

3658

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 26, 2011

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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.

LBD04835-01-1

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 REVOCABLE  
37 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

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

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

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

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

(b) any eligible offender who resides within this state and whose judgment of conviction was rendered by a court in any other jurisdiction WHERE SUCH ELIGIBLE OFFENDER APPLIES FOR SUCH CERTIFICATE, IS NOT INCARCERATED AT THE TIME OF THE APPLICATION AND IS NOT SUBJECT TO AN UNDISPOSED ARREST, UNLESS THE BOARD DETERMINES THAT THE ISSUANCE OF SUCH CERTIFICATE WOULD JEOPARDIZE PUBLIC SAFETY. IF A CERTIFICATE OF RESTORATION IS NOT ISSUED AT THE TIME OF THE APPLICATION, THE BOARD SHALL ISSUE A CERTIFICATE TO SUCH ELIGIBLE OFFENDER ONE YEAR AFTER THE DATE OF THE APPLICATION WHERE THE JUDGMENT OF CONVICTION WAS FOR A MISDEMEANOR AND TWO YEARS AFTER THE DATE OF THE APPLICATION WHERE THE JUDGMENT OF CONVICTION WAS FOR A FELONY, PROVIDED THAT SUCH OFFENDER HAS NOT BEEN CONVICTED OF A NEW CRIME AND IS NOT THE SUBJECT OF AN UNDISPOSED ARREST.

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

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

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

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

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

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

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

5. In granting or revoking a certificate of [relief from disabilities] RESTORATION the action of the board of parole shall be by unanimous vote of the members authorized to grant or revoke parole. Such action shall be deemed a judicial function and shall not be reviewable if done according to law.

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

7. Presumption based on federal recommendation. Where a certificate of [relief from disabilities] RESTORATION is sought pursuant to paragraph (b) of subdivision one of this section on a judgment of conviction rendered by a federal district court in this state and the board of parole is in receipt of a written recommendation in favor of the issuance of such certificate from the chief probation officer of the district, the board shall issue the requested certificate unless it finds that the requirements of [paragraphs (a), (b) and (c) of] subdivision three of this section have not been satisfied; or that the interests of justice would not be advanced by the issuance of the certificate.

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

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

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

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

2. A person who knowingly uses or attempts to use, a revoked certificate of [relief from disabilities] RESTORATION in order to obtain or to exercise any right or privilege that he would not be entitled to obtain or to exercise without a valid certificate shall be guilty of a misdemeanor.

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

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

S 705. Forms and filing. 1. All applications, certificates and orders of revocation necessary for the purposes of this article shall be upon forms prescribed pursuant to agreement among the state commissioner of correctional services, the chairman of the state board of parole and the administrator of the state judicial conference. Such forms relating to certificates of [relief from disabilities] RESTORATION shall be distributed 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 twen-  
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 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-



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

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

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

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

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

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

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

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

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

6. The superintendent may refuse to issue a license pursuant to this article if he shall find that the applicant, or any person who is a director, officer, partner, agent, employee or substantial stockholder 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 twen-  
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 certif-  
41 icate. 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:

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

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

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

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

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

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

(ii) that such person is granted a certificate of [relief from disabilities or a certificate of good conduct] RESTORATION pursuant to article twenty-three of the correction law.

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



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.