, who has not subsequent to such conviction received
44 an executive pardon therefor removing any civil disabilities incurred
45 thereby, a certificate of [good conduct] RESTORATION or other relief
46 from disabilities provided by law, or the written approval of the state
47 liquor authority permitting such employment, to wit:

48 (a) Illegally using, carrying or possessing a pistol or other danger-
49 ous weapon;

50 (b) Making or possessing burglar's instruments;

51 (c) Buying or receiving or criminally possessing stolen property;

52 (d) Unlawful entry of a building;

53 (e) Aiding escape from prison;

54 (f) Unlawfully possessing or distributing habit forming narcotic
55 drugs;

1 (g) Violating subdivisions six, eight, ten or eleven of section seven
2 hundred twenty-two of the former penal law as in force and effect imme-
3 diately prior to September first, nineteen hundred sixty-seven, or
4 violating [sections] SECTION 165.25, 165.30 or subdivision three of
5 section 240.35 of the penal law;

6 (h) Vagrancy or prostitution; or

7 (i) Ownership, operation, possession, custody or control of a still
8 subsequent to July first, nineteen hundred fifty-four.

9 If, as hereinabove provided, the state liquor authority issues its
10 written approval for the employment by a licensee, in a specified capac-
11 ity, of a person previously convicted of a felony or any of the offenses
12 above enumerated, such person, may, unless he is subsequently convicted
13 of a felony or any of such offenses, thereafter be employed in the same
14 capacity by any other licensee without the further written approval of
15 the authority unless the prior approval given by the authority is termi-
16 nated.

17 The liquor authority may make such rules as it deems necessary to
18 carry out the purpose and intent of this subdivision.

19 S 15. Paragraph (d) of subdivision 1 of section 110 of the alcoholic
20 beverage control law, as amended by chapter 114 of the laws of 2000, is
21 amended to read as follows:

22 (d) A statement that such applicant or the applicant's spouse has not
23 been convicted of a crime addressed by the provisions of section one
24 hundred twenty-six of this article which would forbid the applicant
25 (including any officers, directors, shareholders or partners listed in
26 the statement of identity under paragraph (a) of this subdivision or the
27 spouse of such person) or the applicant's spouse to traffic in alcoholic
28 beverages, a statement whether or not the applicant (including any offi-
29 cers, directors, shareholders or partners listed in the statement of
30 identity under paragraph (a) of this subdivision or the spouse of any
31 such person) or the applicant's spouse is an official described in
32 section one hundred twenty-eight of this article, and a description of
33 any crime that the applicant (including any officers, directors, share-
34 holders or partners listed under paragraph (a) of this subdivision or
35 the spouse of any such person) or the applicant's spouse has been
36 convicted of and whether such person has received a pardon, certificate
37 of [good conduct or certificate of relief from disabilities]
38 RESTORATION; provided, however, that no person shall be denied any
39 license solely on the grounds that such person is the spouse of a person
40 otherwise disqualified from holding a license under this chapter.

41 S 16. Subdivisions 1, 1-a and 4 of section 126 of the alcoholic bever-
42 age control law, subdivisions 1 and 4 as amended by chapter 366 of the
43 laws of 1992 and subdivision 1-a as amended by chapter 367 of the laws
44 of 1992, are amended to read as follows:

45 1. Except as provided in subdivision one-a of this section, a person
46 who has been convicted of a felony or any of the misdemeanors mentioned
47 in section eleven hundred forty-six of the former penal law as in force
48 and effect immediately prior to September first, nineteen hundred
49 sixty-seven, or of an offense defined in section 230.20 or 230.40 of the
50 penal law, unless subsequent to such conviction such person shall have
51 received an executive pardon therefor removing this disability, a
52 certificate of [good conduct granted by the board of parole, or a
53 certificate of relief from disabilities] RESTORATION granted by the
54 board of parole or a court of this state pursuant to the provisions of
55 article twenty-three of the correction law to remove the disability
56 under this section because of such conviction.

1 1-a. Notwithstanding the provision of subdivision one of this section,
2 a corporation holding a license to traffic in alcoholic beverages shall
3 not, upon conviction of a felony or any of the misdemeanors or offenses
4 described in subdivision one of this section, be automatically forbidden
5 to traffic in alcoholic beverages, but the application for a license by
6 such a corporation shall be subject to denial, and the license of such a
7 corporation shall be subject to revocation or suspension by the authori-
8 ty pursuant to section one hundred eighteen of this chapter, consistent
9 with the provisions of article twenty-three-A of the correction law. For
10 any felony conviction by a court other than a court of this state, the
11 authority may request the board of parole to investigate and review the
12 facts and circumstances concerning such a conviction, and the board of
13 parole shall, if so requested, submit its findings to the authority as
14 to whether the corporation has conducted itself in a manner such that
15 discretionary review by the authority would not be inconsistent with the
16 public interest. The division of parole may charge the licensee or
17 applicant a fee equivalent to the expenses of an appropriate investi-
18 gation under this subdivision. For any conviction rendered by a court of
19 this state, the authority may request the corporation, if the corpo-
20 ration is eligible for a certificate of [relief from disabilities]
21 RESTORATION, to seek such a certificate [from the court which rendered
22 the conviction] IN ACCORDANCE WITH ARTICLE TWENTY-THREE OF THE
23 CORRECTION LAW and to submit such a certificate as part of the authori-
24 ty's discretionary review process.

25 4. A copartnership or a corporation, unless each member of the part-
26 nership, or each of the principal officers and directors of the corpo-
27 ration, is a citizen of the United States or an alien lawfully admitted
28 for permanent residence in the United States, not less than twenty-one
29 years of age, and has not been convicted of any felony or any of the
30 misdemeanors, specified in section eleven hundred forty-six of the
31 former penal law as in force and effect immediately prior to September
32 first, nineteen hundred sixty-seven, or of an offense defined in section
33 230.20 or 230.40 of the penal law, or if so convicted has received,
34 subsequent to such conviction, an executive pardon therefor removing
35 this disability, a certificate of [good conduct granted by the board of
36 parole, or a certificate of relief from disabilities] RESTORATION grant-
37 ed by the board of parole or a court of this state pursuant to the
38 provisions of article twenty-three of the correction law to remove the
39 disability under this section because of such conviction; provided
40 however that a corporation which otherwise conforms to the requirements
41 of this section and chapter may be licensed if each of its principal
42 officers and more than one-half of its directors are citizens of the
43 United States or aliens lawfully admitted for permanent residence in the
44 United States; and provided further that a corporation organized under
45 the not-for-profit corporation law or the education law which otherwise
46 conforms to the requirements of this section and chapter may be licensed
47 if each of its principal officers and more than one-half of its direc-
48 tors are not less than twenty-one years of age and none of its directors
49 are less than eighteen years of age; and provided further that a corpo-
50 ration organized under the not-for-profit corporation law or the educa-
51 tion law and located on the premises of a college as defined by section
52 two of the education law which otherwise conforms to the requirements of
53 this section and chapter may be licensed if each of its principal offi-
54 cers and each of its directors are not less than eighteen years of age.

1 S 17. Subdivision 4 of section 96-z-3 of the agriculture and markets
2 law, as added by chapter 391 of the laws of 1968, is amended to read as
3 follows:

4 (4) applicant, an officer, director, partner, or holder of ten per
5 centum or more of the voting stock of an applicant has been convicted of
6 a felony by a court of the United States or any state or territory ther-
7 eof, without subsequent pardon by the governor or other appropriate
8 authority of the state or jurisdiction in which such conviction
9 occurred, or the receipt of either a certificate of [good conduct from
10 the board of parole pursuant to the executive] RESTORATION PURSUANT TO
11 ARTICLE TWENTY-THREE OF THE CORRECTION law,

12 S 18. Paragraph (d) of subdivision 4 of section 129 of the agriculture
13 and markets law, as added by chapter 816 of the laws of 1974, is amended
14 to read as follows:

15 (d) The applicant or registrant, or an officer, director, partner or
16 holder of ten per centum or more of the voting stock of the applicant or
17 registrant, has been convicted of a felony by a court of the United
18 States or any state or territory thereof, without subsequent pardon by
19 the governor or other appropriate authority of the state or jurisdiction
20 in which such conviction occurred, or receipt of a certificate of [good
21 conduct from the board of parole] RESTORATION pursuant to ARTICLE TWEN-
22 TY-THREE OF the correction law;

23 S 19. Paragraph (c) of subdivision 2 of section 2897 of the public
24 health law, as added by chapter 569 of the laws of 1970, is amended to
25 read as follows:

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

36 S 20. Section 3454 of the public health law is amended to read as
37 follows:

38 S 3454. Restoration of licenses after conviction of a felony. If a
39 person convicted of a felony or crime deemed to be a felony is subse-
40 quently pardoned by the governor of the state where such conviction was
41 had or by the president of the United States, or shall receive a certif-
42 icate of [good conduct granted by the board of parole] RESTORATION
43 pursuant to the provisions of ARTICLE TWENTY-THREE OF the [executive]
44 CORRECTION law to remove the disability under this section because of
45 such conviction, the commissioner may, in his discretion, on application
46 of such person, and on the submission to him of satisfactory evidence,
47 restore to such person the right to practice in this state.

48 S 21. Paragraph (a) of subdivision 2 of section 3510 of the public
49 health law, as added by chapter 175 of the laws of 2006, is amended to
50 read as follows:

51 (a) No person convicted of a felony shall continue to hold a license
52 to practice radiologic technology, unless he or she has been granted an
53 executive pardon, a certificate of [relief from disabilities or a
54 certificate of good conduct] RESTORATION for such felony and, the
55 commissioner, in his or her discretion, restores the license after

1 determining that the individual does not pose a threat to patient health
2 and safety.

3 S 22. Paragraph 1 of subdivision (a) of section 189-a of the general
4 municipal law, as added by chapter 574 of the laws of 1978, is amended
5 to read as follows:

6 (1) a person convicted of a crime who has not received a pardon, a
7 certificate of [good conduct or a certificate of relief from disabili-
8 ties] RESTORATION;

9 S 23. Paragraph (a) of subdivision 1 of section 191 of the general
10 municipal law, as amended by chapter 574 of the laws of 1978, is amended
11 to read as follows:

12 (a) Issuance of licenses to conduct games of chance. If such clerk or
13 department shall determine that the applicant is duly qualified to be
14 licensed to conduct games of chance under this article; that the member
15 or members of the applicant designated in the application to manage
16 games of chance are bona fide active members of the applicant and are
17 persons of good moral character and have never been convicted of a
18 crime, or, if convicted, have received a pardon, a certificate of [good
19 conduct or a certificate of relief from disabilities] RESTORATION; that
20 such games are to be conducted in accordance with the provisions of this
21 article and in accordance with the rules and regulations of the board
22 and applicable local laws or ordinances and that the proceeds thereof
23 are to be disposed of as provided by this article, and if such clerk or
24 department is satisfied that no commission, salary, compensation, reward
25 or recompense whatever will be paid or given to any person managing,
26 operating or assisting therein except as in this article otherwise
27 provided; it shall issue a license to the applicant for the conduct of
28 games of chance upon payment of a license fee of twenty-five dollars for
29 each license period.

30 S 24. Paragraph (a) of subdivision 1 of section 481 of the general
31 municipal law, as amended by chapter 328 of the laws of 1994, is amended
32 to read as follows:

33 (a) Issuance of licenses to conduct bingo. If the governing body of
34 the municipality shall determine that the applicant is duly qualified to
35 be licensed to conduct bingo under this article; that the member or
36 members of the applicant designated in the application to conduct bingo
37 are bona fide active members of the applicant and are persons of good
38 moral character and have never been convicted of a crime or, if
39 convicted, have received a pardon or a certificate of [good conduct]
40 RESTORATION; that such games are to be conducted in accordance with the
41 provisions of this article and in accordance with the rules and regu-
42 lations of the commission, and that the proceeds thereof are to be
43 disposed of as provided by this article, and if the governing body is
44 satisfied that no commission, salary, compensation, reward or recompense
45 whatever will be paid or given to any person holding, operating or
46 conducting or assisting in the holding, operation and conduct of any
47 such games except as in this article otherwise provided; and that no
48 prize will be offered and given in excess of the sum or value of one
49 thousand dollars in any single game and that the aggregate of all prizes
50 offered and given in all of such games conducted on a single occasion,
51 under said license shall not exceed the sum or value of three thousand
52 dollars, it shall issue a license to the applicant for the conduct of
53 bingo upon payment of a license fee of eighteen dollars and seventy-five
54 cents for each bingo occasion; provided, however, that the governing
55 body shall refuse to issue a license to an applicant seeking to conduct
56 bingo in premises of a licensed commercial lessor where it determines

1 that the premises presently owned or occupied by said applicant are in
2 every respect adequate and suitable for conducting bingo games.

3 S 25. Paragraph (a) of subdivision 9 of section 476 of the general
4 municipal law, as amended by chapter 1057 of the laws of 1965, is
5 amended to read as follows:

6 (a) a person convicted of a crime who has not received a pardon or a
7 certificate of [good conduct] RESTORATION;

8 S 26. Paragraph b of subdivision 5 of section 84-a of the town law, as
9 amended by chapter 281 of the laws of 1998, is amended to read as
10 follows:

11 b. On the reverse side of such envelope shall be printed the follow-
12 ing statement:

13 STATEMENT OF ABSENTEE VOTER

14 I do declare that I will have been a citizen of the United States for
15 thirty days, and will be at least eighteen years of age, on the date of
16 the special town election; that I will have been a resident of this
17 state and of the town shown on the reverse side of this envelope for
18 thirty days next preceding the said election; that I am or on such date
19 will be, a registered voter of said town; that I will be unable to
20 appear personally on the day of said special town election at the poll-
21 ing place of the election district in which I am or will be a qualified
22 voter because of the reason stated on my application heretofore submit-
23 ted; that I have not qualified, or do I intend to vote, elsewhere than
24 as set forth on the reverse side of this envelope; that I have not
25 received or offered, do not expect to receive, have not paid, offered or
26 promised to pay, contributed, offered or promised to contribute to
27 another to be paid or used, any money or other valuable thing, as a
28 compensation or reward for the giving or withholding of a vote at this
29 special town election, and have not made any promise to influence the
30 giving or withholding of any such votes; that I have not made or become
31 directly or indirectly interested in any bet or wager depending upon the
32 result of this special town election; and that I have not been convicted
33 of bribery or any infamous crime, or, if so convicted, that I have been
34 pardoned or restored to all the rights of a citizen, without restriction
35 as to the right of suffrage, or received a certificate of [good conduct]
36 RESTORATION granted by the board of parole OR SENTENCING COURT pursuant
37 to the provisions of [the executive law] ARTICLE TWENTY-THREE OF THE
38 CORRECTION LAW removing my disability to register and vote OR MY MAXIMUM
39 SENTENCE OF IMPRISONMENT HAS EXPIRED.

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

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

45 S 27. Paragraph b of subdivision 5 of section 175-b of the town law,
46 as amended by chapter 401 of the laws of 1996, is amended to read as
47 follows:

48 b. On the reverse side of such envelope shall be printed the follow-
49 ing statement:

50 STATEMENT OF ABSENTEE VOTER

51 I do declare that I will have been a citizen of the United States for
52 thirty days, and will be at least eighteen years of age, on the date of
53 the district election; that I will have been a resident of this state
54 and of the district if any, shown on the reverse side of this envelope
55 for thirty days next preceding the said election and that I am or on
56 such date will be, a registered voter of said district; that I will be

1 unable to appear personally on the day of said district election at the
 2 polling place of the said district in which I am or will be a qualified
 3 voter because of the reason stated on my application heretofore submit-
 4 ted; that I have not qualified, or do I intend to vote, elsewhere than
 5 as set forth on the reverse side of this envelope; that I have not
 6 received or offered, do not expect to receive, have not paid, offered or
 7 promised to pay, contributed, offered or promised to contribute to
 8 another to be paid or used, any money or other valuable thing, as a
 9 compensation or reward for the giving or withholding of a vote at this
 10 district election, and have not made any promise to influence the giving
 11 or withholding of any such votes; that I have not made or become direct-
 12 ly or indirectly interested in any bet or wager depending upon the
 13 result of this district election; and that I have not been convicted of
 14 bribery or any infamous crime, or, if so convicted, that I have been
 15 pardoned or restored to all the rights of a citizen, without restriction
 16 as to the right of suffrage, or received a certificate of [good conduct]
 17 RESTORATION granted by the board of parole OR SENTENCING COURT pursuant
 18 to the provisions of ARTICLE TWENTY-THREE OF the [executive] CORRECTION
 19 law removing my disability to register and vote OR MY MAXIMUM SENTENCE
 20 OF IMPRISONMENT HAS EXPIRED.

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

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

26 S 28. Paragraph b of subdivision 5 of section 213-b of the town law,
 27 as added by chapter 400 of the laws of 1985, is amended to read as
 28 follows:

29 b. On the reverse side of such envelope shall be printed the follow-
 30 ing statement:

31 STATEMENT OF ABSENTEE VOTER

32 I do declare that I will have been a citizen of the United States for
 33 thirty days, and will be at least eighteen years of age, on the date of
 34 the district election; that I will have been a resident of this state
 35 and of the district if any, shown on the reverse side of this envelope
 36 for thirty days next preceding the said election and that I am or on
 37 such date will be, a registered voter of said district; that I will be
 38 unable to appear personally on the day of said district election at the
 39 polling place of the said district in which I am or will be a qualified
 40 voter because of the reason stated on my application heretofore submit-
 41 ted; that I have not qualified, or do I intend to vote, elsewhere than
 42 as set forth on the reverse side of this envelope; that I have not
 43 received or offered, do not expect to receive, have not paid, offered or
 44 promised to pay, contributed, offered or promised to contribute to
 45 another to be paid or used, any money or other valuable thing, as a
 46 compensation or reward for the giving or withholding of a vote at this
 47 district election, and have not made any promise to influence the giving
 48 or withholding of any such votes; that I have not made or become direct-
 49 ly or indirectly interested in any bet or wager depending upon the
 50 result of this district election; and that I have not been convicted of
 51 bribery or any infamous crime, or, if so convicted, that I have been
 52 pardoned or restored to all the rights of a citizen, without restriction
 53 as to the right of suffrage, or received a certificate of [good conduct]
 54 RESTORATION granted by the board of parole OR SENTENCING COURT pursuant
 55 to the provisions of ARTICLE TWENTY-THREE OF the [executive] CORRECTION

1 law removing my disability to register and vote OR MY MAXIMUM SENTENCE
2 OF IMPRISONMENT HAS EXPIRED.

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

7 Date..... Signature of Voter

8 S 29. Paragraph b of subdivision 5 of section 2018-a of the education
9 law, as amended by chapter 506 of the laws of 1991, is amended to read
10 as follows:

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

13 STATEMENT OF ABSENTEE VOTER

14 I do declare that I am a citizen of the United States, and will be at
15 least eighteen years of age, on the date of the school district
16 election; that I will have been a resident of this state and of the
17 school district and school election district, if any, shown on the
18 reverse side of this envelope for thirty days next preceding the said
19 election and duly registered in the school district and school election
20 district, if any, shown on the reverse side of this envelope and that I
21 am or on such date will be, a qualified voter of said school district;
22 that I will be unable to appear personally on the day of said school
23 district election at the polling place of the said district in which I
24 am or will be a qualified voter because of the reason stated on my
25 application heretofore submitted; that I have not qualified, or do I
26 intend to vote, elsewhere than as set forth on the reverse side of this
27 envelope; that I have not received or offered, do not expect to receive,
28 have not paid, offered or promised to pay, contributed, offered or prom-
29 ised to contribute to another to be paid or used, any money or other
30 valuable thing, as a compensation or reward for the giving or withhold-
31 ing of a vote at this school district election, and have not made any
32 promise to influence the giving or withholding of any such votes; that I
33 have not made or become directly or indirectly interested in any bet or
34 wager depending upon the result of this school district election; and
35 that I have not been convicted of bribery or any infamous crime, or, if
36 so convicted, that I have been pardoned or restored to all the rights of
37 a citizen, without restriction as to the right of suffrage, or received
38 a certificate of [good conduct] RESTORATION granted by the board of
39 parole OR SENTENCING COURT pursuant to the provisions of ARTICLE TWEN-
40 TY-THREE OF the [executive] CORRECTION law removing my disability to
41 register and vote OR MY MAXIMUM SENTENCE OF IMPRISONMENT HAS EXPIRED.

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

46 Date.....Signature of Voter

47 S 30. Paragraph b of subdivision 6 of section 2018-b of the education
48 law, as amended by chapter 46 of the laws of 1992, is amended to read as
49 follows:

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

1

STATEMENT OF ABSENTEE VOTER

2 I do declare that I am a citizen of the United States, and will be at
3 least eighteen years of age on the date of the school district election;
4 that I will have been a resident of this state and of the school
5 district and school election district, if any, shown on the reverse side
6 of this envelope for thirty days next preceding the said election and
7 that I am or on such date will be, a qualified voter of said school
8 district; that I will be unable to appear personally on the day of said
9 school district election at the polling place of the said district in
10 which I am or will be a qualified voter because of the reason stated on
11 my application heretofore submitted; that I have not qualified, or do I
12 intend to vote, elsewhere than as set forth on the reverse side of this
13 envelope; that I have not received or offered, do not expect to receive,
14 have not paid, offered or promised to pay, contributed, offered or prom-
15 ised to contribute to another to be paid or used, any money or other
16 valuable thing, as a compensation or reward for the giving or withhold-
17 ing of a vote at this school district election, and have not made any
18 promise to influence the giving or withholding of any such votes; that I
19 have not made or become directly or indirectly interested in any bet or
20 wager depending upon the result of this school district election; and
21 that I have not been convicted of bribery [of] OR any infamous crime,
22 or, if so convicted, that I have been pardoned or restored to all the
23 rights of a citizen, without restriction as to the right of suffrage, or
24 have received a certificate of [good conduct] RESTORATION granted by the
25 board of parole OR SENTENCING COURT pursuant to the provisions of ARTI-
26 CLE TWENTY-THREE OF the [executive] CORRECTION law removing my disabili-
27 ty to vote OR MY MAXIMUM SENTENCE OF IMPRISONMENT HAS EXPIRED.

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

32 Date.....Signature of Voter

33 S 31. Subdivision 2 of section 69-o of the general business law, as
34 amended by chapter 575 of the laws of 1993, is amended to read as
35 follows:

36 2. After the filing of an applicant's fingerprint cards, the secretary
37 of state shall forward such fingerprints to the division of criminal
38 justice services to be compared with the fingerprints on file with the
39 division of criminal justice services in order to ascertain whether the
40 applicant has been convicted of a felony involving fraud, bribery,
41 perjury or theft pursuant to article one hundred forty, one hundred
42 fifty-five, one hundred sixty, one hundred sixty-five, one hundred
43 seventy, one hundred seventy-five, one hundred seventy-six, one hundred
44 eighty, one hundred eighty-five, one hundred ninety, one hundred nine-
45 ty-five, two hundred or two hundred ten of the penal law; or has a crim-
46 inal action which has been pending for such a felony for under one year
47 without a final disposition unless adjourned in contemplation of
48 dismissal; provided, however, that for the purposes of this article,
49 none of the following shall be considered criminal convictions or
50 reported as such:

51 (a) A conviction which has been vacated and replaced by a youthful
52 offender finding pursuant to article seven hundred twenty of the crimi-
53 nal procedure law, or the applicable provisions of law of any other
54 jurisdiction; or

1 (b) A conviction the records of which have been expunged or sealed
2 pursuant to the applicable provisions of the laws of this state or of
3 any other jurisdiction; or

4 (c) A conviction for which [a certificate of relief from disabilities
5 or] a certificate of [good conduct] RESTORATION has been issued pursuant
6 to ARTICLE TWENTY-THREE OF the correction law.

7 The division of criminal justice services shall retain the fingerprint
8 cards and return the report of such convictions or pending cases, if
9 any, to the secretary of state who shall retain them in a confidential
10 file for no more than one year, after which time such report shall be
11 destroyed.

12 The secretary of state shall deny the application of any individual
13 convicted of a felony involving fraud, bribery, perjury or theft pursu-
14 ant to article one hundred forty, one hundred fifty-five, one hundred
15 sixty, one hundred sixty-five, one hundred seventy, one hundred seven-
16 ty-five, one hundred seventy-six, one hundred eighty, one hundred eight-
17 y-five, one hundred ninety, one hundred ninety-five, two hundred or two
18 hundred ten of the penal law; or has a criminal action which has been
19 pending for such a felony for under one year without a final disposition
20 unless adjourned in contemplation of dismissal; provided, however, that
21 for the purposes of this article, none of the following shall be consid-
22 ered criminal convictions or reported as such:

23 (i) A conviction which has been vacated and replaced by a youthful
24 offender finding pursuant to article seven hundred twenty of the crimi-
25 nal procedure law, or the applicable provisions of law of any other
26 jurisdiction; or

27 (ii) A conviction the records of which have been expunged or sealed
28 pursuant to the applicable provisions of the laws of this state or of
29 any other jurisdiction; or

30 (iii) A conviction for which [a certificate of relief from disabili-
31 ties or] a certificate of [good conduct] RESTORATION has been issued
32 pursuant to ARTICLE TWENTY-THREE OF the correction law.

33 S 32. Subdivision 1 of section 81 of the general business law, as
34 amended by chapter 562 of the laws of 2000, is amended to read as
35 follows:

36 1. The holder of any license certificate issued pursuant to this arti-
37 cle may employ to assist him in his work of private detective or inves-
38 tigator or bail enforcement agent as described in section seventy-one OF
39 THIS ARTICLE and in the conduct of such business as many persons as he
40 may deem necessary, and shall at all times during such employment be
41 legally responsible for the good conduct in the business of each and
42 every person so employed.

43 No holder of any unexpired license certificate issued pursuant to this
44 article shall knowingly employ in connection with his or its business in
45 any capacity whatsoever, any person who has been convicted of a felony
46 or any of the offenses specified in subdivision two of section seventy-
47 four of this [chapter] ARTICLE, and who has not subsequent to such
48 conviction received executive pardon therefor removing this disability,
49 or received a certificate of [good conduct] RESTORATION granted by the
50 board of parole OR SENTENCING COURT pursuant to the provisions of ARTI-
51 CLE TWENTY-THREE OF the [executive] CORRECTION law to remove the disa-
52 bility under this section because of such a conviction, or any person
53 whose private detective or investigator's license or bail enforcement
54 agent's license was revoked or application for such license was denied
55 by the department of state or by the authorities of any other state or
56 territory because of conviction of any of such offenses. Should the

1 holder of an unexpired license certificate falsely state or represent
2 that a person is or has been in his employ, such false statement or
3 misrepresentation shall be sufficient cause for the revocation of such
4 license. Any person falsely stating or representing that he is or has
5 been a detective or employed by a detective agency or that he is or has
6 been a bail enforcement agent or employed by a bail enforcement agency
7 shall be guilty of a misdemeanor.

8 S 33. Paragraph 4 of subsection (d) of section 2108 of the insurance
9 law is amended to read as follows:

10 (4) This subsection shall not prevent the employment of or the issu-
11 ance of a license to any person who, subsequent to his conviction, shall
12 have received executive pardon therefor removing this disability, or who
13 has received a certificate of [good conduct] RESTORATION granted by the
14 board of parole OR SENTENCING COURT pursuant to the provisions of ARTI-
15 CLE TWENTY-THREE OF the [executive] CORRECTION law to remove the disa-
16 bility under this section because of such conviction or previous license
17 revocation occasioned thereby.

18 S 34. Subdivision 6 of section 369 of the banking law, as amended by
19 chapter 164 of the laws of 2003, is amended to read as follows:

20 6. The superintendent may refuse to issue a license pursuant to this
21 article if he shall find that the applicant, or any person who is a
22 director, officer, partner, agent, employee or substantial stockholder
23 of the applicant, (a) has been convicted of a crime in any jurisdiction
24 or (b) is associating or consorting with any person who has, or persons
25 who have, been convicted of a crime or crimes in any jurisdiction or
26 jurisdictions; provided, however, that the superintendent shall not
27 issue such a license if he shall find that the applicant, or any person
28 who is a director, officer, partner, agent, employee or substantial
29 stockholder of the applicant, has been convicted of a felony in any
30 jurisdiction or of a crime which, if committed within this state, would
31 constitute a felony under the laws thereof. For the purposes of this
32 article, a person shall be deemed to have been convicted of a crime if
33 such person shall have pleaded guilty to a charge thereof before a court
34 or magistrate, or shall have been found guilty thereof by the decision
35 or judgment of a court or magistrate or by the verdict of a jury, irre-
36 spective of the pronouncement of sentence or the suspension thereof,
37 unless such plea of guilty, or such decision, judgment or verdict, shall
38 have been set aside, reversed or otherwise abrogated by lawful judicial
39 process or unless the person convicted of the crime shall have received
40 a pardon therefor from the president of the United States or the gover-
41 nor or other pardoning authority in the jurisdiction where the
42 conviction was had, or shall have received a certificate of [good
43 conduct] RESTORATION granted by the board of parole OR SENTENCING COURT
44 pursuant to the provisions of ARTICLE TWENTY-THREE OF the [executive]
45 CORRECTION law to remove the disability under this article because of
46 such conviction. The term "substantial stockholder," as used in this
47 subdivision, shall be deemed to refer to a person owning or controlling
48 ten per centum or more of the total outstanding stock of the corporation
49 in which such person is a stockholder. In making a determination pursu-
50 ant to this subdivision, the superintendent shall require fingerprinting
51 of the applicant. Such fingerprints shall be submitted to the division
52 of criminal justice services for a state criminal history record check,
53 as defined in subdivision one of section three thousand thirty-five of
54 the education law, and may be submitted to the federal bureau of inves-
55 tigation for a national criminal history record check.

1 S 35. Paragraph (b) of subdivision 3 of section 599-c of the banking
2 law, as amended by chapter 553 of the laws of 2007, is amended to read
3 as follows:

4 (b) For the purposes of paragraph (a) of this subdivision, a person
5 shall be deemed to have been convicted of a crime if such person shall
6 have pled guilty to a charge thereof before a court or magistrate, or
7 shall have been found guilty thereof by the decision or judgment of a
8 court or magistrate or by the verdict of a jury, irrespective of the
9 pronouncement of sentence or the suspension thereof; provided, however,
10 such conviction of a crime shall not require the superintendent to
11 refuse to authorize such applicant, if such plea of guilty, or such
12 decision, judgment or verdict, shall have been set aside, reversed or
13 otherwise abrogated by lawful judicial process or unless the person
14 convicted of the crime shall have received a pardon therefor from the
15 president of the United States or the governor or other pardoning
16 authority in the jurisdiction where the conviction was had, or shall
17 have received a certificate of [good conduct] RESTORATION granted by the
18 board of parole OR SENTENCING COURT pursuant to the provisions of ARTI-
19 CLE TWENTY-THREE OF the [executive] CORRECTION law to remove the disa-
20 bility under this article because of such conviction. Notwithstanding
21 the foregoing, the superintendent shall consider the factors set forth
22 in section seven hundred fifty-three of the correction law when making a
23 determination to refuse to issue or renew, or to revoke or suspend an
24 authorization.

25 S 36. Paragraph 5 of subdivision a of section 265.20 of the penal law,
26 as amended by chapter 235 of the laws of 2007, is amended to read as
27 follows:

28 5. Possession of a rifle or shotgun by a person other than a person
29 who has been convicted of a class A-I felony or a violent felony
30 offense, as defined in subdivision one of section 70.02 of this chapter,
31 who has been convicted as specified in subdivision four of section
32 265.01 OF THIS ARTICLE to whom a certificate of [good conduct] RESTORA-
33 TION has been issued [pursuant to section seven hundred three-b of the
34 correction law].

35 S 37. Section 751 of the correction law, as amended by chapter 284 of
36 the laws of 2007, is amended to read as follows:

37 S 751. Applicability. The provisions of this article shall apply to
38 any application by any person for a license or employment at any public
39 or private employer, who has previously been convicted of one or more
40 criminal offenses in this state or in any other jurisdiction, and to any
41 license or employment held by any person whose conviction of one or more
42 criminal offenses in this state or in any other jurisdiction preceded
43 such employment or granting of a license, except where a mandatory
44 forfeiture, disability or bar to employment is imposed by law, and has
45 not been removed by an executive pardon, certificate of [relief from
46 disabilities or certificate of good conduct] RESTORATION. Nothing in
47 this article shall be construed to affect any right an employer may have
48 with respect to an intentional misrepresentation in connection with an
49 application for employment made by a prospective employee or previously
50 made by a current employee.

51 S 38. Subdivision 2 of section 753 of the correction law, as added by
52 chapter 931 of the laws of 1976, is amended to read as follows:

53 2. In making a determination pursuant to section seven hundred fifty-
54 two of this [chapter] ARTICLE, the public agency or private employer
55 shall also give consideration to a certificate of [relief from disabili-
56 ties or a certificate of good conduct] RESTORATION issued to the appli-

1 cant, which certificate shall create a presumption of rehabilitation in
2 regard to the offense or offenses specified therein.

3 S 39. The closing paragraph of section 79-a of the civil rights law,
4 as amended by chapter 687 of the laws of 1973, is amended to read as
5 follows:

6 Nothing in this section shall be deemed to preclude the issuance of a
7 certificate of [good conduct] RESTORATION by the board of parole OR
8 SENTENCING COURT pursuant to law to a person who previously has been
9 sentenced to imprisonment for life.

10 S 40. The first undesignated paragraph of section 440-a of the real
11 property law, as amended by chapter 430 of the laws of 2008, is amended
12 to read as follows:

13 No person, co-partnership, limited liability company or corporation
14 shall engage in or follow the business or occupation of, or hold himself
15 or itself out or act temporarily or otherwise as a real estate broker or
16 real estate salesman in this state without first procuring a license
17 therefor as provided in this article. No person shall be entitled to a
18 license as a real estate broker under this article, either as an indi-
19 vidual or as a member of a co-partnership, or as a member or manager of
20 a limited liability company or as an officer of a corporation, unless he
21 or she is twenty years of age or over, a citizen of the United States or
22 an alien lawfully admitted for permanent residence in the United States.
23 No person shall be entitled to a license as a real estate salesman under
24 this article unless he or she is over the age of eighteen years. No
25 person shall be entitled to a license as a real estate broker or real
26 estate salesman under this article who has been convicted in this state
27 or elsewhere of a felony, of a sex offense, as defined in subdivision
28 two of section one hundred sixty-eight-a of the correction law or any
29 offense committed outside of this state which would constitute a sex
30 offense, or a sexually violent offense, as defined in subdivision three
31 of section one hundred sixty-eight-a of the correction law or any
32 offense committed outside this state which would constitute a sexually
33 violent offense, and who has not subsequent to such conviction received
34 executive pardon therefor or a certificate of [good conduct] RESTORATION
35 from the parole board OR SENTENCING COURT, to remove the disability
36 under this section because of such conviction. No person shall be enti-
37 tled to a license as a real estate broker or real estate salesman under
38 this article who does not meet the requirements of section 3-503 of the
39 general obligations law.

40 S 41. Paragraph (a) of subdivision 1 of section 20-438 of the adminis-
41 trative code of the city of New York, is amended to read as follows:

42 (a) Issuance of licenses to conduct games of chance. If such depart-
43 ment shall determine that the applicant is duly qualified to be licensed
44 to conduct games of chance under this subchapter; that the members of
45 the applicant designated in the application to conduct games of chance
46 are bona fide active members of the applicant and are persons of good
47 moral character and have never been convicted of a crime, or, if
48 convicted, have received a pardon or a certificate of [good conduct]
49 RESTORATION; that such games are to be conducted in accordance with the
50 provisions of this subchapter and in accordance with the rules and regu-
51 lations of the board and that the proceeds thereof are to be disposed of
52 as provided by this subchapter; and if such department is satisfied that
53 no commission, salary, compensation, reward or recompense whatever will
54 be paid or given to any person holding, operating or conducting or
55 assisting in the holding, operation and conduct of any such games except
56 as in this subchapter otherwise provided; and that no prize will be

1 given in excess of the sum or value of one hundred dollars in any single
2 game and that the aggregate of all prizes given on one occasion, under
3 said license shall not exceed the sum or value of one thousand dollars,
4 the department shall issue a license to the applicant for the conduct of
5 games of chance upon payment of a license fee of twenty-five dollars for
6 each license period.

7 S 42. Paragraph (a) of subdivision 5 of section 2806 of the public
8 health law, as amended by chapter 584 of the laws of 1983, is amended to
9 read as follows:

10 (a) Except as provided in paragraphs (b) and (d) of this subdivision,
11 anything contained in this section or in a certificate of [relief from
12 disabilities] RESTORATION issued pursuant to article twenty-three of the
13 correction law to the contrary notwithstanding, a hospital operating
14 certificate of a hospital under control of a controlling person as
15 defined in paragraph (a) of subdivision twelve of section twenty-eight
16 hundred one-a of this [chapter] ARTICLE, or under control of any other
17 entity, shall be revoked upon a finding by the department that such
18 controlling person or any individual, member of a partnership or share-
19 holder of a corporation to whom or to which an operating certificate has
20 been issued, has been convicted of a class A, B or C felony, or a felony
21 related in any way to any activity or program subject to the regu-
22 lations, supervision, or administration of the department or of the
23 department of social services or in violation of the public officers law
24 in a court of competent jurisdiction in the state, or of a crime outside
25 the state which, if committed within the state, would have been a class
26 A, B or C felony or a felony related in any way to any activity or
27 program subject to the regulations, supervision, or administration of
28 the department or of the department of social services or in violation
29 of the public officers law.

30 S 43. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision
31 2 of section 509-c of the vehicle and traffic law, paragraph (a) of
32 subdivision 1 as amended by chapter 360 of the laws of 1986 and para-
33 graph (a) of subdivision 2 as added by chapter 675 of the laws of 1985,
34 are amended to read as follows:

35 (a) permanently, if that person has been convicted of or forfeited
36 bond or collateral which forfeiture order has not been vacated or the
37 subject of an order of remission upon a violation of section 130.30,
38 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
39 offense committed under a former section of the penal law which would
40 constitute a violation of the aforesaid sections of the penal law or any
41 offense committed outside of this state which would constitute a
42 violation of the aforesaid sections of the penal law, provided, however,
43 the provisions of this paragraph shall not apply to convictions, suspen-
44 sions or revocations or forfeitures of bonds for collateral upon any of
45 the charges listed in this paragraph for violations which occurred prior
46 to September first, nineteen hundred seventy-four committed by a person
47 employed as a bus driver on September first, nineteen hundred seventy-
48 four. However, such disqualification may be waived provided that five
49 years have expired since the applicant was discharged or released from a
50 sentence of imprisonment imposed pursuant to conviction of an offense
51 that requires disqualification under this paragraph and that the appli-
52 cant shall have been granted a certificate of [relief from disabilities]
53 RESTORATION as provided for in [section seven hundred one] ARTICLE TWEN-
54 TY-THREE of the correction law.

55 (a) permanently, if that person has been convicted of or forfeited
56 bond or collateral which forfeiture order has not been vacated or the

1 subject of an order of remission upon a violation committed prior to
2 September fifteenth, nineteen hundred eighty-five, of section 130.30,
3 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
4 offense committed under a former section of the penal law which would
5 constitute a violation of the aforesaid sections of the penal law or any
6 offense committed outside of this state which would constitute a
7 violation of the aforesaid sections of the penal law. However, such
8 disqualification may be waived provided that five years have expired
9 since the applicant was discharged or released from a sentence of impri-
10 sonment imposed pursuant to conviction of an offense that requires
11 disqualification under this paragraph and that the applicant shall have
12 been granted a certificate of [relief from disabilities] RESTORATION as
13 provided for in [section seven hundred one] ARTICLE TWENTY-THREE of the
14 correction law.

15 S 44. Paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-
16 sion 1 and paragraphs (a) and (b) and subparagraph (i) of paragraph (c)
17 of subdivision 2 of section 509-cc of the vehicle and traffic law, para-
18 graph (a) and subparagraph (i) of paragraph (b) of subdivision 1, para-
19 graph (a) of subdivision 2 and subparagraph (i) of paragraph (c) of
20 subdivision 2, as added by chapter 675 of the laws of 1985 and paragraph
21 (b) of subdivision 2 as amended by chapter 360 of the laws of 1986, are
22 amended to read as follows:

23 (a) permanently, if that person

24 (i) has been convicted of or forfeited bond or collateral which
25 forfeiture order has not been vacated or the subject of an order of
26 remission upon a violation committed prior to September fifteenth, nine-
27 teen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50,
28 130.60, or 130.65 of the penal law, or an offense committed under a
29 former section of the penal law which would constitute a violation of
30 the aforesaid sections of the penal law or any offense committed outside
31 of this state which would constitute a violation of the aforesaid
32 sections of the penal law, provided, however, the provisions of this
33 subparagraph shall not apply to convictions, suspensions or revocations
34 or forfeitures of bonds for collateral upon any of the charges listed in
35 this subparagraph for violations which occurred prior to September
36 first, nineteen hundred seventy-four committed by a person employed as a
37 bus driver on September first, nineteen hundred seventy-four. However,
38 such disqualification may be waived provided that five years have
39 expired since the applicant was discharged or released from a sentence
40 of imprisonment imposed pursuant to conviction of an offense that
41 requires disqualification under this paragraph and that the applicant
42 shall have been granted a certificate of [relief from disabilities]
43 RESTORATION as provided for in [section seven hundred one] ARTI-
44 CLE TWEN-
45 TY-THREE of the correction law. When the certificate is issued by a
46 court for a conviction which occurred in this state, it shall only be
47 issued by the court having jurisdiction over such conviction. Such
48 certificate shall specifically indicate that the authority granting such
49 certificate has considered the bearing, if any, the criminal offense or
50 offenses for which the person was convicted will have on the applicant's
51 fitness or ability to operate a bus transporting school children to the
52 applicant's prospective employment, prior to granting such a certif-
53 icate; or

54 (ii) has been convicted of an offense listed in paragraph (a) of
55 subdivision four of this section that was committed on or after Septem-
56 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
tion may be waived by the commissioner provided that five years have

1 expired since the applicant was discharged or released from a sentence
2 of imprisonment imposed pursuant to conviction of an offense that
3 requires disqualification under this paragraph and that the applicant
4 shall have been granted a certificate of [relief from disabilities]
5 RESTORATION as provided for in [section seven hundred one] ARTICLE TWEN-
6 TY-THREE of the correction law. When the certificate is issued by a
7 court for a conviction which occurred in this state, it shall only be
8 issued by the court having jurisdiction over such conviction. Such
9 certificate shall specifically indicate that the authority granting such
10 certificate has considered the bearing, if any, the criminal offense or
11 offenses for which the person was convicted will have on the applicant's
12 fitness or ability to operate a bus transporting school children, prior
13 to granting such a certificate; or

14 (iii) has been convicted of an offense listed in paragraph (b) of
15 subdivision four of this section that was committed on or after Septem-
16 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
17 tion shall be waived provided that five years have expired since the
18 applicant discharged or released from a sentence of imprisonment imposed
19 pursuant to conviction of an offense that requires disqualification
20 under this paragraph and that the applicant shall have been granted a
21 certificate of [relief from disabilities] RESTORATION as provided for in
22 [section seven hundred one] ARTICLE TWENTY-THREE of the correction law.
23 When the certificate is issued by a court for a conviction which
24 occurred in this state, it shall only be issued by the court having
25 jurisdiction over such conviction. Such certificate shall specifically
26 indicate that the authority granting such certificate has considered the
27 bearing, if any, the criminal offense or offenses for which the person
28 was convicted will have on the applicant's fitness or ability to operate
29 a bus transporting school children, prior to granting such a certifi-
30 cate. Provided, however, that at the discretion of the commissioner,
31 the certificate of relief from disabilities may remove disqualification
32 at any time; or

33 (i) has been convicted within the preceding five years of an offense
34 listed in paragraph (c) of subdivision four of this section that was
35 committed on or after September fifteenth, nineteen hundred eighty-five.
36 However, such disqualification shall be waived provided that the appli-
37 cant has been granted a certificate of [relief from disabilities] RESTO-
38 RATION as provided for in [section seven hundred one] ARTICLE
39 TWENTY-THREE of the correction law. When the certificate is issued by a
40 court for a conviction which occurred in this state, it shall only be
41 issued by the court having jurisdiction over such conviction. Such
42 certificate shall specifically indicate that the authority granting such
43 certificate has considered the bearing, if any, the criminal offense or
44 offenses for which the person was convicted will have on the applicant's
45 fitness or ability to operate a bus transporting school children, prior
46 to granting such a certificate;

47 (a) permanently, if that person has been convicted of an offense list-
48 ed in paragraph (a) of subdivision four of this section. However, such
49 disqualification may be waived by the commissioner provided that five
50 years have expired since the applicant was discharged or released from a
51 sentence of imprisonment imposed pursuant to conviction of an offense
52 that requires disqualification under this paragraph and that the appli-
53 cant shall have been granted a certificate of [relief from disabilities]
54 RESTORATION as provided for in [section seven hundred one] ARTICLE TWEN-
55 TY-THREE of the correction law. When the certificate is issued by a
56 court for a conviction which occurred in this state, it shall only be

1 issued by the court having jurisdiction over such conviction. Such
2 certificate shall specifically indicate that the authority granting such
3 certificate has considered the bearing, if any, the criminal offense or
4 offenses for which the person was convicted will have on the applicant's
5 fitness or ability to operate a bus transporting school children to the
6 applicant's prospective employment, prior to granting such a certifi-
7 cate.

8 (b) permanently, if that person has been convicted of an offense list-
9 ed in paragraph (b) of subdivision four of this section. However, such
10 disqualification shall be waived provided that five years have expired
11 since the applicant was incarcerated pursuant to a sentence of imprison-
12 ment imposed on conviction of an offense that requires disqualification
13 under this paragraph and that the applicant shall have been granted a
14 certificate of [relief from disabilities] RESTORATION as provided for in
15 [section seven hundred one] ARTICLE TWENTY-THREE of the correction law.
16 When the certificate is issued by a court for a conviction which
17 occurred in this state, it shall only be issued by the court having
18 jurisdiction over such conviction. Such certificate shall specifically
19 indicate that the authority granting such certificate has considered the
20 bearing, if any, the criminal offense or offenses for which the person
21 was convicted will have on the applicant's fitness or ability to operate
22 a bus transporting school children, prior to granting such a certifi-
23 cate. Provided, however, that at the discretion of the commissioner the
24 certificate of [relief from disabilities] RESTORATION may remove
25 disqualification at any time.

26 (i) has been convicted within the preceding five years of an offense
27 listed in paragraph (c) of subdivision four of this section. However,
28 notwithstanding the provisions of subdivision three of section seven
29 hundred one of the correction law. Such disqualification shall be waived
30 provided that the applicant has been granted a certificate of [relief
31 from disabilities as provided for in section seven hundred one-g of the
32 correction law] RESTORATION. When the certificate is issued by a court
33 for a conviction which occurred in this state, it shall only be issued
34 by the court having jurisdiction over such conviction. Such certificate
35 shall specifically indicate that the authority granting such certificate
36 has considered the bearing, if any, the criminal offense or offenses for
37 which the person was convicted will have on the applicant's fitness or
38 ability to operate a bus transporting school children, prior to granting
39 such a certificate.

40 S 45. Subparagraph (iii) of paragraph d of subdivision 6 of section
41 510 of the vehicle and traffic law, as added by chapter 173 of the laws
42 of 1990, is amended to read as follows:

43 (iii) after such documentation, if required, is accepted, that such
44 person is granted a certificate of [relief from disabilities] RESTORA-
45 TION as provided for in [section seven hundred one] ARTICLE TWENTY-THREE
46 of the correction law by the court in which such person was last penal-
47 ized.

48 S 46. Subparagraph (iii) of paragraph (c) of subdivision 2 of section
49 510-a of the vehicle and traffic law, as amended by section 13 of part E
50 of chapter 60 of the laws of 2005, is amended to read as follows:

51 (iii) after such documentation, if required, is accepted, that such
52 person is granted a certificate of [relief from disabilities] RESTORA-
53 TION as provided for in [section seven hundred one] ARTICLE TWENTY-THREE
54 of the correction law by the court in which such person was last penal-
55 ized.

1 S 47. Subdivision 5 of section 530 of the vehicle and traffic law, as
2 amended by section 15 of part E of chapter 60 of the laws of 2005, is
3 amended to read as follows:

4 (5) A restricted use license or privilege shall be valid for the oper-
5 ation of any motor vehicle, except a vehicle for hire as a taxicab,
6 livery, coach, limousine, van or wheelchair accessible van or tow truck
7 as defined in this chapter subject to the conditions set forth herein,
8 which the holder would otherwise be entitled to operate had his drivers
9 license or privilege not been suspended or revoked. Notwithstanding
10 anything to the contrary in a certificate of [relief from disabilities]
11 RESTORATION issued pursuant to article twenty-three of the correction
12 law, a restricted use license shall not be valid for the operation of a
13 commercial motor vehicle. A restricted use license shall not be valid
14 for the operation of a vehicle for hire as a taxicab, livery, coach,
15 limousine, van or wheelchair accessible van or tow truck where the hold-
16 er thereof had his or her drivers license suspended or revoked and (i)
17 such suspension or revocation is mandatory pursuant to the provisions of
18 subdivision two or two-a of section five hundred ten of this title; or
19 (ii) any such suspension is permissive for habitual or persistent
20 violations of this chapter or any local law relating to traffic as set
21 forth in paragraph d or i of subdivision three of section five hundred
22 ten of this title; or (iii) any such suspension is permissive and has
23 been imposed by a magistrate, justice or judge of any city, town or
24 village, any supreme court justice, any county judge, or judge of a
25 district court. Except for a commercial motor vehicle as defined in
26 subdivision four of section five hundred one-a of this title, the
27 restrictions on types of vehicles which may be operated with a
28 restricted license contained in this subdivision shall not be applicable
29 to a restricted license issued to a person whose license has been
30 suspended pursuant to paragraph three of subdivision four-e of section
31 five hundred ten of this [chapter] TITLE.

32 S 48. Item (ii) of clause (b) of subparagraph 12 of paragraph (b) of
33 subdivision 2 of section 1193 of the vehicle and traffic law, as added
34 by chapter 732 of the laws of 2006, is amended to read as follows:

35 (ii) that such person is granted a certificate of [relief from disa-
36 bilities] RESTORATION as provided for in [section seven hundred one]
37 ARTICLE TWENTY-THREE of the correction law by the court in which such
38 person was last sentenced.

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

42 S 49. Subparagraph 1 of paragraph (d) of subdivision 2 of section 1193
43 of the vehicle and traffic law, as amended by chapter 173 of the laws of
44 1990, is amended to read as follows:

45 (1) Notwithstanding anything to the contrary contained in a certif-
46 icate of [relief from disabilities] RESTORATION issued pursuant to arti-
47 cle twenty-three of the correction law, where a suspension or revoca-
48 tion, other than a revocation required to be issued by the commissioner,
49 is mandatory pursuant to paragraph (a) or (b) of this subdivision, the
50 magistrate, justice or judge shall issue an order suspending or revoking
51 such license upon sentencing, and the license holder shall surrender
52 such license to the court. Except as hereinafter provided, such suspen-
53 sion or revocation shall take effect immediately.

54 S 50. Item (iii) of clause (e) of subparagraph 12 of paragraph (b) of
55 subdivision 2 of section 1193 of the vehicle and traffic law, as added
56 by chapter 732 of the laws of 2006, is amended to read as follows:

1 (iii) after such documentation is accepted, that such person is grant-
2 ed a certificate of [relief from disabilities] RESTORATION as provided
3 for in [section seven hundred one] ARTICLE TWENTY-THREE of the
4 correction law by the court in which such person was last sentenced.

5 Notwithstanding the provisions of this clause, nothing contained in
6 this clause shall be deemed to require the commissioner to restore a
7 license to an applicant who otherwise has complied with the requirements
8 of this item, in the interest of the public safety and welfare.

9 S 51. Item (iii) of clause a of subparagraph 3 of paragraph (e) of
10 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
11 by chapter 173 of the laws of 1990, is amended to read as follows:

12 (iii) after such documentation is accepted, that such person is grant-
13 ed a certificate of [relief from disabilities] RESTORATION as provided
14 for in [section seven hundred one] ARTICLE TWENTY-THREE of the
15 correction law by the court in which such person was last penalized
16 pursuant to paragraph (d) of subdivision one of this section.

17 S 52. Item (iii) of clause c of subparagraph 1 of paragraph (d) of
18 subdivision 2 of section 1194 of the vehicle and traffic law, as amended
19 by chapter 732 of the laws of 2006, is amended to read as follows:

20 (iii) after such documentation is accepted, that such person is grant-
21 ed a certificate of [relief from disabilities] RESTORATION as provided
22 for in [section seven hundred one] ARTICLE TWENTY-THREE of the
23 correction law by the court in which such person was last penalized.

24 S 53. Paragraph (g) of subdivision 7 of section 1196 of the vehicle
25 and traffic law, as amended by section 19 of part E of chapter 60 of the
26 laws of 2005, is amended to read as follows:

27 (g) Notwithstanding anything to the contrary contained in a certif-
28 icate of [relief from disabilities] RESTORATION issued pursuant to arti-
29 cle twenty-three of the correction law, any conditional license or priv-
30 ilege issued to a person convicted of a violation of any subdivision of
31 section eleven hundred ninety-two of this article shall not be valid for
32 the operation of any commercial motor vehicle. In addition, no such
33 conditional license or privilege shall be valid for the operation of a
34 taxicab as defined in this chapter.

35 S 54. Whenever the term "certificate of good conduct" or "certificate
36 of relief from disabilities" or any equivalent expression thereof is
37 used in any provision of law, either such term shall be deemed to mean
38 and refer to a certificate of restoration as established in this act.

39 S 55. Any certificate of relief from disabilities or certificate of
40 good conduct issued prior to the effective date of this act shall be
41 deemed the equivalent of a certificate of restoration and shall remain
42 in full force and effect on and after the effective date of this act.
43 Nothing in this act shall be read to invalidate a certificate of relief
44 from disabilities or a certificate of good conduct issued prior to the
45 effective date of this act.

46 S 56. This act shall take effect on the ninetieth day after it shall
47 have become a law, provided that:

48 (a) the amendments to subdivision 2 of section 701 of the correction
49 law made by section two of this act shall be subject to the expiration
50 and reversion of such subdivision pursuant to section 9 of chapter 533
51 of the laws of 1993, as amended, when upon such date the provisions of
52 section three of this act shall take effect;

53 (b) the amendments to subdivision 5 of section 530 of the vehicle and
54 traffic law made by section forty-seven of this act shall not affect the
55 expiration of such subdivision and shall be deemed to expire therewith.