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2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

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

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

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

1 Section 1. Paragraph (a) of subdivision 1 of section 700 of the  
2 correction law, as amended by section 342 of the laws of 1972, is  
3 amended to read as follows:  
4 (a) "Eligible offender" shall mean a person who has been convicted of  
5 a crime or of an offense[, but who has not been convicted more than once  
6 of a felony].  
7 S 2. Section 701 of the correction law, as amended by chapter 342 of  
8 the laws of 1972, subdivision 2 as amended by section 2 of chapter 235  
9 of the laws of 2007, is amended to read as follows:  
10 S 701. Certificate of [relief from disabilities] RESTORATION. 1. A  
11 certificate of [relief from disabilities] RESTORATION may be granted as  
12 provided in this article to relieve an eligible offender of any forfei-  
13 ture or disability, or to remove any bar to his employment, automat-  
14 ically imposed by law by reason of his conviction of the crime or of the  
15 offense specified therein. Such certificate may be limited to one or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 (d) Unlawful entry of a building;

53 (e) Aiding escape from prison;

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

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

6 (h) Vagrancy or prostitution; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 STATEMENT OF ABSENTEE VOTER

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

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

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

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

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

50 STATEMENT OF ABSENTEE VOTER

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

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

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

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

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

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

31 STATEMENT OF ABSENTEE VOTER

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

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

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

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

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

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

13 STATEMENT OF ABSENTEE VOTER

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

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

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

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

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

1

STATEMENT OF ABSENTEE VOTER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (a) permanently, if that person

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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