

3658

2011-2012 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. AUBRY, LENTOL, WRIGHT, GLICK, V. LOPEZ, CAMARA, JAFFEE, BOYLAND, ROBINSON, JEFFRIES -- Multi-Sponsored by -- M. of A. CAHILL, CLARK, GOTTFRIED, HEASTIE, HIKIND, MAISEL, MARKEY, McENENY, PEOPLES-STOKES, 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

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

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

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

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

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

46 2. Notwithstanding any other provision of law, except subdivision five
47 of section twenty-eight hundred six of the public health law or para-
48 graph (b) of subdivision two of section eleven hundred ninety-three of
49 the vehicle and traffic law, a conviction of a crime or of an offense
50 specified in a certificate of [relief from disabilities] RESTORATION
51 shall not cause automatic forfeiture of any license, other than a
52 license issued pursuant to section 400.00 of the penal law to a person
53 convicted of a class A-I felony or a violent felony offense, as defined
54 in subdivision one of section 70.02 of the penal law, permit, employ-
55 ment, or franchise, including the right to register for or vote at an
56 election, or automatic forfeiture of any other right or privilege, held

1 by the eligible offender and covered by the certificate. Nor shall such
2 conviction be deemed to be a conviction within the meaning of any
3 provision of law that imposes, by reason of a conviction, a bar to any
4 employment, a disability to exercise any right, or a disability to apply
5 for or to receive any license, permit, or other authority or privilege
6 covered by the certificate; provided, however, that a conviction for a
7 second or subsequent violation of any subdivision of section eleven
8 hundred ninety-two of the vehicle and traffic law committed within the
9 preceding ten years shall impose a disability to apply for or receive an
10 operator's license during the period provided in such law; and provided
11 further, however, that a conviction for a class A-I felony or a violent
12 felony offense, as defined in subdivision one of section 70.02 of the
13 penal law, shall impose a disability to apply for or receive a license
14 or permit issued pursuant to section 400.00 of the penal law.

15 S 4. Section 702 of the correction law, as amended by chapter 342 of
16 the laws of 1972, the section heading as amended by chapter 931 of the
17 laws of 1976, subdivision 3 as amended by section 64 of part A of chap-
18 ter 56 of the laws of 2010 and subdivision 6 as amended by chapter 720
19 of the laws of 2006, is amended to read as follows:

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

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

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

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

55 2. [Such] THE RELIEF GRANTED BY SUCH certificate shall [not be issued
56 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. Any probation officer requested to make an
15 investigation pursuant to this section shall prepare and submit to the
16 court a written report in accordance with such request.

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

30 [5] 4. Any court that has issued a certificate of [relief from disa-
31 bilities] RESTORATION may at any time issue a new certificate to enlarge
32 the relief previously granted, provided, however, that the provisions of
33 subdivisions one through [four] THREE of this section shall apply to the
34 issuance of any such new certificate.

35 [6] 5. Any written report submitted to the court [pursuant to] FOR THE
36 PURPOSES OF this section is confidential and may not be made available
37 to any person or public or private agency except where specifically
38 required or permitted by statute or upon specific authorization of the
39 court. However, upon the court's receipt of such report, the court shall
40 provide a copy of such report, or direct that such report be provided to
41 the applicant's attorney, or the applicant himself, if he has no attor-
42 ney. In its discretion, the court may except from disclosure a part or
43 parts of the report which are not relevant to the granting of a certif-
44 icate, or sources of information which have been obtained on a promise
45 of confidentiality, or any other portion thereof, disclosure of which
46 would not be in the interest of justice. The action of the court except-
47 ing information from disclosure shall be subject to appellate review.
48 The court, in its discretion, may hold a conference in open court or in
49 chambers to afford an applicant an opportunity to controvert or to
50 comment upon any portions of the report. The court may also conduct a
51 summary hearing at the conference on any matter relevant to the granting
52 of the application and may take testimony under oath.

53 S 5. Section 703 of the correction law, as amended by chapter 342 of
54 the laws of 1972, the section heading as amended by chapter 931 of the
55 laws of 1976, subdivision 1 as amended by chapter 475 of the laws of
56 1974, subdivision 6 as added by chapter 378 of the laws of 1988 and

1 subdivision 7 as added by section 3 of part 00 of chapter 56 of the laws
2 of 2010, is amended to read as follows:

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

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

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

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

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

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

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

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

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

54 4. Any certificate of [relief from disabilities] RESTORATION issued by
55 the board of parole to an eligible offender who at time of the issuance
56 of the certificate is under the board's supervision, shall be deemed to

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

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

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

16 7. Presumption based on federal recommendation. Where a certificate of
17 [relief from disabilities] RESTORATION is sought pursuant to paragraph
18 (b) of subdivision one of this section on a judgment of conviction
19 rendered by a federal district court in this state and the board of
20 parole is in receipt of a written recommendation in favor of the issu-
21 ance of such certificate from the chief probation officer of the
22 district, the board shall issue the requested certificate unless it
23 finds that the requirements of [paragraphs (a), (b) and (c) of] subdivi-
24 sion three of this section have not been satisfied; or that the inter-
25 ests of justice would not be advanced by the issuance of the certif-
26 icate.

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

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

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

31 S 704. Effect of revocation; use of revoked certificate. 1. Where a
32 certificate of [relief from disabilities] RESTORATION is deemed to be
33 temporary and such certificate is revoked, disabilities and forfeitures
34 thereby relieved shall be reinstated as of the date upon which the
35 person to whom the certificate was issued receives written notice of
36 such revocation. Any such person shall upon receipt of such notice
37 surrender the certificate to the issuing court or board.

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

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

46 S 9. Section 705 of the correction law, as added by chapter 654 of the
47 laws of 1966, subdivision 1 as amended by section 49 of part A of chap-
48 ter 56 of the laws of 2010, is amended to read as follows:

49 S 705. Forms and filing. 1. All applications, certificates and orders
50 of revocation necessary for the purposes of this article shall be upon
51 forms prescribed pursuant to agreement among the state commissioner of
52 correctional services, the chairman of the state board of parole and the
53 administrator of the state judicial conference. Such forms relating to
54 certificates of [relief from disabilities] RESTORATION shall be distrib-
55 uted by the office of probation and correctional alternatives and [forms

1 relating to certificates of good conduct shall be distributed] by the
2 chairman of the board of parole.

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

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

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

13 S 11. Paragraph (h) of subdivision 1 of section 130 of the executive
14 law, as amended by section 1 of part LL of chapter 56 of the laws of
15 2010, is amended to read as follows:

16 (h) vagrancy or prostitution, and who has not subsequent to such
17 conviction received an executive pardon therefor or a certificate of
18 [relief from disabilities or a certificate of good conduct] RESTORATION
19 pursuant to article twenty-three of the correction law to remove the
20 disability under this section because of such conviction.

21 S 12. Subdivision 3 of section 175 of the executive law, as amended by
22 section 2 of part LL of chapter 56 of the laws of 2010, is amended to
23 read as follows:

24 3. Upon a showing by the attorney general in an application for an
25 injunction that any person engaged in solicitation has been convicted in
26 this state or elsewhere of a felony or of a misdemeanor involving the
27 misappropriation, misapplication or misuse of the money or property of
28 another, and who has not, subsequent to such conviction, received execu-
29 tive pardon therefor or a certificate of [relief from disabilities or a
30 certificate of good conduct] RESTORATION pursuant to article twenty-
31 three of the correction law, the supreme court, after a hearing, may
32 enjoin such person from engaging in any solicitation.

33 S 13. Paragraph (c) of subdivision 8 of section 283 of the tax law, as
34 amended by section 24 of part LL of chapter 56 of the laws of 2010, is
35 amended to read as follows:

36 (c) If a person convicted of a felony or crime deemed hereby to be a
37 felony is subsequently pardoned by the governor of the state where such
38 conviction was had, or by the president of the United States, or shall
39 receive a certificate of [relief from disabilities or a certificate of
40 good conduct] RESTORATION pursuant to article twenty-three of the
41 correction law for the purpose of removing the disability under this
42 section because of such conviction, the tax commission may, in its
43 discretion, on application of such person and compliance with subdivi-
44 sion two of this section, and on the submission to it of satisfactory
45 evidence of good moral character and suitability, again register such
46 person as a distributor under this article.

47 S 14. Subdivision 2 of section 102 of the alcoholic beverage control
48 law, as amended by section 1 of part OO of chapter 56 of the laws of
49 2010, the opening paragraph as separately amended by section 3 of part
50 LL of chapter 56 of the laws of 2010 and paragraph (g) as separately
51 amended by chapter 232 of the laws of 2010, is amended to read as
52 follows:

53 2. No person holding any license hereunder, other than a license to
54 sell an alcoholic beverage at retail for off-premises consumption or a
55 license or special license to sell an alcoholic beverage at retail for
56 consumption on the premises where such license authorizes the sale of

1 liquor, beer and/or wine on the premises of a catering establishment,
2 hotel, restaurant, club, or recreational facility, shall knowingly
3 employ in connection with his OR HER business in any capacity whatsoev-
4 er, any person, who has been convicted of a felony, or any of the
5 following offenses, who has not subsequent to such conviction received
6 an executive pardon therefor removing any civil disabilities incurred
7 thereby, a certificate of [relief from disabilities or a certificate of
8 good conduct] RESTORATION pursuant to article twenty-three of the
9 correction law, or other relief from disabilities provided by law, or
10 the written approval of the state liquor authority permitting such
11 employment, to wit:

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

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

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

16 (d) Unlawful entry of a building;

17 (e) Aiding escape from prison;

18 (f) Unlawfully possessing or distributing habit forming narcotic
19 drugs;

20 (g) Violating subdivisions six, ten or eleven of section seven hundred
21 twenty-two of the former penal law as in force and effect immediately
22 prior to September first, nineteen hundred sixty-seven, or violating
23 [sections] SECTION 165.25 or 165.30 of the penal law;

24 (h) Vagrancy or prostitution; or

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

27 If, as hereinabove provided, the state liquor authority issues its
28 written approval for the employment by a licensee, in a specified capac-
29 ity, of a person previously convicted of a felony or any of the offenses
30 above enumerated, such person, may, unless he OR SHE is subsequently
31 convicted of a felony or any of such offenses, thereafter be employed in
32 the same capacity by any other licensee without the further written
33 approval of the authority unless the prior approval given by the author-
34 ity is terminated.

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

37 As used in this subdivision, "recreational facility" shall mean: (i)
38 premises that are part of a facility the principal business of which
39 shall be the providing of recreation in the form of golf, tennis, swim-
40 ming, skiing or boating; and (ii) premises in which the principal busi-
41 ness shall be the operation of a theatre, concert hall, opera house,
42 bowling establishment, excursion and sightseeing vessel, or accommo-
43 dation of athletic events, sporting events, expositions and other simi-
44 lar events or occasions requiring the accommodation of large gatherings
45 of persons.

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

49 (d) A statement that such applicant or the applicant's spouse has not
50 been convicted of a crime addressed by the provisions of section one
51 hundred twenty-six of this article which would forbid the applicant
52 (including any officers, directors, shareholders or partners listed in
53 the statement of identity under paragraph (a) of this subdivision or the
54 spouse of such person) or the applicant's spouse to traffic in alcoholic
55 beverages, a statement whether or not the applicant (including any offi-
56 cers, directors, shareholders or partners listed in the statement of

1 identity under paragraph (a) of this subdivision or the spouse of any
2 such person) or the applicant's spouse is an official described in
3 section one hundred twenty-eight of this article, and a description of
4 any crime that the applicant (including any officers, directors, share-
5 holders or partners listed under paragraph (a) of this subdivision or
6 the spouse of any such person) or the applicant's spouse has been
7 convicted of and whether such person has received a pardon, certificate
8 of [good conduct or certificate of relief from disabilities]
9 RESTORATION; provided, however, that no person shall be denied any
10 license solely on the grounds that such person is the spouse of a person
11 otherwise disqualified from holding a license under this chapter.

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

16 1. Except as provided in subdivision one-a of this section, a person
17 who has been convicted of a felony or any of the misdemeanors mentioned
18 in section eleven hundred forty-six of the former penal law as in force
19 and effect immediately prior to September first, nineteen hundred
20 sixty-seven, or of an offense defined in section 230.20 or 230.40 of the
21 penal law, unless subsequent to such conviction such person shall have
22 received an executive pardon therefor removing this disability, a
23 certificate of [good conduct granted by the board of parole, or a
24 certificate of relief from disabilities] RESTORATION granted by the
25 board of parole or a court of this state pursuant to the provisions of
26 article twenty-three of the correction law to remove the disability
27 under this section because of such conviction.

28 1-a. Notwithstanding the provision of subdivision one of this section,
29 a corporation holding a license to traffic in alcoholic beverages shall
30 not, upon conviction of a felony or any of the misdemeanors or offenses
31 described in subdivision one of this section, be automatically forbidden
32 to traffic in alcoholic beverages, but the application for a license by
33 such a corporation shall be subject to denial, and the license of such a
34 corporation shall be subject to revocation or suspension by the authori-
35 ty pursuant to section one hundred eighteen of this chapter, consistent
36 with the provisions of article twenty-three-A of the correction law. For
37 any felony conviction by a court other than a court of this state, the
38 authority may request the board of parole to investigate and review the
39 facts and circumstances concerning such a conviction, and the board of
40 parole shall, if so requested, submit its findings to the authority as
41 to whether the corporation has conducted itself in a manner such that
42 discretionary review by the authority would not be inconsistent with the
43 public interest. The division of parole may charge the licensee or
44 applicant a fee equivalent to the expenses of an appropriate investi-
45 gation under this subdivision. For any conviction rendered by a court of
46 this state, the authority may request the corporation, if the corpo-
47 ration is eligible for a certificate of [relief from disabilities]
48 RESTORATION, to seek such a certificate [from the court which rendered
49 the conviction] IN ACCORDANCE WITH ARTICLE TWENTY-THREE OF THE
50 CORRECTION LAW and to submit such a certificate as part of the authori-
51 ty's discretionary review process.

52 4. A copartnership or a corporation, unless each member of the part-
53 nership, or each of the principal officers and directors of the corpo-
54 ration, is a citizen of the United States or an alien lawfully admitted
55 for permanent residence in the United States, not less than twenty-one
56 years of age, and has not been convicted of any felony or any of the

1 misdemeanors, specified in section eleven hundred forty-six of the
2 former penal law as in force and effect immediately prior to September
3 first, nineteen hundred sixty-seven, or of an offense defined in section
4 230.20 or 230.40 of the penal law, or if so convicted has received,
5 subsequent to such conviction, an executive pardon therefor removing
6 this disability, a certificate of [good conduct granted by the board of
7 parole, or a certificate of relief from disabilities] RESTORATION grant-
8 ed by the board of parole or a court of this state pursuant to the
9 provisions of article twenty-three of the correction law to remove the
10 disability under this section because of such conviction; provided
11 however that a corporation which otherwise conforms to the requirements
12 of this section and chapter may be licensed if each of its principal
13 officers and more than one-half of its directors are citizens of the
14 United States or aliens lawfully admitted for permanent residence in the
15 United States; and provided further that a corporation organized under
16 the not-for-profit corporation law or the education law which otherwise
17 conforms to the requirements of this section and chapter may be licensed
18 if each of its principal officers and more than one-half of its direc-
19 tors are not less than twenty-one years of age and none of its directors
20 are less than eighteen years of age; and provided further that a corpo-
21 ration organized under the not-for-profit corporation law or the educa-
22 tion law and located on the premises of a college as defined by section
23 two of the education law which otherwise conforms to the requirements of
24 this section and chapter may be licensed if each of its principal offi-
25 cers and each of its directors are not less than eighteen years of age.

26 S 17. Subdivision 4 of section 96-z-3 of the agriculture and markets
27 law, as amended by section 4 of part LL of chapter 56 of the laws of
28 2010, is amended to read as follows:

29 (4) applicant, an officer, director, partner, or holder of ten per
30 centum or more of the voting stock of an applicant has been convicted of
31 a felony by a court of the United States or any state or territory ther-
32 eof, without subsequent pardon by the governor or other appropriate
33 authority of the state or jurisdiction in which such conviction
34 occurred, or the receipt of a certificate of [relief from disabilities
35 or a certificate of good conduct] RESTORATION pursuant to article twenty-
36 ty-three of the correction law,

37 S 18. Paragraph (d) of subdivision 4 of section 129 of the agriculture
38 and markets law, as amended by section 5 of part LL of chapter 56 of the
39 laws of 2010, is amended to read as follows:

40 (d) The applicant or registrant, or an officer, director, partner or
41 holder of ten per centum or more of the voting stock of the applicant or
42 registrant, has been convicted of a felony by a court of the United
43 States or any state or territory thereof, without subsequent pardon by
44 the governor or other appropriate authority of the state or jurisdiction
45 in which such conviction occurred, or receipt of a certificate of
46 [relief from disabilities or a certificate of good conduct] RESTORATION
47 pursuant to article twenty-three of the correction law;

48 S 19. Paragraph (c) of subdivision 2 of section 2897 of the public
49 health law, as amended by section 21 of part LL of chapter 56 of the
50 laws of 2010, is amended to read as follows:

51 (c) If a person convicted of a felony or crime deemed hereby to be a
52 felony is subsequently pardoned by the governor of the state where such
53 conviction was had, or by the president of the United States, or shall
54 receive a certificate of [relief from disabilities or a certificate of
55 good conduct] RESTORATION pursuant to article twenty-three of the
56 correction law for the purpose of removing the disability under this

1 section because of such conviction, the board may, in its discretion, on
2 application of such person, and on the submission to it of satisfactory
3 evidence, restore to such person the right to practice nursing home
4 administration in this state.

5 S 20. Section 3454 of the public health law, as amended by section 22
6 of part LL of chapter 56 of the laws of 2010, is amended to read as
7 follows:

8 S 3454. Restoration of licenses after conviction of a felony. If a
9 person convicted of a felony or crime deemed to be a felony is subse-
10 quently pardoned by the governor of the state where such conviction was
11 had or by the president of the United States, or shall receive a certif-
12 icate of [relief from disabilities or a certificate of good conduct]
13 RESTORATION pursuant to article twenty-three of the correction law to
14 remove the disability under this section because of such conviction, the
15 commissioner may, in his OR HER discretion, on application of such
16 person, and on the submission to him OR HER of satisfactory evidence,
17 restore to such person the right to practice in this state.

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

21 (a) No person convicted of a felony shall continue to hold a license
22 to practice radiologic technology, unless he or she has been granted an
23 executive pardon, a certificate of [relief from disabilities or a
24 certificate of good conduct] RESTORATION for such felony and, the
25 commissioner, in his or her discretion, restores the license after
26 determining that the individual does not pose a threat to patient health
27 and safety.

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

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

34 S 23. Paragraph (a) of subdivision 1 of section 191 of the general
35 municipal law, as amended by section 15 of part LL of chapter 56 of the
36 laws of 2010, is amended to read as follows:

37 (a) Issuance of licenses to conduct games of chance. If such clerk or
38 department shall determine that the applicant is duly qualified to be
39 licensed to conduct games of chance under this article; that the member
40 or members of the applicant designated in the application to manage
41 games of chance are bona fide active members of the applicant and are
42 persons of good moral character and have never been convicted of a
43 crime, or, if convicted, have received a pardon, a certificate of [good
44 conduct or a certificate of relief from disabilities] RESTORATION pursu-
45 ant to article twenty-three of the correction law; that such games are
46 to be conducted in accordance with the provisions of this article and in
47 accordance with the rules and regulations of the board and applicable
48 local laws or ordinances and that the proceeds thereof are to be
49 disposed of as provided by this article, and if such clerk or department
50 is satisfied that no commission, salary, compensation, reward or recom-
51 pense whatever will be paid or given to any person managing, operating
52 or assisting therein except as in this article otherwise provided; it
53 shall issue a license to the applicant for the conduct of games of
54 chance upon payment of a license fee of twenty-five dollars for each
55 license period.

1 S 24. Paragraph (a) of subdivision 1 of section 481 of the general
2 municipal law, as amended by section 17 of part LL of chapter 56 of the
3 laws of 2010, is amended to read as follows:

4 (a) Issuance of licenses to conduct bingo. If the governing body of
5 the municipality shall determine that the applicant is duly qualified to
6 be licensed to conduct bingo under this article; that the member or
7 members of the applicant designated in the application to conduct bingo
8 are bona fide active members of the applicant and are persons of good
9 moral character and have never been convicted of a crime or, if
10 convicted, have received a pardon or a certificate of [good conduct or a
11 certificate of relief from disabilities] RESTORATION pursuant to article
12 twenty-three of the correction law; that such games are to be conducted
13 in accordance with the provisions of this article and in accordance with
14 the rules and regulations of the commission, and that the proceeds ther-
15 eof are to be disposed of as provided by this article, and if the
16 governing body is satisfied that no commission, salary, compensation,
17 reward or recompense whatever will be paid or given to any person hold-
18 ing, operating or conducting or assisting in the holding, operation and
19 conduct of any such games except as in this article otherwise provided;
20 and that no prize will be offered and given in excess of the sum or
21 value of one thousand dollars in any single game and that the aggregate
22 of all prizes offered and given in all of such games conducted on a
23 single occasion, under said license shall not exceed the sum or value of
24 three thousand dollars, it shall issue a license to the applicant for
25 the conduct of bingo upon payment of a license fee of eighteen dollars
26 and seventy-five cents for each bingo occasion; provided, however, that
27 the governing body shall refuse to issue a license to an applicant seek-
28 ing to conduct bingo in premises of a licensed commercial lessor where
29 it determines that the premises presently owned or occupied by said
30 applicant are in every respect adequate and suitable for conducting
31 bingo games.

32 S 25. Paragraph (a) of subdivision 9 of section 476 of the general
33 municipal law, as amended by section 16 of part LL of chapter 56 of the
34 laws of 2010, is amended to read as follows:

35 (a) a person convicted of a crime who has not received a pardon or a
36 certificate of [good conduct or a certificate of relief from disabili-
37 ties] RESTORATION pursuant to article twenty-three of the correction
38 law;

39 S 26. Paragraph b of subdivision 5 of section 84-a of the town law, as
40 amended by section 10 of part LL of chapter 56 of the laws of 2010, is
41 amended to read as follows:

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

44 STATEMENT OF ABSENTEE VOTER

45 I do declare that I will have been a citizen of the United States for
46 thirty days, and will be at least eighteen years of age, on the date of
47 the special town election; that I will have been a resident of this
48 state and of the town shown on the reverse side of this envelope for
49 thirty days next preceding the said election; that I am or on such date
50 will be, a registered voter of said town; that I will be unable to
51 appear personally on the day of said special town election at the poll-
52 ing place of the election district in which I am or will be a qualified
53 voter because of the reason stated on my application heretofore submit-
54 ted; that I have not qualified, or do I intend to vote, elsewhere than
55 as set forth on the reverse side of this envelope; that I have not
56 received or offered, do not expect to receive, have not paid, offered or

1 promised to pay, contributed, offered or promised to contribute to
2 another to be paid or used, any money or other valuable thing, as a
3 compensation or reward for the giving or withholding of a vote at this
4 special town election, and have not made any promise to influence the
5 giving or withholding of any such votes; that I have not made or become
6 directly or indirectly interested in any bet or wager depending upon the
7 result of this special town election; and that I have not been convicted
8 of bribery or any infamous crime, or, if so convicted, that I have been
9 pardoned or restored to all the rights of a citizen, without restriction
10 as to the right of suffrage, or received a certificate of [relief from
11 disabilities or a certificate of good conduct] RESTORATION pursuant to
12 article twenty-three of the correction law removing my disability to
13 register and vote OR MY MAXIMUM SENTENCE OF IMPRISONMENT HAS EXPIRED.

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

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

19 S 27. Paragraph b of subdivision 5 of section 175-b of the town law,
20 as amended by section 11 of part LL of chapter 56 of the laws of 2010,
21 is amended to read as follows:

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

24 STATEMENT OF ABSENTEE VOTER

25 I do declare that I will have been a citizen of the United States for
26 thirty days, and will be at least eighteen years of age, on the date of
27 the district election; that I will have been a resident of this state
28 and of the district if any, shown on the reverse side of this envelope
29 for thirty days next preceding the said election and that I am or on
30 such date will be, a registered voter of said district; that I will be
31 unable to appear personally on the day of said district election at the
32 polling place of the said district in which I am or will be a qualified
33 voter because of the reason stated on my application heretofore submit-
34 ted; that I have not qualified, or do I intend to vote, elsewhere than
35 as set forth on the reverse side of this envelope; that I have not
36 received or offered, do not expect to receive, have not paid, offered or
37 promised to pay, contributed, offered or promised to contribute to
38 another to be paid or used, any money or other valuable thing, as a
39 compensation or reward for the giving or withholding of a vote at this
40 district election, and have not made any promise to influence the giving
41 or withholding of any such votes; that I have not made or become direct-
42 ly or indirectly interested in any bet or wager depending upon the
43 result of this district election; and that I have not been convicted of
44 bribery or any infamous crime, or, if so convicted, that I have been
45 pardoned or restored to all the rights of a citizen, without restriction
46 as to the right of suffrage, or received a certificate of [relief from
47 disabilities or a certificate of good conduct] RESTORATION pursuant to
48 article twenty-three of the correction law removing my disability to
49 register and vote OR MY MAXIMUM SENTENCE OF IMPRISONMENT HAS EXPIRED.

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

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

1 S 28. Paragraph b of subdivision 5 of section 213-b of the town law,
2 as amended by section 12 of part LL of by chapter 56 of the laws of
3 2010, is amended to read as follows:

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

6 STATEMENT OF ABSENTEE VOTER

7 I do declare that I will have been a citizen of the United States for
8 thirty days, and will be at least eighteen years of age, on the date of
9 the district election; that I will have been a resident of this state
10 and of the district if any, shown on the reverse side of this envelope
11 for thirty days next preceding the said election and that I am or on
12 such date will be, a registered voter of said district; that I will be
13 unable to appear personally on the day of said district election at the
14 polling place of the said district in which I am or will be a qualified
15 voter because of the reason stated on my application heretofore submit-
16 ted; that I have not qualified, or do I intend to vote, elsewhere than
17 as set forth on the reverse side of this envelope; that I have not
18 received or offered, do not expect to receive, have not paid, offered or
19 promised to pay, contributed, offered or promised to contribute to
20 another to be paid or used, any money or other valuable thing, as a
21 compensation or reward for the giving or withholding of a vote at this
22 district election, and have not made any promise to influence the giving
23 or withholding of any such votes; that I have not made or become direct-
24 ly or indirectly interested in any bet or wager depending upon the
25 result of this district election; and that I have not been convicted of
26 bribery or any infamous crime, or, if so convicted, that I have been
27 pardoned or restored to all the rights of a citizen, without restriction
28 as to the right of suffrage, or received a certificate of [relief from
29 disabilities or a certificate of good conduct] RESTORATION pursuant to
30 article twenty-three of the correction law removing my disability to
31 register and vote OR MY MAXIMUM SENTENCE OF IMPRISONMENT HAS EXPIRED.

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

36 Date..... Signature of Voter

37 S 29. Paragraph b of subdivision 5 of section 2018-a of the education
38 law, as amended by section 8 of part LL of chapter 56 of the laws of
39 2010, is amended to read as follows:

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

42 STATEMENT OF ABSENTEE VOTER

43 I do declare that I am a citizen of the United States, and will be at
44 least eighteen years of age, on the date of the school district
45 election; that I will have been a resident of this state and of the
46 school district and school election district, if any, shown on the
47 reverse side of this envelope for thirty days next preceding the said
48 election and duly registered in the school district and school election
49 district, if any, shown on the reverse side of this envelope and that I
50 am or on such date will be, a qualified voter of said school district;
51 that I will be unable to appear personally on the day of said school
52 district election at the polling place of the said district in which I
53 am or will be a qualified voter because of the reason stated on my

1 application heretofore submitted; that I have not qualified, or do I
2 intend to vote, elsewhere than as set forth on the reverse side of this
3 envelope; that I have not received or offered, do not expect to receive,
4 have not paid, offered or promised to pay, contributed, offered or prom-
5 ised to contribute to another to be paid or used, any money or other
6 valuable thing, as a compensation or reward for the giving or withhold-
7 ing of a vote at this school district election, and have not made any
8 promise to influence the giving or withholding of any such votes; that I
9 have not made or become directly or indirectly interested in any bet or
10 wager depending upon the result of this school district election; and
11 that I have not been convicted of bribery or any infamous crime, or, if
12 so convicted, that I have been pardoned or restored to all the rights of
13 a citizen, without restriction as to the right of suffrage, or received
14 a certificate of [relief from disabilities or a certificate of good
15 conduct] RESTORATION pursuant to article twenty-three of the correction
16 law removing my disability to register and vote OR MY MAXIMUM SENTENCE
17 OF IMPRISONMENT HAS EXPIRED.

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

22 Date.....Signature of Voter

23 S 30. Paragraph b of subdivision 6 of section 2018-b of the education
24 law, as amended by section 9 of part LL of chapter 56 of the laws of
25 2010, is amended to read as follows:

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

28 STATEMENT OF ABSENTEE VOTER

29 I do declare that I am a citizen of the United States, and will be at
30 least eighteen years of age on the date of the school district election;
31 that I will have been a resident of this state and of the school
32 district and school election district, if any, shown on the reverse side
33 of this envelope for thirty days next preceding the said election and
34 that I am or on such date will be, a qualified voter of said school
35 district; that I will be unable to appear personally on the day of said
36 school district election at the polling place of the said district in
37 which I am or will be a qualified voter because of the reason stated on
38 my application heretofore submitted; that I have not qualified, or do I
39 intend to vote, elsewhere than as set forth on the reverse side of this
40 envelope; that I have not received or offered, do not expect to receive,
41 have not paid, offered or promised to pay, contributed, offered or prom-
42 ised to contribute to another to be paid or used, any money or other
43 valuable thing, as a compensation or reward for the giving or withhold-
44 ing of a vote at this school district election, and have not made any
45 promise to influence the giving or withholding of any such votes; that I
46 have not made or become directly or indirectly interested in any bet or
47 wager depending upon the result of this school district election; and
48 that I have not been convicted of bribery or any infamous crime, or, if
49 so convicted, that I have been pardoned or restored to all the rights of
50 a citizen, without restriction as to the right of suffrage, or have
51 received a certificate of [relief from disabilities or a certificate of
52 good conduct] RESTORATION pursuant to article twenty-three of the

1 correction law removing my disability to vote OR MY MAXIMUM SENTENCE OF
2 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 31. Subdivision 2 of section 69-o of the general business law, as
9 amended by chapter 575 of the laws of 1993, is amended to read as
10 follows:

11 2. After the filing of an applicant's fingerprint cards, the secretary
12 of state shall forward such fingerprints to the division of criminal
13 justice services to be compared with the fingerprints on file with the
14 division of criminal justice services in order to ascertain whether the
15 applicant has been convicted of a felony involving fraud, bribery,
16 perjury or theft pursuant to article one hundred forty, one hundred
17 fifty-five, one hundred sixty, one hundred sixty-five, one hundred
18 seventy, one hundred seventy-five, one hundred seventy-six, one hundred
19 eighty, one hundred eighty-five, one hundred ninety, one hundred nine-
20 ty-five, two hundred or two hundred ten of the penal law; or has a crim-
21 inal action which has been pending for such a felony for under one year
22 without a final disposition unless adjourned in contemplation of
23 dismissal; provided, however, that for the purposes of this article,
24 none of the following shall be considered criminal convictions or
25 reported as such:

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

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

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

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

41 The secretary of state shall deny the application of any individual
42 convicted of a felony involving fraud, bribery, perjury or theft pursu-
43 ant to article one hundred forty, one hundred fifty-five, one hundred
44 sixty, one hundred sixty-five, one hundred seventy, one hundred seven-
45 ty-five, one hundred seventy-six, one hundred eighty, one hundred eight-
46 y-five, one hundred ninety, one hundred ninety-five, two hundred or two
47 hundred ten of the penal law; or has a criminal action which has been
48 pending for such a felony for under one year without a final disposition
49 unless adjourned in contemplation of dismissal; provided, however, that
50 for the purposes of this article, none of the following shall be consid-
51 ered criminal convictions or reported as such:

52 (i) A conviction which has been vacated and replaced by a youthful
53 offender finding pursuant to article seven hundred twenty of the crimi-

1 nal procedure law, or the applicable provisions of law of any other
2 jurisdiction; or

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

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

9 S 32. Subdivision 1 of section 81 of the general business law, as
10 amended by section 14 of part LL of chapter 56 of the laws of 2010, is
11 amended to read as follows:

12 1. The holder of any license certificate issued pursuant to this arti-
13 cle may employ to assist him in his work of private detective or inves-
14 tigator or bail enforcement agent as described in section seventy-one of
15 this article and in the conduct of such business as many persons as he
16 may deem necessary, and shall at all times during such employment be
17 legally responsible for the good conduct in the business of each and
18 every person so employed.

19 No holder of any unexpired license certificate issued pursuant to this
20 article shall knowingly employ in connection with his or its business in
21 any capacity whatsoever, any person who has been convicted of a felony
22 or any of the offenses specified in subdivision two of section seventy-
23 four of this article, and who has not subsequent to such conviction
24 received executive pardon therefor removing this disability, or received
25 a certificate of [relief from disabilities or a certificate of good
26 conduct] RESTORATION pursuant to article twenty-three of the correction
27 law to remove the disability under this section because of such a
28 conviction, or any person whose private detective or investigator's
29 license or bail enforcement agent's license was revoked or application
30 for such license was denied by the department of state or by the author-
31 ities of any other state or territory because of conviction of any of
32 such offenses. Should the holder of an unexpired license certificate
33 falsely state or represent that a person is or has been in his employ,
34 such false statement or misrepresentation shall be sufficient cause for
35 the revocation of such license. Any person falsely stating or represent-
36 ing that he is or has been a detective or employed by a detective agency
37 or that he is or has been a bail enforcement agent or employed by a bail
38 enforcement agency shall be guilty of a misdemeanor.

39 S 33. Paragraph 4 of subsection (d) of section 2108 of the insurance
40 law, as amended by section 18 of part LL of chapter 56 of the laws of
41 2010, is amended to read as follows:

42 (4) This subsection shall not prevent the employment of or the issu-
43 ance of a license to any person who, subsequent to his conviction, shall
44 have received executive pardon therefor removing this disability, or who
45 has received a certificate of [relief from disabilities or a certificate
46 of good conduct] RESTORATION pursuant to article twenty-three of the
47 correction law to remove the disability under this section because of
48 such conviction or previous license revocation occasioned thereby.

49 S 34. Subdivision 6 of section 369 of the banking law, as amended by
50 chapter 164 of the laws of 2003 and paragraph (b) as amended by section
51 6 of part LL of chapter 56 of the laws of 2010, is amended to read as
52 follows:

53 6. The superintendent may refuse to issue a license pursuant to this
54 article if he shall find that the applicant, or any person who is a
55 director, officer, partner, agent, employee or substantial stockholder
56 of the applicant, (a) has been convicted of a crime in any jurisdiction

1 or (b) is associating or consorting with any person who has, or persons
2 who have, been convicted of a crime or crimes in any jurisdiction or
3 jurisdictions; provided, however, that the superintendent shall not
4 issue such a license if he shall find that the applicant, or any person
5 who is a director, officer, partner, agent, employee or substantial
6 stockholder of the applicant, has been convicted of a felony in any
7 jurisdiction or of a crime which, if committed within this state, would
8 constitute a felony under the laws thereof. For the purposes of this
9 article, a person shall be deemed to have been convicted of a crime if
10 such person shall have pleaded guilty to a charge thereof before a court
11 or magistrate, or shall have been found guilty thereof by the decision
12 or judgment of a court or magistrate or by the verdict of a jury, irre-
13 spective of the pronouncement of sentence or the suspension thereof,
14 unless such plea of guilty, or such decision, judgment or verdict, shall
15 have been set aside, reversed or otherwise abrogated by lawful judicial
16 process or unless the person convicted of the crime shall have received
17 a pardon therefor from the president of the United States or the gover-
18 nor or other pardoning authority in the jurisdiction where the
19 conviction was had, or shall have received a certificate of [relief from
20 disabilities or a certificate of good conduct] RESTORATION pursuant to
21 article twenty-three of the correction law to remove the disability
22 under this article because of such conviction. The term "substantial
23 stockholder," as used in this subdivision, shall be deemed to refer to a
24 person owning or controlling ten per centum or more of the total
25 outstanding stock of the corporation in which such person is a stock-
26 holder. In making a determination pursuant to this subdivision, the
27 superintendent shall require fingerprinting of the applicant. Such fing-
28 erprints shall be submitted to the division of criminal justice services
29 for a state criminal history record check, as defined in subdivision one
30 of section three thousand thirty-five of the education law, and may be
31 submitted to the federal bureau of investigation for a national criminal
32 history record check.

33 S 35. Paragraph 5 of subdivision a of section 265.20 of the penal law,
34 as amended by chapter 235 of the laws of 2007, is amended to read as
35 follows:

36 5. Possession of a rifle or shotgun by a person other than a person
37 who has been convicted of a class A-I felony or a violent felony
38 offense, as defined in subdivision one of section 70.02 of this chapter,
39 who has been convicted as specified in subdivision four of section
40 265.01 OF THIS ARTICLE to whom a certificate of [good conduct] RESTORA-
41 TION has been issued [pursuant to section seven hundred three-b of the
42 correction law].

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

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

1 application for employment made by a prospective employee or previously
2 made by a current employee.

3 S 37. Subdivision 2 of section 753 of the correction law, as added by
4 chapter 931 of the laws of 1976, is amended to read as follows:

5 2. In making a determination pursuant to section seven hundred fifty-
6 two of this [chapter] ARTICLE, the public agency or private employer
7 shall also give consideration to a certificate of [relief from disabili-
8 ties or a certificate of good conduct] RESTORATION issued to the appli-
9 cant, which certificate shall create a presumption of rehabilitation in
10 regard to the offense or offenses specified therein.

11 S 38. The closing paragraph of section 79-a of the civil rights law,
12 as amended by chapter 687 of the laws of 1973, is amended to read as
13 follows:

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

18 S 39. The first undesignated paragraph of section 440-a of the real
19 property law, as amended by section 23 of part LL of chapter 56 of the
20 laws of 2010, is amended to read as follows:

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

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

51 (a) Issuance of licenses to conduct games of chance. If such depart-
52 ment shall determine that the applicant is duly qualified to be licensed
53 to conduct games of chance under this subchapter; that the members of
54 the applicant designated in the application to conduct games of chance
55 are bona fide active members of the applicant and are persons of good
56 moral character and have never been convicted of a crime, or, if

1 convicted, have received a pardon or a certificate of [good conduct]
2 RESTORATION; that such games are to be conducted in accordance with the
3 provisions of this subchapter and in accordance with the rules and regu-
4 lations of the board and that the proceeds thereof are to be disposed of
5 as provided by this subchapter; and if such department is satisfied that
6 no commission, salary, compensation, reward or recompense whatever will
7 be paid or given to any person holding, operating or conducting or
8 assisting in the holding, operation and conduct of any such games except
9 as in this subchapter otherwise provided; and that no prize will be
10 given in excess of the sum or value of one hundred dollars in any single
11 game and that the aggregate of all prizes given on one occasion, under
12 said license shall not exceed the sum or value of one thousand dollars,
13 the department shall issue a license to the applicant for the conduct of
14 games of chance upon payment of a license fee of twenty-five dollars for
15 each license period.

16 S 41. Paragraph (a) of subdivision 5 of section 2806 of the public
17 health law, as amended by section 20 of part LL of chapter 56 of the
18 laws of 2010, is amended to read as follows:

19 (a) Except as provided in paragraphs (b) and (d) of this subdivision,
20 anything contained in this section or in a certificate of [relief from
21 disabilities or a certificate of good conduct] RESTORATION issued pursu-
22 ant to article twenty-three of the correction law to the contrary
23 notwithstanding, a hospital operating certificate of a hospital under
24 control of a controlling person as defined in paragraph (a) of subdivi-
25 sion twelve of section twenty-eight hundred one-a of this article, or
26 under control of any other entity, shall be revoked upon a finding by
27 the department that such controlling person or any individual, member of
28 a partnership or shareholder of a corporation to whom or to which an
29 operating certificate has been issued, has been convicted of a class A,
30 B or C felony, or a felony related in any way to any activity or program
31 subject to the regulations, supervision, or administration of the
32 department or of the office of temporary and disability assistance or in
33 violation of the public officers law in a court of competent jurisdic-
34 tion in the state, or of a crime outside the state which, if committed
35 within the state, would have been a class A, B or C felony or a felony
36 related in any way to any activity or program subject to the regu-
37 lations, supervision, or administration of the department or of the
38 office of temporary and disability assistance or in violation of the
39 public officers law.

40 S 42. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision
41 2 of section 509-c of the vehicle and traffic law, paragraph (a) of
42 subdivision 1 as amended by section 25 of part LL of chapter 56 of the
43 laws of 2010 and paragraph (a) of subdivision 2 as amended by section 26
44 of part LL of chapter 56 of the laws of 2010, are amended to read as
45 follows:

46 (a) permanently, if that person has been convicted of or forfeited
47 bond or collateral which forfeiture order has not been vacated or the
48 subject of an order of remission upon a violation of section 130.30,
49 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
50 offense committed under a former section of the penal law which would
51 constitute a violation of the aforesaid sections of the penal law or any
52 offense committed outside of this state which would constitute a
53 violation of the aforesaid sections of the penal law, provided, however,
54 the provisions of this paragraph shall not apply to convictions, suspen-
55 sions or revocations or forfeitures of bonds for collateral upon any of
56 the charges listed in this paragraph for violations which occurred prior

1 to September first, nineteen hundred seventy-four committed by a person
2 employed as a bus driver on September first, nineteen hundred seventy-
3 four. However, such disqualification may be waived provided that five
4 years have expired since the applicant was discharged or released from a
5 sentence of imprisonment imposed pursuant to conviction of an offense
6 that requires disqualification under this paragraph and that the appli-
7 cant shall have been granted a certificate of [relief from disabilities
8 or a certificate of good conduct] RESTORATION pursuant to article twenty-
9 ty-three of the correction law.

10 (a) permanently, if that person has been convicted of or forfeited
11 bond or collateral which forfeiture order has not been vacated or the
12 subject of an order of remission upon a violation committed prior to
13 September fifteenth, nineteen hundred eighty-five, of section 130.30,
14 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
15 offense committed under a former section of the penal law which would
16 constitute a violation of the aforesaid sections of the penal law or any
17 offense committed outside of this state which would constitute a
18 violation of the aforesaid sections of the penal law. However, such
19 disqualification may be waived provided that five years have expired
20 since the applicant was discharged or released from a sentence of impri-
21 sonment imposed pursuant to conviction of an offense that requires
22 disqualification under this paragraph and that the applicant shall have
23 been granted a certificate of [relief from disabilities or a certificate
24 of good conduct] RESTORATION pursuant to article twenty-three of the
25 correction law.

26 S 43. Paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-
27 sion 1 and paragraphs (a) and (b) and subparagraph (i) of paragraph (c)
28 of subdivision 2 of section 509-cc of the vehicle and traffic law, as
29 added by chapter 675 of the laws of 1985, subparagraphs (i), (ii) and
30 (iii) of paragraph (a) and subparagraph (i) of paragraph (b) of subdivi-
31 sion 1 as amended by section 27 of part LL of chapter 56 of the laws of
32 2010 and paragraphs (a) and (b) and subparagraph (i) of paragraph (c) of
33 of subdivision 2 as amended by section 28 of part LL of chapter 56 of
34 the laws of 2010, are amended to read as follows:

35 (a) permanently, if that person

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

1 for a conviction which occurred in this state, it shall only be issued
2 by the court having jurisdiction over such conviction. Such certificate
3 shall specifically indicate that the authority granting such certificate
4 has considered the bearing, if any, the criminal offense or offenses for
5 which the person was convicted will have on the applicant's fitness or
6 ability to operate a bus transporting school children to the applicant's
7 prospective employment, prior to granting such a certificate; or
8 (ii) has been convicted of an offense listed in paragraph (a) of
9 subdivision four of this section that was committed on or after Septem-
10 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
11 tion may be waived by the commissioner provided that five years have
12 expired since the applicant was discharged or released from a sentence
13 of imprisonment imposed pursuant to conviction of an offense that
14 requires disqualification under this paragraph and that the applicant
15 shall have been granted a certificate of [relief from disabilities or a
16 certificate of good conduct] RESTORATION pursuant to article twenty-
17 three of the correction law. When the certificate is issued by a court
18 for a conviction which occurred in this state, it shall only be issued
19 by the court having jurisdiction over such conviction. Such certificate
20 shall specifically indicate that the authority granting such certificate
21 has considered the bearing, if any, the criminal offense or offenses for
22 which the person was convicted will have on the applicant's fitness or
23 ability to operate a bus transporting school children, prior to granting
24 such a certificate; or
25 (iii) has been convicted of an offense listed in paragraph (b) of
26 subdivision four of this section that was committed on or after Septem-
27 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
28 tion shall be waived provided that five years have expired since the
29 applicant discharged or released from a sentence of imprisonment imposed
30 pursuant to conviction of an offense that requires disqualification
31 under this paragraph and that the applicant shall have been granted a
32 certificate of [relief from disabilities or a certificate of good
33 conduct] RESTORATION pursuant to article twenty-three of the correction
34 law. When the certificate is issued by a court for a conviction which
35 occurred in this state, it shall only be issued by the court having
36 jurisdiction over such conviction. Such certificate shall specifically
37 indicate that the authority granting such certificate has considered the
38 bearing, if any, the criminal offense or offenses for which the person
39 was convicted will have on the applicant's fitness or ability to operate
40 a bus transporting school children, prior to granting such a certifi-
41 cate. Provided, however, that at the discretion of the commissioner,
42 the certificate of relief from disabilities may remove disqualification
43 at any time; or
44 (i) has been convicted within the preceding five years of an offense
45 listed in paragraph (c) of subdivision four of this section that was
46 committed on or after September fifteenth, nineteen hundred eighty-five.
47 However, such disqualification shall be waived provided that the appli-
48 cant has been granted a certificate of [relief from disabilities or a
49 certificate of good conduct] RESTORATION pursuant to article twenty-
50 three of the correction law. When the certificate is issued by a court
51 for a conviction which occurred in this state, it shall only be issued
52 by the court having jurisdiction over such conviction. Such certificate
53 shall specifically indicate that the authority granting such certificate
54 has considered the bearing, if any, the criminal offense or offenses for
55 which the person was convicted will have on the applicant's fitness or

1 ability to operate a bus transporting school children, prior to granting
2 such a certificate;

3 (a) permanently, if that person has been convicted of an offense list-
4 ed in paragraph (a) of subdivision four of this section. However, such
5 disqualification may be waived by the commissioner provided that five
6 years have expired since the applicant was discharged or released from a
7 sentence of imprisonment imposed pursuant to conviction of an offense
8 that requires disqualification under this paragraph and that the appli-
9 cant shall have been granted a certificate of [relief from disabilities
10 or a certificate of good conduct] RESTORATION pursuant to article twen-
11 ty-three of the correction law. When the certificate is issued by a
12 court for a conviction which occurred in this state, it shall only be
13 issued by the court having jurisdiction over such conviction. Such
14 certificate shall specifically indicate that the authority granting such
15 certificate has considered the bearing, if any, the criminal offense or
16 offenses for which the person was convicted will have on the applicant's
17 fitness or ability to operate a bus transporting school children to the
18 applicant's prospective employment, prior to granting such a certif-
19 icate.

20 (b) permanently, if that person has been convicted of an offense list-
21 ed in paragraph (b) of subdivision four of this section. However, such
22 disqualification shall be waived provided that five years have expired
23 since the applicant was incarcerated pursuant to a sentence of imprison-
24 ment imposed on conviction of an offense that requires disqualification
25 under this paragraph and that the applicant shall have been granted a
26 certificate of [relief from disabilities or a certificate of good
27 conduct] RESTORATION pursuant to article twenty-three of the correction
28 law. When the certificate is issued by a court for a conviction which
29 occurred in this state, it shall only be issued by the court having
30 jurisdiction over such conviction. Such certificate shall specifically
31 indicate that the authority granting such certificate has considered the
32 bearing, if any, the criminal offense or offenses for which the person
33 was convicted will have on the applicant's fitness or ability to operate
34 a bus transporting school children, prior to granting such a certif-
35 icate. Provided, however, that at the discretion of the commissioner the
36 certificate of [relief from disabilities or a certificate of good
37 conduct] RESTORATION pursuant to article twenty-three of the correction
38 law may remove disqualification at any time.

39 (i) has been convicted within the preceding five years of an offense
40 listed in paragraph (c) of subdivision four of this section. However,
41 notwithstanding the provisions of subdivision three of section seven
42 hundred one of the correction law. Such disqualification shall be waived
43 provided that the applicant has been granted a certificate of [relief
44 from disabilities or a certificate of good conduct] RESTORATION pursuant
45 to article twenty-three of the correction law. When the certificate is
46 issued by a court for a conviction which occurred in this state, it
47 shall only be issued by the court having jurisdiction over such
48 conviction. Such certificate shall specifically indicate that the
49 authority granting such certificate has considered the bearing, if any,
50 the criminal offense or offenses for which the person was convicted will
51 have on the applicant's fitness or ability to operate a bus transporting
52 school children, prior to granting such a certificate.

53 S 44. Subparagraph (iii) of paragraph d of subdivision 6 of section
54 510 of the vehicle and traffic law, as amended by section 29 of part LL
55 of chapter 56 of the laws of 2010, is amended to read as follows:

1 (iii) after such documentation, if required, is accepted, that such
2 person is granted a certificate of [relief from disabilities or a
3 certificate of good conduct] RESTORATION pursuant to article twenty-
4 three of the correction law by the court in which such person was last
5 penalized.

6 S 45. Subparagraph (iii) of paragraph (c) of subdivision 2 of section
7 510-a of the vehicle and traffic law, as amended by section 30 of part
8 LL of chapter 56 of the laws of 2010, is amended to read as follows:

9 (iii) after such documentation, if required, is accepted, that such
10 person is granted a certificate of [relief from disabilities or a
11 certificate of good conduct] RESTORATION pursuant to article twenty-
12 three of the correction law by the court in which such person was last
13 penalized.

14 S 46. Subdivision 5 of section 530 of the vehicle and traffic law, as
15 amended by section 31 of part LL of chapter 56 of the laws of 2010, is
16 amended to read as follows:

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

45 S 47. Item (ii) of clause (b) of subparagraph 12 of paragraph (b) of
46 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
47 by section 32 of part LL of chapter 56 of the laws of 2010, is amended
48 to read as follows:

49 (ii) that such person is granted a certificate of [relief from disa-
50 bilities or a certificate of good conduct] RESTORATION pursuant to arti-
51 cle twenty-three of the correction law.

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

1 S 48. Subparagraph 1 of paragraph (d) of subdivision 2 of section 1193
2 of the vehicle and traffic law, as amended by section 34 of part LL of
3 chapter 56 of the laws of 2010, is amended to read as follows:

4 (1) Notwithstanding anything to the contrary contained in a certif-
5 icate of [relief from disabilities or a certificate of good conduct]
6 RESTORATION issued pursuant to article twenty-three of the correction
7 law, where a suspension or revocation, other than a revocation required
8 to be issued by the commissioner, is mandatory pursuant to paragraph (a)
9 or (b) of this subdivision, the magistrate, justice or judge shall issue
10 an order suspending or revoking such license upon sentencing, and the
11 license holder shall surrender such license to the court. Except as
12 hereinafter provided, such suspension or revocation shall take effect
13 immediately.

14 S 49. Item (iii) of clause (e) of subparagraph 12 of paragraph (b) of
15 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
16 by section 33 of part LL of chapter 56 of the laws of 2010, is amended
17 to read as follows:

18 (iii) after such documentation is accepted, that such person is grant-
19 ed a certificate of [relief from disabilities or a certificate of good
20 conduct] RESTORATION pursuant to article twenty-three of the correction
21 law.

22 S 50. Item (iii) of clause a of subparagraph 3 of paragraph (e) of
23 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
24 by section 35 of part LL of chapter 56 of the laws of 2010, is amended
25 to read as follows:

26 (iii) after such documentation is accepted, that such person is grant-
27 ed a certificate of [relief from disabilities or a certificate of good
28 conduct] RESTORATION pursuant to article twenty-three of the correction
29 law.

30 S 51. Item (iii) of clause c of subparagraph 1 of paragraph (d) of
31 subdivision 2 of section 1194 of the vehicle and traffic law, as amended
32 by section 37 of part LL of chapter 56 of the laws of 2010, is amended
33 to read as follows:

34 (iii) after such documentation is accepted, that such person is grant-
35 ed a certificate of [relief from disabilities or a certificate of good
36 conduct] RESTORATION pursuant to article twenty-three of the correction
37 law by the court in which such person was last penalized.

38 S 52. Paragraph (g) of subdivision 7 of section 1196 of the vehicle
39 and traffic law, as amended by section 38 of part LL of chapter 56 of
40 the laws of 2010, is amended to read as follows:

41 (g) Notwithstanding anything to the contrary contained in a certif-
42 icate of [relief from disabilities or a certificate of good conduct]
43 RESTORATION issued pursuant to article twenty-three of the correction
44 law, any conditional license or privilege issued to a person convicted
45 of a violation of any subdivision of section eleven hundred ninety-two
46 of this article shall not be valid for the operation of any commercial
47 motor vehicle. In addition, no such conditional license or privilege
48 shall be valid for the operation of a taxicab as defined in this chap-
49 ter.

50 S 53. Whenever the term "certificate of good conduct" or "certificate
51 of relief from disabilities" or any equivalent expression thereof is
52 used in any provision of law, either such term shall be deemed to mean
53 and refer to a certificate of restoration as established in this act.

54 S 54. Any certificate of relief from disabilities or certificate of
55 good conduct issued prior to the effective date of this act shall be
56 deemed the equivalent of a certificate of restoration and shall remain

1 in full force and effect on and after the effective date of this act.
2 Nothing in this act shall be read to invalidate a certificate of relief
3 from disabilities or a certificate of good conduct issued prior to the
4 effective date of this act.

5 S 55. This act shall take effect on the ninetieth day after it shall
6 have become a law, provided that:

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

12 (b) the amendments to subdivision 5 of section 530 of the vehicle and
13 traffic law made by section forty-six of this act shall not affect the
14 expiration of such subdivision and shall be deemed to expire therewith.