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

8245--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 8, 2011

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to licenses issued by the division of the lottery

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

Section 1. The section heading and subdivisions a and e of section 1605 of the tax law, the section heading and subdivision a as added by chapter 92 of the laws of 1976 and subdivision e as amended by chapter 2 of the laws of 1995, are amended to read as follows:

Lottery sales agents AND OTHER LICENSEES. a. The division may license as agents to sell lottery tickets such persons as in its opinion will best serve public convenience, except that no license shall be issued to any person to engage in business exclusively as a lottery sales agent. THE DIVISION MAY LICENSE SUCH PERSONS AS IN ITS OPINION ARE SUITABLE TO PARTICIPATE IN VIDEO LOTTERY GAMING PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THIS ARTICLE.

e. The division is hereby authorized to obtain criminal background information on any applicant for, or holder of, a lottery [sales agent] license for the purpose of determining whether a license should be granted, suspended, or revoked. The sources of such information include the license applicant or holder, the division of criminal justice services, and any licensing agency which is currently considering a licensing application or which has been granted a presently-held license to the same license applicant or holder. The division shall require each license applicant to submit identifying information which shall include fingerprints unless they are already on file with the division or other state agencies. The fingerprints so obtained shall be forthwith forwarded, and the applicable fee transmitted, to the division of crimi-

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

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nal justice services or any other state or federal government agency having facilities for checking fingerprints for the purpose of determining whether or not criminal charges are pending against the applicant or whether or not the applicant had previously been convicted of a crime, and such agency shall promptly report a finding of such pending charges and previous convictions, if any, to the division in writing or by electronic means or any other method agreed upon by the division and such agency. PRIOR TO OR UPON MAKING A DETERMINATION NOT TO APPROVE AN APPLICATION FOR A LOTTERY LICENSE BASED UPON AN APPLICANT'S CRIMINAL HISTORY RECORD, THE DIVISION SHALL PROVIDE SUCH APPLICANT WITH A COPY OF ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW, AND INFORM SUCH APPLICANT OF HIS OR HER RIGHT TO SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN SUCH RECORD PURSUANT TO REGULATIONS AND PROCEDURES ESTABLISHED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. In its discretion, the division may decline to act on any application pending the disposition of any pending charges against the applicant. The division may, after providing notice and an opportunity for a hearing pursuant to the state administrative procedure act, deny a license to any person found to have committed a felony under the laws of the United States or under the laws of the state of New York or any other state or foreign jurisdiction or any crime relating to gaming activities or that is otherwise found to have engaged in conduct which would be prejudicial to public confidence in the state lottery. ALL DETERMINATIONS TO GRANT OR DENY A LICENSE PURSUANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH SUBDIVISION SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW AND ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW. Notwithstanding the provisions of article six of the public officers law or any other law to the contrary, the division may withhold from public disclosure any criminal history information except that criminal convictions may not be withheld under this provision.

FOR PURPOSES OF THIS ARTICLE, A LICENSEE MAY INCLUDE: A LOTTERY SALES AGENT; A VIDEO LOTTERY GAMING AGENT; A VENDOR; A VENDOR'S SUBCONTRACTOR; AN EMPLOYEE OF AN AGENT, VENDOR OR VENDOR'S SUBCONTRACTOR; OR AN OFFICER, DIRECTOR, PARTNER, TRUSTEE OR OWNER OF AN AGENT, VENDOR OR VENDOR'S SUBCONTRACTOR.

S 2. This act shall take effect immediately.