

5760

2011-2012 Regular Sessions

I N   S E N A T E

June 14, 2011

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Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1     Section 1. The section heading and subdivisions a and e of section  
2     1605 of the tax law, the section heading and subdivision a as added by  
3     chapter 92 of the laws of 1976 and subdivision e as amended by chapter 2  
4     of the laws of 1995, are amended to read as follows:  
5     Lottery sales agents AND OTHER LICENSEES. a. The division may license  
6     as agents to sell lottery tickets such persons as in its opinion will  
7     best serve public convenience, except that no license shall be issued to  
8     any person to engage in business exclusively as a lottery sales agent.  
9     THE DIVISION MAY LICENSE SUCH PERSONS AS IN ITS OPINION ARE SUITABLE TO  
10    PARTICIPATE IN VIDEO LOTTERY GAMING PURSUANT TO SECTION SIXTEEN HUNDRED  
11    SEVENTEEN-A OF THIS ARTICLE.  
12    e. The division is hereby authorized to obtain criminal background  
13    information on any applicant for, or holder of, a lottery [sales agent]  
14    license for the purpose of determining whether a license should be  
15    granted, suspended, or revoked. The sources of such information include  
16    the license applicant or holder, the division of criminal justice  
17    services, and any licensing agency which is currently considering a  
18    licensing application or which has been granted a presently-held license  
19    to the same license applicant or holder. The division shall require each  
20    license applicant to submit identifying information which shall include  
21    fingerprints unless they are already on file with the division or other  
22    state agencies. The fingerprints so obtained shall be forthwith  
23    forwarded, and the applicable fee transmitted, to the division of criminal justice services or any other state or federal government agency  
24    having facilities for checking fingerprints for the purpose of determin-

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

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1 ing whether or not criminal charges are pending against the applicant or  
2 whether or not the applicant had previously been convicted of a crime,  
3 and such agency shall promptly report a finding of such pending charges  
4 and previous convictions, if any, to the division in writing or by elec-  
5 tronic means or any other method agreed upon by the division and such  
6 agency. PRIOR TO OR UPON MAKING A DETERMINATION NOT TO APPROVE AN  
7 APPLICATION FOR A LOTTERY LICENSE BASED UPON AN APPLICANT'S CRIMINAL  
8 HISTORY RECORD, THE DIVISION SHALL PROVIDE SUCH APPLICANT WITH A COPY OF  
9 ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW, AND INFORM SUCH APPLICANT  
10 OF HIS OR HER RIGHT TO SEEK CORRECTION OF ANY INCORRECT INFORMATION  
11 CONTAINED IN SUCH RECORD PURSUANT TO REGULATIONS AND PROCEDURES ESTAB-  
12 LISHED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. In its discretion,  
13 the division may decline to act on any application pending the disposi-  
14 tion of any pending charges against the applicant. The division may,  
15 after providing notice and an opportunity for a hearing pursuant to the  
16 state administrative procedure act, deny a license to any person found  
17 to have committed a felony under the laws of the United States or under  
18 the laws of the state of New York or any other state or foreign juris-  
19 diction or any crime relating to gaming activities or that is otherwise  
20 found to have engaged in conduct which would be prejudicial to public  
21 confidence in the state lottery. ALL DETERMINATIONS TO GRANT OR DENY A  
22 LICENSE PURSUANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH SUBDIVISION  
23 SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW AND ARTI-  
24 CLE TWENTY-THREE-A OF THE CORRECTION LAW. Notwithstanding the provisions  
25 of article six of the public officers law or any other law to the  
26 contrary, the division may withhold from public disclosure any criminal  
27 history information except that criminal convictions may not be withheld  
28 under this provision.

29 FOR PURPOSES OF THIS ARTICLE, A LICENSEE MAY INCLUDE: A LOTTERY SALES  
30 AGENT; A VIDEO LOTTERY GAMING AGENT; A VENDOR; A VENDOR'S SUBCONTRACTOR;  
31 AN EMPLOYEE OF AN AGENT, VENDOR OR VENDOR'S SUBCONTRACTOR; OR AN OFFI-  
32 CER, DIRECTOR, PARTNER, TRUSTEE OR OWNER OF AN AGENT, VENDOR OR VENDOR'S  
33 SUBCONTRACTOR.

34 S 2. This act shall take effect immediately.