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

8000

I N S E N A T E

May 28, 2010

Introduced by Sens. HASSELL-THOMPSON, ADAMS, DUANE, MONTGOMERY, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to providing inmates and parolees access to pre-sentence reports that had been prepared for sentencing (Part A); to amend the public health law, in relation to establishing no fee shall be charged for certain requests for birth certificates (Part B); to amend the correction law, in relation to services for inmates of state correctional facilities upon their release therefrom (Part C); to amend the correction law, the criminal procedure law and the executive law, in relation to providing defendants not sentenced to a period of imprisonment and inmates being released a copy of their criminal record (Part D); to amend the correction law, in relation to certificates of relief from disabilities issued by the board of parole (Part E); to amend the penal law, the executive law, the alcoholic beverage control law, the agriculture and markets law, the banking law, the civil rights law, the education law, the town law, the general business law, the general municipal law, the insurance law, the public health law, the real property law, the tax law, and the vehicle and traffic law, in relation to certificates of relief from disabilities and certificates of good conduct (Part F); to amend the alcoholic beverage control law, in relation to allowing qualified individuals with criminal records to be employed in certain establishments that hold liquor licenses (Part G); to amend the correction law, in relation to the definition of "direct relationship" for the purposes of article 23-A of the correction law regarding the licensure and employment of persons previously convicted of one or more criminal offenses (Part H); to amend the correction law, in relation to the manner through which enforcement proceedings are brought (Part I); to amend the election law, the criminal procedure law, the correction law and the executive law, in relation to voting rights notification and registration (Part J); and to amend the correction law, in relation to the posting of a person's information on the department of corrections' website (Part K)

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

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

LBD17397-03-0

Section 1. This act enacts into law major components of legislation which relate to the effective reentry of released prisoners into society. Each component is wholly contained within a Part identified as Parts A through K. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

S 1-a. This act shall be known and may be cited as the "prisoner reentry act of 2010".

PART A

Section 1. Paragraph (a) of subdivision 2 of section 390.50 of the criminal procedure law, as amended by chapter 14 of the laws of 1985, is amended to read as follows:

(a) Not less than one court day prior to sentencing, unless such time requirement is waived by the parties, the pre-sentence report or memorandum shall be made available by the court for examination and for copying by the defendant's attorney, the defendant himself, if he has no attorney, and the prosecutor. In its discretion, the court may except from disclosure a part or parts of the report or memoranda which are not relevant to a proper sentence, or a diagnostic opinion which might seriously disrupt a program of rehabilitation, or sources of information which have been obtained on a promise of confidentiality, or any other portion thereof, disclosure of which would not be in the interest of justice. In all cases where a part or parts of the report or memoranda are not disclosed, the court shall state for the record that a part or parts of the report or memoranda have been excepted and the reasons for its action. The action of the court excepting information from disclosure shall be subject to appellate review. The pre-sentence report shall be made available by the court for examination and copying in connection with any appeal in the case, including an appeal under this subdivision. UPON WRITTEN REQUEST, THE COURT SHALL MAKE A COPY OF THE PRESENTENCE REPORT AVAILABLE TO THE DEFENDANT FOR USE BEFORE THE PAROLE BOARD FOR RELEASE CONSIDERATION OR AN APPEAL OF A PAROLE BOARD DETERMINATION. IN HIS OR HER WRITTEN REQUEST TO THE COURT THE DEFENDANT SHALL AFFIRM THAT HE OR SHE ANTICIPATES AN APPEARANCE BEFORE THE PAROLE BOARD OR INTENDS TO FILE AN ADMINISTRATIVE APPEAL OF A PAROLE BOARD DETERMINATION. THE COURT SHALL RESPOND TO THE DEFENDANT'S WRITTEN REQUEST WITHIN TWENTY DAYS FROM RECEIPT OF THE DEFENDANT'S WRITTEN REQUEST.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

PART B

Section 1. Subdivision 4 of section 4174 of the public health law, as separately amended by chapters 409 and 698 of the laws of 1978, is amended to read as follows:

4. No fee shall be charged for a search, certification, certificate, certified copy or certified transcript of a record to be used for school entrance, employment certificate or for purposes of public relief or when required by the veterans administration to be used in determining

the eligibility of any person to participate in the benefits made available by the veterans administration or when required by a board of elections for the purposes of determining voter eligibility OR WHEN REQUESTED BY THE DEPARTMENT OF CORRECTIONAL SERVICES OR A LOCAL CORRECTIONAL FACILITY AS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THE CORRECTION LAW FOR THE PURPOSE OF PROVIDING A CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF BIRTH TO AN INMATE IN ANTICIPATION OF SUCH INMATE'S RELEASE FROM CUSTODY OR WHEN REQUESTED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR AN AUTHORIZED AGENCY FOR THE PURPOSE OF PROVIDING A CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF BIRTH TO A YOUTH PLACED IN THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR THE CUSTODY OF THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT IN ANTICIPATION OF SUCH YOUTH'S DISCHARGE FROM PLACEMENT.

S 2. Section 4179 of the public health law, as added by chapter 414 of the laws of 1990, is amended to read as follows:

S 4179. Vital records; fees; city of New York. Notwithstanding the provisions of paragraph one of subdivision a of section 207.13 of the health code of the city of New York, the department of health shall charge, and the applicant shall pay, for a search of two consecutive calendar years under one name and the issuance of a certificate of birth, death or termination of pregnancy, or a certification of birth or death, or a certification that the record cannot be found, a fee of fifteen dollars for each copy. PROVIDED, HOWEVER, THAT NO SUCH FEE SHALL BE CHARGED WHEN THE DEPARTMENT OF CORRECTIONAL SERVICES OR A LOCAL CORRECTIONAL FACILITY AS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THE CORRECTION LAW REQUESTS A CERTIFICATE OF BIRTH OR CERTIFICATION OF BIRTH FOR THE PURPOSE OF PROVIDING SUCH CERTIFICATE OF BIRTH OR CERTIFICATION OF BIRTH TO AN INMATE IN ANTICIPATION OF SUCH INMATE'S RELEASE FROM CUSTODY OR WHEN THE OFFICE OF CHILDREN AND FAMILY SERVICES OR AN AUTHORIZED AGENCY REQUESTS A CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF BIRTH FOR A YOUTH PLACED IN THE CUSTODY OF THE LOCAL COMMISSIONER OF SOCIAL SERVICES OR THE CUSTODY OR THE OFFICE OF CHILDREN AND FAMILY SERVICES PURSUANT TO ARTICLE THREE OF THE FAMILY COURT ACT FOR THE PURPOSE OF PROVIDING SUCH CERTIFIED COPY OR CERTIFIED TRANSCRIPT OF BIRTH TO SUCH YOUTH IN ANTICIPATION OF DISCHARGE FROM PLACEMENT.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

PART C

Section 1. The correction law is amended by adding a new section 76 to read as follows:

S 76. NOTICE OF TRANSITIONAL SERVICES FOR INMATES RELEASED FROM CORRECTIONAL FACILITIES. 1. PRIOR TO THE RELEASE OF AN INMATE FROM A CORRECTIONAL FACILITY, THE DEPARTMENT SHALL PROVIDE SUCH INMATE WITH INFORMATION ON TRANSITIONAL SERVICES AVAILABLE IN THE COUNTY OR CITY WHERE SUCH INMATE IS SCHEDULED TO BE RELEASED. SUCH INFORMATION SHALL INCLUDE REFERRALS TO PROGRAMS DESIGNED TO PROMOTE THE SUCCESSFUL AND PRODUCTIVE REENTRY AND REINTEGRATION OF AN INMATE INTO SOCIETY INCLUDING MEDICAL AND MENTAL HEALTH SERVICES, HIV/AIDS SERVICES, EDUCATIONAL, VOCATIONAL AND EMPLOYMENT SERVICES, ALCOHOL OR SUBSTANCE ABUSE TREATMENT AND HOUSING SERVICES. THE DEPARTMENT SHALL MAINTAIN A CURRENT LIST OF TRANSITIONAL SERVICES WHICH SHALL BE UPDATED NO LESS THAN ANNUALLY IN ORDER TO EFFECTUATE THE PURPOSES OF THIS SECTION.

2. THE COMMISSIONER SHALL CONSULT WITH, AND BE ENTITLED TO RECEIVE THE ASSISTANCE OF, THE COMMISSIONERS OF EDUCATION, LABOR, HEALTH, MENTAL HEALTH AND THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE IN THE IMPLEMENTATION OF THIS SECTION. THE DIVISION OF PAROLE SHALL ASSIST THE DEPARTMENT IN ANY MANNER NECESSARY TO ENSURE THAT THE PURPOSES AND OBJECTIVES OF THIS SECTION ARE EFFECTIVELY ACCOMPLISHED.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

PART D

Section 1. The correction law is amended by adding a new section 77 to read as follows:

S 77. INMATE TO RECEIVE A COPY OF CRIMINAL RECORD UPON RELEASE. UPON THE RELEASE, CONDITIONAL RELEASE, OR DISCHARGE OF A PERSON FROM A CORRECTIONAL FACILITY, THE DEPARTMENT SHALL PROVIDE SUCH PERSON, WITHOUT CHARGE, WITH A COPY OF HIS OR HER CRIMINAL RECORD AS MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SUBDIVISION SIX OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW TOGETHER WITH INFORMATION AND INSTRUCTIONS, PRODUCED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SUBDIVISION SIX-A OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW, TO ASSIST SUCH PERSON TO UNDERSTAND THE CONTENTS OF THE CRIMINAL RECORD AND EXPLAIN HOW SUCH PERSON MAY SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN SUCH RECORD PURSUANT TO REGULATIONS PROMULGATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. SUCH INFORMATION AND INSTRUCTIONS SHALL ALSO INCLUDE CONTACT INFORMATION FOR LEGAL RESOURCES THAT CAN ASSIST THE SUBJECT OF THE CRIMINAL RECORD TO SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN THE RECORD.

S 2. The correction law is amended by adding a new section 511 to read as follows:

S 511. INMATE TO RECEIVE A COPY OF CRIMINAL RECORD UPON RELEASE. UPON THE RELEASE OF A PERSON FROM A LOCAL CORRECTIONAL FACILITY, WHERE SUCH PERSON'S SENTENCE OF IMPRISONMENT IS THIRTY DAYS OR MORE NOT INCLUDING A SENTENCE OF INTERMITTENT IMPRISONMENT IMPOSED PURSUANT TO ARTICLE EIGHTY-FIVE OF THE PENAL LAW, THE SHERIFF SHALL PROVIDE SUCH PERSON WITHOUT CHARGE WITH A COPY OF HIS OR HER CRIMINAL RECORD AS MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SUBDIVISION SIX OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW TOGETHER WITH INFORMATION AND INSTRUCTIONS, PRODUCED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SUBDIVISION SIX-A OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW, TO ASSIST SUCH PERSON TO UNDERSTAND THE CONTENTS OF THE CRIMINAL RECORD AND EXPLAIN HOW SUCH PERSON MAY SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN SUCH RECORD PURSUANT TO REGULATIONS PROMULGATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. SUCH INFORMATION AND INSTRUCTIONS SHALL ALSO INCLUDE CONTACT INFORMATION FOR LEGAL RESOURCES THAT CAN ASSIST THE SUBJECT OF THE CRIMINAL RECORD TO SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN THE RECORD.

S 3. The criminal procedure law is amended by adding a new section 380.52 to read as follows:

S 380.52 DEFENDANT TO RECEIVE COPY OF CRIMINAL RECORD UPON SENTENCING.

AT THE TIME OF PRONOUNCING SENTENCE UPON A DEFENDANT, WHERE SUCH DEFENDANT IS NOT SENTENCED TO A PERIOD OF IMPRISONMENT, IS SENTENCED TO INTERMITTENT IMPRISONMENT PURSUANT TO ARTICLE EIGHTY-FIVE OF THE PENAL LAW, IS SENTENCED TO A PERIOD OF IMPRISONMENT OF THIRTY DAYS OR LESS, OR IS SENTENCED TO A PERIOD OF IMPRISONMENT EQUAL TO THE TIME ALREADY SPENT IN CUSTODY, THE COURT SHALL PROVIDE THE DEFENDANT, WITHOUT CHARGE, WITH A COPY OF HIS OR HER CRIMINAL RECORD AS MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SUBDIVISION SIX OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW TOGETHER WITH INFORMATION AND INSTRUCTIONS, PRODUCED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SUBDIVISION SIX-A OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW, TO ASSIST SUCH PERSON TO UNDERSTAND THE CONTENTS OF THE CRIMINAL RECORD AND EXPLAIN HOW SUCH PERSON MAY SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN SUCH RECORD PURSUANT TO REGULATIONS PROMULGATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. SUCH INFORMATION AND INSTRUCTIONS SHALL ALSO INCLUDE CONTACT INFORMATION FOR LEGAL RESOURCES THAT CAN ASSIST THE SUBJECT OF THE CRIMINAL RECORD TO SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN THE RECORD. THE FAILURE TO PROVIDE THE DEFENDANT WITH A COPY OF HIS OR HER CRIMINAL RECORD PURSUANT TO THIS SECTION SHALL NOT BE DEEMED TO AFFECT THE VOLUNTARINESS OF A PLEA OF GUILTY OR THE VALIDITY OF A CONVICTION OR SENTENCE.

S 4. Section 837 of the executive law is amended by adding a new subdivision 6-a to read as follows:

6-A. PRODUCE WRITTEN INSTRUCTIONS CONTAINING CLEAR AND SIMPLE LANGUAGE ABOUT HOW TO READ AND UNDERSTAND A CRIMINAL RECORD AND HOW THE SUBJECT OF A CRIMINAL RECORD MAY CHALLENGE AND APPEAL INCORRECT INFORMATION CONTAINED IN SUCH CRIMINAL RECORD AS PROVIDED IN THE RULES AND REGULATIONS OF THE DIVISION AND PRODUCE WRITTEN INFORMATION AND CONTACT INFORMATION FOR LEGAL RESOURCES THAT CAN ASSIST THE SUBJECT OF A CRIMINAL RECORD TO SEEK CORRECTION OF ANY INCORRECT INFORMATION. SUCH INFORMATION AND INSTRUCTIONS SHALL BE FURNISHED TO COURTS OF THE UNIFIED COURT SYSTEM, SHERIFFS' OFFICES, THE NEW YORK CITY DEPARTMENT OF CORRECTIONS, AND THE STATE DEPARTMENT OF CORRECTIONAL SERVICES FOR DISTRIBUTION TO PERSONS BEING PROVIDED A COPY OF THEIR CRIMINAL RECORD PURSUANT TO SECTION 380.52 OF THE CRIMINAL PROCEDURE LAW OR SECTION SEVENTY-SEVEN OR FIVE HUNDRED ELEVEN OF THE CORRECTION LAW.

S 5. This act shall take effect on the thirtieth day after it shall have become a law.

PART E

Section 1. The opening paragraph of subdivision 3 and subdivision 5 of section 703 of the correction law, as amended by chapter 342 of the laws of 1972, are amended and a new subdivision 7 is added to read as follows:

[The] EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION, THE board of parole shall not issue any certificate of relief from disabilities pursuant to [subdivisions] SUBDIVISION one or two OF THIS SECTION, unless the board is satisfied that:

5. [In] EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION, IN granting or revoking a certificate of relief from disabilities the action of the board of parole shall be by unanimous vote of the members authorized to grant or revoke parole. Such action shall be deemed a judicial function and shall not be reviewable if done according to law.

7. WHERE A CERTIFICATE OF RELIEF FROM DISABILITIES IS SOUGHT PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION ON A JUDGMENT OF CONVICTION RENDERED BY A FEDERAL COURT IN THIS STATE, AND THE BOARD OF PAROLE IS IN RECEIPT OF A WRITTEN RECOMMENDATION IN FAVOR OF THE ISSUANCE OF SUCH CERTIFICATE FROM THE CHIEF PROBATION OFFICER OF THE FEDERAL DISTRICT WHERE SUCH CONVICTION WAS OBTAINED, THE BOARD SHALL, PROVIDED SUCH RECOMMENDATION IS BASED UPON A FINDING BY THE FEDERAL PROBATION OFFICE IN SUCH DISTRICT THAT, FOLLOWING ITS INVESTIGATION OF THE APPLICANT, THE REQUIREMENTS OF PARAGRAPHS (A), (B) AND (C) OF SUBDIVISION THREE OF THIS SECTION HAVE BEEN SATISFIED, ISSUE THE REQUESTED CERTIFICATE.

S 2. This act shall take effect immediately.

PART F

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

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

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

S 130. Appointment of notaries public. 1. The secretary of state may appoint and commission as many notaries public for the state of New York as in his or her judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state. The appointment of a notary public shall be for a term of four years. An application for an appointment as notary public shall be in form and set forth such matters as the secretary of state shall prescribe. Every person appointed as notary public must, at the time of his or her appointment, be a citizen of the United States and either a resident of the state of New York or have an office or place of business in New York state. A notary public who is a resident of the state and who moves out of the state but still maintains a place of business or an office in New York state does not vacate his or her office as a notary public. A notary public who is a nonresident and who ceases to have an office or place of business in this state, vacates his or her office as a notary public. A notary public who is a resident of New York state and moves out of the state and who does not retain an office or place of business in this state shall vacate his or her office as a notary public. A non-resident who accepts the office of notary public in this state thereby appoints the secretary of state as the person upon whom process can be served on his or her behalf. Before issuing to any applicant a commission as notary public, unless he or she be an attorney and counsellor at law duly admitted to practice in this state or a court clerk of the unified court system who has been appointed to such position after taking a civil service promotional examination in the court clerk series of titles, the secretary of state shall satisfy himself or herself that the applicant is of good moral character, has the equivalent of a common school education and is familiar with the duties and responsibilities of a notary

public; provided, however, that where a notary public applies, before the expiration of his or her term, for reappointment with the county clerk or where a person whose term as notary public shall have expired applies within six months thereafter for reappointment as a notary public with the county clerk, such qualifying requirements may be waived by the secretary of state, and further, where an application for reappointment is filed with the county clerk after the expiration of the aforementioned renewal period by a person who failed or was unable to re-apply by reason of his or her induction or enlistment in the armed forces of the United States, such qualifying requirements may also be waived by the secretary of state, provided such application for reappointment is made within a period of one year after the military discharge of the applicant under conditions other than dishonorable. In any case, the appointment or reappointment of any applicant is in the discretion of the secretary of state. The secretary of state may suspend or remove from office, for misconduct, any notary public appointed by him or her but no such removal shall be made unless the person who is sought to be removed shall have been served with a copy of the charges against him or her and have an opportunity of being heard. No person shall be appointed as a notary public under this article who has been convicted, in this state or any other state or territory, of a felony or any of the following offenses, to wit:

(a) Illegally using, carrying or possessing a pistol or other dangerous weapon; (b) making or possessing burglar's instruments; (c) buying or receiving or criminally possessing stolen property; (d) unlawful entry of a building; (e) aiding escape from prison; (f) unlawfully possessing or distributing habit forming narcotic drugs; (g) violating sections two hundred seventy, two hundred seventy-a, two hundred seventy-b, two hundred seventy-c, two hundred seventy-one, two hundred seventy-five, two hundred seventy-six, five hundred fifty, five hundred fifty-one, five hundred fifty-one-a and subdivisions six, eight, ten or eleven of section seven hundred twenty-two of the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven, or violating sections 165.25, 165.30, subdivision one of section 240.30, subdivision three of section 240.35 of the penal law, or violating sections four hundred seventy-eight, four hundred seventy-nine, four hundred eighty, four hundred eighty-one, four hundred eighty-four, four hundred eighty-nine and four hundred ninety-one of the judiciary law; or (h) vagrancy or prostitution, and who has not subsequent to such conviction received an executive pardon therefor OR A CERTIFICATE OF RELIEF FROM DISABILITIES or a certificate of good conduct [from the parole board] PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW to remove the disability under this section because of such conviction.

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

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

3. Upon a showing by the attorney general in an application for an injunction that any person engaged in solicitation has been convicted in this state or elsewhere of a felony or of a misdemeanor involving the

misappropriation, misapplication or misuse of the money or property of another, and who has not, subsequent to such conviction, received executive pardon therefor or A CERTIFICATE OF RELIEF FROM DISABILITIES OR a certificate of good conduct [from the parole board] PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW, the supreme court, after a hearing, may enjoin such person from engaging in any solicitation.

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

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

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

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

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

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

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

(b) is associating or consorting with any person who has, or persons who have, been convicted of a crime or crimes in any jurisdiction or jurisdictions; provided, however, that the superintendent shall not issue such a license if he shall find that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder of the applicant, has been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws thereof. For the purposes of this article, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty to a charge thereof before a court or magistrate, or shall have been found guilty thereof by the decision

or judgment of a court or magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such plea of guilty, or such decision, judgment or verdict, shall have been set aside, reversed or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefor from the president of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive law] ARTICLE TWENTY-THREE OF THE CORRECTION LAW to remove the disability under this article because of such conviction. The term "substantial stockholder," as used in this subdivision, shall be deemed to refer to a person owning or controlling ten per centum or more of the total outstanding stock of the corporation in which such person is a stockholder. In making a determination pursuant to this subdivision, the superintendent shall require fingerprinting of the applicant. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check.

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

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

Nothing in this section shall be deemed to preclude the issuance of a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [by the board of parole] pursuant to ARTICLE TWENTY-THREE OF THE CORRECTION law to a person who previously has been sentenced to imprisonment for life.

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

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

STATEMENT OF ABSENTEE VOTER

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

ing of a vote at this school district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this school district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a CERTIFICATE OF RELIEF FROM DISABILITIES OR A certificate of good conduct [granted by the board of parole] pursuant to [the provisions of the executive] ARTICLE TWENTY-THREE OF THE CORRECTION law removing my disability to register and vote.

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

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

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

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

STATEMENT OF ABSENTEE VOTER

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

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material

false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

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

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

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

STATEMENT OF ABSENTEE VOTER

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

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

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

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

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

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the district election; that I will have been a resident of this state and of the district if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a registered voter of said district; that I will be unable to appear personally on the day of said district election at the polling place of the said district in which I am or will be a qualified

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

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

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

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

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

STATEMENT OF ABSENTEE VOTER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this article who does not meet the requirements of section 3-503 of the general obligations law.

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

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

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

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

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

(a) permanently, if that person has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation committed prior to September fifteenth, nineteen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have

been granted a certificate of relief from disabilities [as provided for in section seven hundred one] OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE of the correction law.

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

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

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

(iii) has been convicted of an offense listed in paragraph (b) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualifica-

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

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

S 29. Paragraphs (a) and (b) and subparagraph (i) of paragraph (c) of subdivision 2 of section 509-cc of the vehicle and traffic law, paragraph (a) and subparagraph (i) of paragraph (c) as added by chapter 675 of the laws of 1985 and paragraph (b) as amended by chapter 360 of the laws of 1986, are amended to read as follows:

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

(b) permanently, if that person has been convicted of an offense listed in paragraph (b) of subdivision four of this section. However, such disqualification shall be waived provided that five years have expired since the applicant was incarcerated pursuant to a sentence of imprison-

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

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

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

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

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

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

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

(5) A restricted use license or privilege shall be valid for the operation of any motor vehicle, except a vehicle for hire as a taxicab, livery, coach, limousine, van or wheelchair accessible van or tow truck as defined in this chapter subject to the conditions set forth herein, which the holder would otherwise be entitled to operate had his drivers license or privilege not been suspended or revoked. Notwithstanding anything to the contrary in a certificate of relief from disabilities OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Notwithstanding anything to the contrary contained in a certificate of relief from disabilities OR A CERTIFICATE OF GOOD CONDUCT issued pursuant to article twenty-three of the correction law, any conditional license or privilege issued to a person convicted of a violation of any subdivision of section eleven hundred ninety-two of this article shall not be valid for the operation of any commercial motor vehicle. In addition, no such conditional license or privilege shall be valid for the operation of a taxicab as defined in this chapter.

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

PART G

Section 1. The opening paragraph of subdivision 2 of section 102 of the alcoholic beverage control law, as amended by chapter 340 of the laws of 1972, is amended to read as follows:

No person holding any license hereunder, other than a license to sell an alcoholic beverage at retail for off-premises consumption OR A LICENSE OR SPECIAL LICENSE TO SELL AN ALCOHOLIC BEVERAGE AT RETAIL FOR CONSUMPTION ON THE PREMISES WHERE SUCH LICENSE AUTHORIZES THE SALE OF LIQUOR, BEER AND/OR WINE ON THE PREMISES OF A CATERING ESTABLISHMENT, HOTEL, RESTAURANT, CLUB, OR RECREATIONAL FACILITY, shall knowingly employ in connection with his business in any capacity whatsoever, any person, who has been convicted of a felony, or any of the following offenses, who has not subsequent to such conviction received an executive pardon therefor removing any civil disabilities incurred thereby, a

certificate of good conduct or other relief from disabilities provided by law, or the written approval of the state liquor authority permitting such employment, to wit:

S 2. This act shall take effect immediately.

PART H

Section 1. Subdivision 3 of section 750 of the correction law, as amended by chapter 284 of the laws of 2007, is amended to read as follows:

(3) "Direct relationship" means that THERE IS A SUBSTANTIAL CONNECTION BETWEEN the nature of [criminal conduct] THE CRIME for which the person was convicted [has a direct bearing on his fitness or ability to perform one or more of] AND the duties or responsibilities necessarily related to the license, opportunity, or job in question AND SUCH CONNECTION WOULD CREATE AN UNREASONABLE RISK TO PROPERTY OR TO THE SAFETY OR WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC UPON THE ISSUANCE OR CONTINUATION OF A LICENSE OR THE GRANTING OR CONTINUATION OF EMPLOYMENT OF SUCH PERSON.

S 2. Section 752 of the correction law, as amended by chapter 284 of the laws of 2007, is amended to read as follows:

S 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless[:

(1)] there is a direct relationship, AS SUCH TERM IS DEFINED IN SUBDIVISION THREE OF SECTION SEVEN HUNDRED FIFTY OF THIS ARTICLE, between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual[; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public].

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

PART I

Section 1. Section 755 of the correction law, as added by chapter 931 of the laws of 1976, is amended to read as follows:

S 755. Enforcement. [1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the] THE provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights; PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL BE CONSTRUED TO LIMIT THE RIGHT OF A PERSON TO PURSUE ANY LEGAL REMEDY AVAILABLE UNDER ARTICLE FIFTEEN OF THE EXECUTIVE LAW OR ANY OTHER APPLICABLE PROVISION OF LAW.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

PART J

Section 1. The opening paragraph and subdivisions 2, 4, 5, 8, 12, 13 and 14 of section 5-211 of the election law, the opening paragraph and subdivision 14 as amended by chapter 200 of the laws of 1996, subdivisions 2 and 8 as amended and subdivisions 4, 5, 12 and 13 as added by chapter 659 of the laws of 1994, are amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the department of social services and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance AND LOCAL PROBATION DEPARTMENTS. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' affairs, office of mental health, office of vocational and educational services for individuals with disabilities, commission on quality of care for the mentally disabled, office of mental retardation and developmental disabilities, commission for the blind and visually handicapped, office of alcoholism and substance abuse services, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional state agencies designated as voter registration offices are the department of state [and], the [division of] workers' compensation BOARD, THE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES WHEN PROVIDING DIRECT PROBATION SUPERVISION SERVICES UNDER SECTION TWO HUNDRED FORTY-SEVEN OF THE EXECUTIVE LAW. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services [and], change of address relating to such services, AND ORIENTATION OR INITIAL INTAKE FOR THE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES AND LOCAL PROBATION DEPARTMENTS. Such agencies shall also be responsible for providing assistance to [applicants] SUCH PERSONS in completing voter registration forms, receiving and transmitting the completed [application] REGISTRATION form from all [applicants] PERSONS who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board shall also make request of the United States Immigration and Naturalization Service to include applications for registration by mail with any materials which are given to new citizens. All institutions of the state university of New York and the city university of New York, shall, at the beginning of the school year, and again in January of a year in which the president of the United States is to be elected, provide an application for registration to each student in each such institution. The state board of elections may, by regulation, grant a waiver from any or all of the requirements of this

section to any office or program of an agency, if it determines that it is not feasible for such office or program to administer such requirement.

2. Strict neutrality with respect to a person's party enrollment shall be maintained and all persons seeking voter registration forms and information shall be advised that government services are not conditioned on being registered to vote. No statement shall be made nor any action taken to discourage the [applicant] PERSON from registering to vote.

4. Each participating agency shall provide to each [applicant] PERSON who does not decline to register to vote the same degree of assistance with regard to the completion of the VOTER registration [application] form as is provided by the agency with regard to the completion of its own form unless the [applicant] PERSON refuses such assistance.

5. Employees of a voter registration agency who provide voter registration assistance shall not:

(a) seek to influence [an applicant's] A PERSON'S political preference or party designation;

(b) display any political preference or party allegiance;

(c) make any statement [to an applicant] or take any action the purpose or effect of which is to discourage [the applicant] A PERSON from registering to vote; or

(d) make any statement [to an applicant] or take any action the purpose or effect of which is to lead [the applicant] A PERSON to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

8. Each participating agency, department, division or office that makes available voter registration forms pursuant to this section shall offer with each application for the services or assistance of such agency, department, division or office, OR, IN THE CASE OF THE LOCAL PROBATION DEPARTMENTS AND THE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES, UPON ORIENTATION OR INITIAL INTAKE, and with each recertification, renewal or change of address form relating to such service or assistance, a VOTER registration form together with instructions relating to eligibility to register and for completing the form except that forms used by the department of social services for the initial application for services, renewal or recertification for services and change of address relating to such services shall physically incorporate a voter registration [application] FORM in a fashion that permits the voter registration portion of the agency form to be detached therefrom. Such voter registration [application] FORM shall be designed so as to ensure the confidentiality of the source of the application. Included on each participating agency's application for services or assistance or on a separate form shall be:

(a) the question, "If you are not registered to vote where you live now, would you like to apply to register here today?"

(b) [The] THE statement, "applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

(c) boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote.

(d) the statement in prominent type, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

(e) the statement, "If you would like help in filling out the voter registration [application] form, we will help you. The decision whether

to seek or accept help is yours. You may fill out the [application] VOTER REGISTRATION form in private."

(f) the statement, "If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the state board of elections (address and toll free telephone number)."

(g) a toll free number at the state board of elections that can be called for answers to registration questions.

12. Completed [application] VOTER REGISTRATION forms, when received by a participating agency not later than the twenty-fifth day before the next ensuing primary, general or special election and transmitted by such agency to the appropriate board of elections so that they are received by such board not later than the twentieth day before such election shall entitle the [applicant] PERSON to vote in such election provided the board determines that the [applicant] PERSON is otherwise qualified.

13. The state board of elections shall provide [application] VOTER REGISTRATION forms for use pursuant to this section except that any agency which uses a form other than such registration form shall be responsible for providing such form. Forms which vary in design [and or] AND/OR content from the form approved by the state board of elections may only be used with the approval of such board.

14. [Applications] VOTER REGISTRATION FORMS shall be processed by the board of elections in the manner prescribed by section 5-210 of this title or, if the [applicant] PERSON is already registered to vote from another address in the county or city, in the manner prescribed by section 5-208 of this title. The board shall send the appropriate notice of approval or rejection as required by either subdivision nine of such section 5-210 or subdivision five of such section 5-208.

S 2. Section 220.50 of the criminal procedure law is amended by adding a new subdivision 8 to read as follows:

8. PRIOR TO ACCEPTING A DEFENDANT'S PLEA OF GUILTY TO A COUNT OR COUNTS OF AN INDICTMENT OR A SUPERIOR COURT INFORMATION CHARGING A FELONY OFFENSE FOR WHICH THE COURT WILL IMPOSE A SENTENCE OF IMPRISONMENT, THE COURT MUST ADVISE THE DEFENDANT ON THE RECORD THAT THE CONVICTION WILL RESULT IN LOSS OF THE RIGHT TO VOTE UNTIL THE INDIVIDUAL HAS SERVED HIS MAXIMUM SENTENCE OF IMPRISONMENT OR BEEN DISCHARGED FROM PAROLE; AND THAT THE DEFENDANT MAY REGISTER OR RE-REGISTER TO VOTE AS SOON AS HE HAS SERVED HIS MAXIMUM SENTENCE OF IMPRISONMENT OR BEEN DISCHARGED FROM PAROLE. THE FAILURE TO ADVISE THE DEFENDANT PURSUANT TO THIS SUBDIVISION SHALL NOT BE DEEMED TO AFFECT THE VOLUNTARINESS OF A PLEA OF GUILTY OR THE VALIDITY OF A CONVICTION.

S 3. The criminal procedure law is amended by adding a new section 380.51 to read as follows:

S 380.51 STATEMENTS REGARDING VOTING RIGHTS.

BEFORE IMPOSING A SENTENCE OF IMPRISONMENT FOR A FELONY CONVICTION, THE COURT MUST ADVISE THE DEFENDANT ON THE RECORD THAT THE CONVICTION WILL RESULT IN THE LOSS OF THE RIGHT TO VOTE UNTIL THE INDIVIDUAL HAS SERVED HIS MAXIMUM SENTENCE OF IMPRISONMENT OR BEEN DISCHARGED FROM PAROLE; AND THAT THE DEFENDANT MAY REGISTER OR RE-REGISTER TO VOTE AS SOON AS HE HAS SERVED HIS MAXIMUM SENTENCE OF IMPRISONMENT OR BEEN DISCHARGED FROM PAROLE. THE FAILURE TO ADVISE THE DEFENDANT PURSUANT TO THIS SECTION SHALL NOT BE DEEMED TO AFFECT THE VOLUNTARINESS OF A PLEA OF GUILTY OR THE VALIDITY OF A CONVICTION.

S 4. The correction law is amended by adding a new section 510 to read as follows:

S 510. VOTING BY QUALIFIED INMATES. 1. AT THE TIME OF THE INITIAL ORIENTATION OR INTAKE OF AN INMATE AT A LOCAL CORRECTIONAL FACILITY, THE CHIEF ADMINISTRATIVE OFFICER OF SUCH LOCAL CORRECTIONAL FACILITY, OR HIS OR HER DESIGNEE, SHALL INFORM THE INMATE IN WRITING OF HIS OR HER RIGHT TO APPLY TO REGISTER TO VOTE. IN ADDITION, SUCH NOTICE SHALL BE POSTED IN A PLACE CONSPICUOUS TO ALL INMATES. SUCH POSTED NOTICE SHALL INCLUDE QUALIFICATIONS REQUIRED TO EXERCISE THE RIGHT TO VOTE, AND THE AVAILABILITY AT THE CORRECTIONAL FACILITY OF ASSISTANCE TO APPLY TO REGISTER TO VOTE AND TO REQUEST AN ABSENTEE BALLOT APPLICATION. SUCH CHIEF ADMINISTRATIVE OFFICER, OR HIS OR HER DESIGNEE, SHALL ASSIST INMATES IN APPLYING TO REGISTER TO VOTE IN THE SAME MANNER AND TO THE SAME EXTENT AS THE AGENCIES LISTED IN SECTION 5-211 OF THE ELECTION LAW.

2. ON AN ANNUAL BASIS, THIRTY DAYS BEFORE EACH PRIMARY AND GENERAL ELECTION, THE CHIEF ADMINISTRATIVE OFFICER, OR HIS OR HER DESIGNEE, SHALL PROVIDE EACH INMATE WITH WRITTEN INFORMATION ABOUT QUALIFICATIONS AND PROCEDURES FOR VOTING BY ABSENTEE BALLOT AND SHALL MAKE ABSENTEE BALLOT APPLICATIONS AVAILABLE TO ALL INMATES.

IN THE EVENT THAT AN INMATE OF A LOCAL CORRECTIONAL FACILITY IS TEMPORARILY ABSENT FROM SUCH FACILITY FOR THE PURPOSE OF RECEIVING MEDICAL CARE AT A LOCAL HEALTH CARE FACILITY, THE INFORMATION REQUIRED UNDER THIS SECTION SHALL BE MAILED TO SUCH INMATE.

S 5. The correction law is amended by adding a new section 75 to read as follows:

S 75. VOTING RIGHTS UPON COMPLETION OF SENTENCE. 1. UPON THE DISCHARGE FROM A CORRECTIONAL FACILITY OF ANY PERSON WHO HAS REACHED HIS OR HER MAXIMUM SENTENCE OF IMPRISONMENT FOR THE CONVICTION OF A FELONY, THE DEPARTMENT, AND, SUBJECT TO THEIR AGREEMENT, FEDERAL CORRECTIONAL INSTITUTIONS IN NEW YORK, SHALL NOTIFY SUCH PERSON OF HIS OR HER RIGHT TO VOTE, PROVIDE SUCH PERSON WITH A FORM OF APPLICATION FOR VOTER REGISTRATION TOGETHER WITH WRITTEN INFORMATION DISTRIBUTED BY THE BOARD OF ELECTIONS ON THE IMPORTANCE AND THE MECHANICS OF VOTING AND SHALL ASSIST SUCH PERSON IN REGISTERING TO VOTE IN THE SAME MANNER AND TO THE SAME EXTENT AS THE AGENCIES LISTED IN SECTION 5-211 OF THE ELECTION LAW.

2. THE DEPARTMENT AND, SUBJECT TO THEIR AGREEMENT, FEDERAL CORRECTIONAL INSTITUTIONS IN NEW YORK, SHALL, ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, TRANSMIT TO THE STATE BOARD OF ELECTIONS A LIST CONTAINING THE FOLLOWING INFORMATION ABOUT PERSONS AGE EIGHTEEN OR OLDER WHO, DURING THE PRECEDING PERIOD, HAVE BECOME ELIGIBLE TO VOTE BECAUSE OF THEIR DISCHARGE FROM IMPRISONMENT: (A) NAME; (B) DATE OF BIRTH; (C) LAST KNOWN ADDRESS WITH COUNTY OF RESIDENCE; AND (D) DRIVER'S LICENSE NUMBER (IF KNOWN) OR LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER (IF KNOWN).

S 6. The executive law is amended by adding a new section 259-jj to read as follows:

S 259-JJ. VOTING RIGHTS UPON DISCHARGE. 1. UPON DISCHARGE OF A PERSON FROM PRESUMPTIVE RELEASE, PAROLE, OR CONDITIONAL RELEASE, OR UPON THE EXPIRATION OF A PERSON'S MAXIMUM SENTENCE OF IMPRISONMENT WHILE UNDER THE SUPERVISION OF THE DIVISION OF PAROLE, THE DIVISION OF PAROLE SHALL NOTIFY SUCH PERSON OF HIS OR HER RIGHT TO VOTE, PROVIDE SUCH PERSON WITH A FORM OF APPLICATION FOR VOTER REGISTRATION TOGETHER WITH WRITTEN INFORMATION DISTRIBUTED BY THE BOARD OF ELECTIONS ON THE IMPORTANCE AND THE MECHANICS OF VOTING AND SHALL ASSIST SUCH PERSON IN REGISTERING TO VOTE IN THE SAME MANNER AND TO THE SAME EXTENT AS THE AGENCIES LISTED IN SECTION 5-211 OF THE ELECTION LAW.

2. THE DIVISION OF PAROLE SHALL, ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH, TRANSMIT TO THE STATE BOARD OF ELECTIONS A LIST CONTAINING THE FOLLOWING INFORMATION ABOUT PERSONS AGE EIGHTEEN OR OLDER WHO, DURING THE PRECEDING PERIOD, HAVE BECOME ELIGIBLE TO VOTE BECAUSE OF THEIR DISCHARGE FROM PRESUMPTIVE RELEASE, PAROLE OR CONDITIONAL RELEASE, OR UPON THE EXPIRATION OF THEIR MAXIMUM SENTENCE OF IMPRISONMENT WHILE UNDER THE SUPERVISION OF THE DIVISION OF PAROLE: (A) NAME; (B) DATE OF BIRTH; (C) LAST KNOWN ADDRESS WITH COUNTY OF RESIDENCE; AND (D) DRIVER'S LICENSE NUMBER (IF KNOWN) OR LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER (IF KNOWN).

S 7. Section 5-614 of the election law is amended by adding three new subdivisions 6-a, 6-b and 6-c to read as follows:

6-A. ONCE EVERY MONTH, AND WITHIN FIVE DAYS OF RECEIPT, THE STATE BOARD OF ELECTIONS SHALL OBTAIN AND TRANSMIT TO LOCAL BOARDS OF ELECTIONS THE INFORMATION PROVIDED BY THE DEPARTMENT OF CORRECTIONAL SERVICES PURSUANT TO SUBDIVISION TWO OF SECTION SEVENTY-FIVE OF THE CORRECTION LAW, AND BY THE DIVISION OF PAROLE PURSUANT TO SUBDIVISION TWO OF SECTION TWO HUNDRED FIFTY-NINE-JJ OF THE EXECUTIVE LAW.

6-B. EACH LOCAL BOARD OF ELECTIONS SHALL USE SUCH LIST, WITHIN TEN DAYS AFTER RECEIPT, TO ENSURE THAT THERE ARE NO REMAINING BARRIERS TO REGISTRATION, INCLUDING THE USE OF ELECTRONIC CODES OR OTHER FORMS OF ELIGIBILITY DEMARCATION, RESULTING FROM PAST CONVICTIONS OF THE PEOPLE SO LISTED.

6-C. ANY VOTER REGISTRATION APPLICATION THAT WAS REJECTED AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION AND PRIOR TO THE LOCAL BOARD'S RECEIPT AND PROCESSING OF THE INFORMATION DESCRIBED IN SUBDIVISIONS SIX-A AND SIX-B OF THIS SECTION SHALL BE REVIEWED UPON RECEIPT AND PROCESSING OF SUCH INFORMATION. ANY APPLICANT THAT IS FOUND TO BE ELIGIBLE, SHALL BE APPROVED AND THE VOTER SHALL BE REGISTERED AND SO NOTIFIED.

S 8. The election law is amended by adding a new section 3-102-a to read as follows:

S 3-102-A. STATE BOARD OF ELECTIONS; DUTIES UNDER THE VOTING RIGHTS NOTIFICATION AND REGISTRATION ACT. 1. THE STATE BOARD OF ELECTIONS SHALL DEVELOP AND IMPLEMENT A PROGRAM TO EDUCATE ATTORNEYS; JUDGES; EMPLOYEES OF THE STATE AND LOCAL BOARDS OF ELECTIONS; EMPLOYEES OF THE DEPARTMENT OF CORRECTIONAL SERVICES, THE DIVISION OF PAROLE, THE DEPARTMENT OF PROBATION AND CORRECTIONAL ALTERNATIVES, AND LOCAL PROBATION DEPARTMENTS AND MEMBERS OF THE PUBLIC ABOUT THE REQUIREMENTS OF THE VOTING RIGHTS NOTIFICATION AND REGISTRATION ACT, ENSURING THAT:

(A) JUDGES ARE INFORMED OF THEIR OBLIGATION TO NOTIFY CRIMINAL DEFENDANTS OF THE POTENTIAL LOSS AND RESTORATION OF THEIR VOTING RIGHTS, IN ACCORDANCE WITH SUBDIVISION EIGHT OF SECTION 220.50 AND SECTION 380.51 OF THE CRIMINAL PROCEDURE LAW;

(B) THE DEPARTMENT OF CORRECTIONAL SERVICES AND, SUBJECT TO THEIR AGREEMENT, FEDERAL CORRECTIONAL INSTITUTIONS IN NEW YORK, ARE PREPARED TO ASSIST PEOPLE TO REGISTER TO VOTE IN ANTICIPATION OF THEIR DISCHARGE FROM IMPRISONMENT, INCLUDING BY FORWARDING THEIR COMPLETED VOTER REGISTRATION FORMS TO THE LOCAL ELECTION BOARDS;

(C) THE DEPARTMENT OF CORRECTIONAL SERVICES AND, SUBJECT TO THEIR AGREEMENT, FEDERAL CORRECTIONAL INSTITUTIONS IN NEW YORK, AND THE DIVISION OF PAROLE, ARE PREPARED TO TRANSMIT TO THE STATE BOARD OF ELECTIONS THE INFORMATION SPECIFIED IN SUBDIVISION TWO OF SECTION SEVENTY-FIVE OF THE CORRECTION LAW AND SUBDIVISION TWO OF SECTION TWO HUNDRED FIFTY-NINE-JJ OF THE EXECUTIVE LAW;

(D) LOCAL CORRECTIONAL FACILITIES ARE PREPARED TO ASSIST PEOPLE TO REGISTER TO VOTE;

(E) PROBATION AND PAROLE OFFICERS ARE INFORMED OF THE CHANGES IN THE LAW AND ARE PREPARED TO NOTIFY PROBATIONERS AND PAROLEES OF THEIR VOTING RIGHTS;

(F) THE LANGUAGE ON VOTER REGISTRATION FORMS MAKES CLEAR THAT PEOPLE ARE DISQUALIFIED FROM VOTING ONLY WHILE THEY ARE SERVING A SENTENCE OF IMPRISONMENT OR ARE ON PAROLE FOR A FELONY CONVICTION AND THAT THEY AUTOMATICALLY REGAIN THE RIGHT TO REGISTER OR RE-REGISTER TO VOTE UPON COMPLETION OF THEIR MAXIMUM SENTENCE OF IMPRISONMENT OR DISCHARGE FROM PAROLE;

(G) ALL LOCAL BOARDS OF ELECTIONS ARE PREPARED TO RESTORE NAMES TO THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST IN ACCORDANCE WITH SECTION 5-614 OF THE ELECTION LAW; AND

(H) ACCURATE AND COMPLETE INFORMATION ABOUT THE VOTING RIGHTS OF PEOPLE WHO HAVE BEEN CHARGED WITH OR CONVICTED OF CRIMES IS MADE AVAILABLE THROUGH A SINGLE PUBLICATION TO GOVERNMENT OFFICIALS AND THE PUBLIC.

2. THE STATE BOARD OF ELECTIONS SHALL AMEND OR PROMULGATE PERTINENT RULES AND REGULATIONS AS NECESSARY TO IMPLEMENT THIS SECTION.

S 9. This act shall take effect on the ninetieth day after it shall have become a law.

PART K

Section 1. The correction law is amended by adding a new section 9 to read as follows:

S 9. ACCESS TO INMATE INFORMATION VIA THE INTERNET. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY INFORMATION RELATING TO THE CONVICTION OF A PERSON, EXCEPT FOR A PERSON CONVICTED OF AN OFFENSE THAT WOULD MAKE SUCH PERSON INELIGIBLE FOR MERIT TIME UNDER SECTION EIGHT HUNDRED THREE OF THIS CHAPTER OR AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED AS SET FORTH IN SUBDIVISION TWO OR THREE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS CHAPTER, THAT IS POSTED ON A WEBSITE MAINTAINED BY OR FOR THE DEPARTMENT, UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW, MAY BE POSTED ON SUCH WEBSITE FOR A PERIOD NOT TO EXCEED FIVE YEARS AFTER THE EXPIRATION OF SUCH PERSON'S SENTENCE OF IMPRISONMENT AND ANY PERIOD OF PAROLE OR POST-RELEASE SUPERVISION; PROVIDED, HOWEVER, THAT IN THE CASE OF A PERSON WHO HAS BEEN COMMITTED TO THE DEPARTMENT ON MORE THAN ONE OCCASION, THE DEPARTMENT MAY POST CONVICTION INFORMATION RELATING TO ANY PRIOR COMMITMENT ON SUCH WEBSITE FOR A PERIOD NOT TO EXCEED FIVE YEARS AFTER THE EXPIRATION OF SUCH PERSON'S SENTENCE OF IMPRISONMENT AND ANY PERIOD OF PAROLE OR POST-RELEASE SUPERVISION ARISING FROM THE MOST RECENT COMMITMENT TO THE DEPARTMENT.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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