

4122

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. AUBRY, LENTOL, WRIGHT, GLICK, V. LOPEZ, CAMARA, JAFFEE, BOYLAND, ROBINSON -- Multi-Sponsored by -- M. of A. CAHILL, CLARK, GOTTFRIED, HEASTIE, HIKIND, MAISEL, MARKEY, PEOPLES-STOKES, 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 chapter 342 of the laws of 1972, is
3 amended to read as follows:
4 (a) "Eligible offender" shall mean a person who has been convicted of
5 a crime or of an offense[, but who has not been convicted more than once
6 of a felony].
7 S 2. Section 701 of the correction law, as amended by chapter 342 of
8 the laws of 1972, subdivision 2 as amended by section 2 of chapter 235
9 of the laws of 2007, is amended to read as follows:
10 S 701. Certificate of [relief from disabilities] RESTORATION. 1. A
11 certificate of [relief from disabilities] RESTORATION may be granted as
12 provided in this article to relieve an eligible offender of any forfei-
13 ture or disability, or to remove any bar to his employment, automat-
14 ically imposed by law by reason of his conviction of the crime or of the

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

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

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

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

43 S 3. Intentionally omitted.

44 S 4. Section 702 of the correction law, as amended by chapter 342 of
45 the laws of 1972, the section heading as amended by chapter 931 of the
46 laws of 1976, subdivision 1 as amended by chapter 488 of the laws of
47 2011, subdivision 3 as amended by section 64 of part A of chapter 56 of
48 the laws of 2010 and subdivisions 4 and 6 as amended by section 32 of
49 subpart B of part C of chapter 62 of the laws of 2011, is amended to
50 read as follows:

51 S 702. Certificates of [relief from disabilities] RESTORATION issued
52 by courts. 1. Any court of this state [may, in its discretion,] SHALL,
53 ABSENT A FINDING THAT ISSUANCE OF SUCH CERTIFICATE WILL JEOPARDIZE
54 PUBLIC SAFETY, issue a certificate of [relief from disabilities] RESTO-
55 RATION AT THE TIME OF SENTENCING to an eligible offender for a
56 conviction that occurred in such court, if the court [either (a) imposed

1 a revocable sentence or (b)] imposed a sentence other than one executed
2 by commitment to an institution under the jurisdiction of the state
3 department of corrections and community supervision. Such certificate
4 [may be] issued [(i)] at the time sentence is pronounced[, in which case
5 it] may grant relief from forfeitures, as well as from disabilities[, or
6 (ii) at any time thereafter, in which case it shall apply only to disa-
7 bilities]. Where such court either imposes a revocable sentence or
8 imposes a sentence other than one executed by commitment to an institu-
9 tion under the jurisdiction of the state department of corrections and
10 community supervision, the court, upon application and in accordance
11 with subdivision two of this section, shall initially determine the
12 fitness of an eligible offender for such certificate prior to or at the
13 time sentence is pronounced. WHERE THE COURT FINDS THAT ISSUANCE OF THE
14 CERTIFICATE AT SENTENCING WILL JEOPARDIZE PUBLIC SAFETY, SUCH CERTIF-
15 ICATE SHALL BE ISSUED AS FOLLOWS:

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

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

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

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

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

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

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

44 3. [Where a certificate of relief from disabilities is not issued at
45 the time sentence is pronounced it shall only be issued thereafter upon
46 verified application to the court. The court may, for the purpose of
47 determining whether such certificate shall be issued, request its
48 probation service to conduct an investigation of the applicant, or if
49 the court has no probation service it may request the probation service
50 of the county court for the county in which the court is located to
51 conduct such investigation. Any probation officer requested to make an
52 investigation pursuant to this section shall prepare and submit to the
53 court a written report in accordance with such request.

54 4.] Where the court has imposed a revocable sentence and the certifi-
55 cate of [relief from disabilities] RESTORATION is issued prior to the
56 expiration or termination of the time which the court may revoke such

1 sentence, the certificate shall be deemed to be a temporary certificate
2 until such time as the court's authority to revoke the sentence has
3 expired or is terminated. While temporary, such certificate (a) may be
4 revoked by the court for violation of the conditions of the sentence,
5 and (b) shall be revoked by the court if it revokes the sentence and
6 commits the person to an institution under the jurisdiction of the state
7 department of corrections and community supervision. Any such revocation
8 shall be upon notice and after an opportunity to be heard. If the
9 certificate is not so revoked, it shall become a permanent certificate
10 upon expiration or termination of the court's authority to revoke the
11 sentence.

12 [5] 4. Any court that has issued a certificate of [relief from disa-
13 bilities] RESTORATION may at any time issue a new certificate to enlarge
14 the relief previously granted, provided, however, that the provisions of
15 subdivisions one through [four] THREE of this section shall apply to the
16 issuance of any such new certificate.

17 [6.] 5. Any written report submitted to the court [pursuant to] FOR
18 THE PURPOSES OF this section is confidential and may not be made avail-
19 able to any person or public or private agency except where specifically
20 required or permitted by statute or upon specific authorization of the
21 court. However, upon the court's receipt of such report, the court shall
22 provide a copy of such report, or direct that such report be provided to
23 the applicant's attorney, or the applicant himself, if he or she has no
24 attorney. In its discretion, the court may except from disclosure a part
25 or parts of the report which are not relevant to the granting of a
26 certificate, or sources of information which have been obtained on a
27 promise of confidentiality, or any other portion thereof, disclosure of
28 which would not be in the interest of justice. The action of the court
29 excepting information from disclosure shall be subject to appellate
30 review. The court, in its discretion, may hold a conference in open
31 court or in chambers to afford an applicant an opportunity to controvert
32 or to comment upon any portions of the report. The court may also
33 conduct a summary hearing at the conference on any matter relevant to
34 the granting of the application and may take testimony under oath.

35 S 5. Section 703 of the correction law, as amended by section 34 of
36 subpart B of part C of chapter 62 of the laws of 2011, is amended to
37 read as follows:

38 S 703. Certificates of [relief from disabilities] RESTORATION issued
39 by the department of corrections and community supervision. 1. The
40 department of corrections and community supervision shall [have the
41 power to] issue a certificate of [relief from disabilities] RESTORATION
42 to:

43 (a) any eligible offender who has been committed to an institution
44 under the jurisdiction of the state department of corrections and commu-
45 nity supervision WHO SUCCESSFULLY EARNED MERIT TIME OR A CERTIFICATE OF
46 EARNED ELIGIBILITY DURING THEIR PERIOD OF INCARCERATION. Such certif-
47 icate [may] SHALL be issued by the department at the time the offender
48 is released from such institution under the department's supervision [or
49 otherwise or at any time thereafter]. IF SUCH ELIGIBLE OFFENDER DID NOT
50 EARN MERIT TIME OR A CERTIFICATE OF EARNED ELIGIBILITY, THE BOARD SHALL
51 ISSUE SUCH CERTIFICATE AT THE TIME OF SUCH ELIGIBLE OFFENDER'S RELEASE
52 FROM PRISON UNLESS IT IS DETERMINED THAT THE ISSUANCE OF SUCH CERTIF-
53 ICATE WOULD JEOPARDIZE PUBLIC SAFETY. IF SUCH CERTIFICATE IS NOT ISSUED
54 UPON SUCH ELIGIBLE OFFENDER'S RELEASE FROM PRISON, SUCH OFFENDER SHALL
55 BE ISSUED A CERTIFICATE BY THE BOARD OF PAROLE AFTER TWO YEARS OF UNRE-
56 VOKED PAROLE, CONDITIONAL RELEASE OR POST-RELEASE SUPERVISION. SUCH

1 INDIVIDUAL SHALL APPLY TO THE BOARD OF PAROLE IN ORDER TO RECEIVE SUCH
2 CERTIFICATE.

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

9 (b) any eligible offender who resides within this state and whose
10 judgment of conviction was rendered by a court in any other jurisdiction
11 WHERE SUCH ELIGIBLE OFFENDER APPLIES FOR SUCH CERTIFICATE, IS NOT INCAR-
12 CERATED AT THE TIME OF THE APPLICATION AND IS NOT SUBJECT TO AN UNDIS-
13 POSSED ARREST, UNLESS THE BOARD DETERMINES THAT THE ISSUANCE OF SUCH
14 CERTIFICATE WOULD JEOPARDIZE PUBLIC SAFETY. IF A CERTIFICATE OF RESTORA-
15 TION IS NOT ISSUED AT THE TIME OF THE APPLICATION, THE BOARD SHALL ISSUE
16 A CERTIFICATE TO SUCH ELIGIBLE OFFENDER ONE YEAR AFTER THE DATE OF THE
17 APPLICATION WHERE THE JUDGMENT OF CONVICTION WAS FOR A MISDEMEANOR AND
18 TWO YEARS AFTER THE DATE OF THE APPLICATION WHERE THE JUDGMENT OF
19 CONVICTION WAS FOR A FELONY, PROVIDED THAT SUCH OFFENDER HAS NOT BEEN
20 CONVICTED OF A NEW CRIME AND IS NOT THE SUBJECT OF AN UNDISPOSED ARREST.

21 2. Where the department has issued a certificate of [relief from disa-
22 bilities] RESTORATION, the department may at any time issue a new
23 certificate enlarging the relief previously granted.

24 3. The RELIEF GRANTED BY THE department [shall not issue any] IN A
25 certificate of [relief from disabilities] RESTORATION pursuant to
26 [subdivisions] SUBDIVISION one or two[, unless the department is satis-
27 fied that:

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

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

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

35 4. Any certificate of [relief from disabilities] RESTORATION issued by
36 the department to an eligible offender who at time of the issuance of
37 the certificate is under the department's supervision, shall be deemed
38 to be a temporary certificate until such time as the eligible offender
39 is discharged from the department's supervision, and, while temporary,
40 such certificate may be revoked by the department for violation of the
41 conditions of community supervision. Revocation shall be upon notice to
42 the releasee, who shall be accorded an opportunity to explain the
43 violation prior to decision thereon. If the certificate is not so
44 revoked, it shall become a permanent certificate upon expiration or
45 termination of the department's jurisdiction over the individual.

46 5. In granting or revoking a certificate of [relief from disabilities]
47 RESTORATION the action of the department shall be deemed a judicial
48 function and shall not be reviewable if done according to law.

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

51 7. Presumption based on federal recommendation. Where a certificate of
52 [relief from disabilities] RESTORATION is sought pursuant to paragraph
53 (b) of subdivision one of this section on a judgment of conviction
54 rendered by a federal district court in this state and the department is
55 in receipt of a written recommendation in favor of the issuance of such
56 certificate from the chief probation officer of the district, the

department 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 amended by section 36 of subpart B of part C of chapter 62 of the laws of 2011, 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 corrections and community supervision, 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 relating to certificates of good conduct shall be distributed] by the commissioner of the department of corrections and community supervision.

2. Any court or department issuing or revoking any certificate pursuant to this article shall immediately file a copy of the certificate, or of the order of revocation, with the New York state identification and intelligence system.

S 10. Paragraph (h) of subdivision 1 of section 130 of the executive law, as amended by section 1 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

(h) vagrancy or prostitution, and who has not subsequent to such conviction received an executive pardon therefor or 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.

S 11. Subdivision 3 of section 175 of the executive law, as amended by section 2 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

3. Upon a showing by the attorney general in an application for an injunction that any person engaged in solicitation has been convicted in this state or elsewhere of a felony or of a misdemeanor involving the misappropriation, misapplication or misuse of the money or property of another, and who has not, subsequent to such conviction, received execu-

tive pardon therefor or a certificate of [relief from disabilities or a certificate of good conduct] RESTORATION pursuant to article twenty-three of the correction law, the supreme court, after a hearing, may enjoin such person from engaging in any solicitation.

S 12. Clause 1 of paragraph c of subdivision 2 of section 435 of the executive law, as amended by chapter 371 of the laws of 1974, is amended to read as follows:

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

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

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

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

2. No person holding any license hereunder, other than a license to sell an alcoholic beverage at retail for off-premises consumption or a license or special license to sell an alcoholic beverage at retail for consumption on the premises where such license authorizes the sale of liquor, beer and/or wine on the premises of a catering establishment, hotel, restaurant, club, or recreational facility, shall knowingly employ in connection with his OR HER business in any capacity whatsoever, any person, who has been convicted of a felony, or any of the following offenses, who has not subsequent to such conviction received an executive pardon therefor removing any civil disabilities incurred thereby, a certificate of [relief from disabilities or a certificate of good conduct] RESTORATION pursuant to article twenty-three of the correction law, or other relief from disabilities provided by law, or the written approval of the state liquor authority permitting such employment, to wit:

(a) Illegally using, carrying or possessing a pistol or other dangerous weapon;

(b) Making or possessing burglar's instruments;

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

(d) Unlawful entry of a building;

(e) Aiding escape from prison;

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

(g) Violating subdivisions six, ten or eleven of section seven hundred twenty-two of the former penal law as in force and effect immediately

1 prior to September first, nineteen hundred sixty-seven, or violating
2 [sections] SECTION 165.25 or 165.30 of the penal law;

3 (h) Vagrancy or prostitution; or

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

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

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

16 As used in this subdivision, "recreational facility" shall mean: (i)
17 premises that are part of a facility the principal business of which
18 shall be the providing of recreation in the form of golf, tennis, swim-
19 ming, skiing or boating; and (ii) premises in which the principal busi-
20 ness shall be the operation of a theatre, concert hall, opera house,
21 bowling establishment, excursion and sightseeing vessel, or accommo-
22 dation of athletic events, sporting events, expositions and other simi-
23 lar events or occasions requiring the accommodation of large gatherings
24 of persons.

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

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

47 S 16. Subdivisions 1, 1-a and 4 of section 126 of the alcoholic bever-
48 age control law, as amended by section 50 of subpart B of part C of
49 chapter 62 of the laws of 2011, are amended to read as follows:

50 1. Except as provided in subdivision one-a of this section, a person
51 who has been convicted of a felony or any of the misdemeanors mentioned
52 in section eleven hundred forty-six of the former penal law as in force
53 and effect immediately prior to September first, nineteen hundred
54 sixty-seven, or of an offense defined in section 230.20 or 230.40 of the
55 penal law, unless subsequent to such conviction such person shall have
56 received an executive pardon therefor removing this disability, a

1 certificate of [good conduct granted by the department of corrections
2 and community supervision, or a certificate of relief from disabilities]
3 RESTORATION granted by the department of corrections and community
4 supervision or a court of this state pursuant to the provisions of arti-
5 cle twenty-three of the correction law to remove the disability under
6 this section because of such conviction.

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

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

1 directors are less than eighteen years of age; and provided further that
2 a corporation organized under the not-for-profit corporation law or the
3 education law and located on the premises of a college as defined by
4 section two of the education law which otherwise conforms to the
5 requirements of this section and chapter may be licensed if each of its
6 principal officers and each of its directors are not less than eighteen
7 years of age.

8 S 17. Subdivision 4 of section 96-z-3 of the agriculture and markets
9 law, as amended by section 4 of part LL of chapter 56 of the laws of
10 2010, is amended to read as follows:

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

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

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

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

33 (c) If a person convicted of a felony or crime deemed hereby to be a
34 felony is subsequently pardoned by the governor of the state where such
35 conviction was had, or by the president of the United States, or shall
36 receive a certificate of [relief from disabilities or a certificate of
37 good conduct] RESTORATION pursuant to article twenty-three of the
38 correction law for the purpose of removing the disability under this
39 section because of such conviction, the board may, in its discretion, on
40 application of such person, and on the submission to it of satisfactory
41 evidence, restore to such person the right to practice nursing home
42 administration in this state.

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

46 S 3454. Restoration of licenses after conviction of a felony. If a
47 person convicted of a felony or crime deemed to be a felony is subse-
48 quently pardoned by the governor of the state where such conviction was
49 had or by the president of the United States, or shall receive a certifi-
50 cate of [relief from disabilities or a certificate of good conduct]
51 RESTORATION pursuant to article twenty-three of the correction law to
52 remove the disability under this section because of such conviction, the
53 commissioner may, in his OR HER discretion, on application of such
54 person, and on the submission to him OR HER of satisfactory evidence,
55 restore to such person the right to practice in this state.

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

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

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

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

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

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

39 S 24. Paragraph (a) of subdivision 9 of section 476 of the general
40 municipal law, as amended by section 16 of part LL of chapter 56 of the
41 laws of 2010, is amended to read as follows:

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

46 S 25. Paragraph (a) of subdivision 1 of section 481 of the general
47 municipal law, as amended by section 17 of part LL of chapter 56 of the
48 laws of 2010, is amended to read as follows:

49 (a) Issuance of licenses to conduct bingo. If the governing body of
50 the municipality shall determine that the applicant is duly qualified to
51 be licensed to conduct bingo under this article; that the member or
52 members of the applicant designated in the application to conduct bingo
53 are bona fide active members of the applicant and are persons of good
54 moral character and have never been convicted of a crime or, if
55 convicted, have received a pardon or a certificate of [good conduct or a
56 certificate of relief from disabilities] RESTORATION pursuant to article

1 twenty-three of the correction law; that such games are to be conducted
2 in accordance with the provisions of this article and in accordance with
3 the rules and regulations of the commission, and that the proceeds ther-
4 eof are to be disposed of as provided by this article, and if the
5 governing body is satisfied that no commission, salary, compensation,
6 reward or recompense whatever will be paid or given to any person hold-
7 ing, operating or conducting or assisting in the holding, operation and
8 conduct of any such games except as in this article otherwise provided;
9 and that no prize will be offered and given in excess of the sum or
10 value of one thousand dollars in any single game and that the aggregate
11 of all prizes offered and given in all of such games conducted on a
12 single occasion, under said license shall not exceed the sum or value of
13 three thousand dollars, it shall issue a license to the applicant for
14 the conduct of bingo upon payment of a license fee of eighteen dollars
15 and seventy-five cents for each bingo occasion; provided, however, that
16 the governing body shall refuse to issue a license to an applicant seek-
17 ing to conduct bingo in premises of a licensed commercial lessor where
18 it determines that the premises presently owned or occupied by said
19 applicant are in every respect adequate and suitable for conducting
20 bingo games.

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

24 b. On the reverse side of such envelope shall be printed the following
25 statement:

26 STATEMENT OF ABSENTEE VOTER

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

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

56 Date..... Signature of Voter.....

1 S 27. Paragraph b of subdivision 5 of section 175-b of the town law,
2 as amended by section 11 of part LL of chapter 56 of the laws of 2010,
3 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 28. Paragraph b of subdivision 5 of section 213-b of the town law,
38 as amended by section 12 of part LL of chapter 56 of the laws of 2010,
39 is amended to read as follows:

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

42 STATEMENT OF ABSENTEE VOTER

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

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

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

17 Date..... Signature of Voter

18 S 29. Paragraph b of subdivision 5 of section 2018-a of the education
19 law, as amended by section 8 of part LL of chapter 56 of the laws of
20 2010, is amended to read as follows:

21 b. On the reverse side of such envelope shall be printed the following
22 statement:

23 STATEMENT OF ABSENTEE VOTER

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

52 I hereby declare that the foregoing is a true statement to the best of
53 my knowledge and belief, and I understand that if I make any material

1 false statement in the foregoing statement of absentee voter, I shall be
2 guilty of a misdemeanor.

3 Date.....Signature of Voter

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

7 b. On the reverse side of such envelope shall be printed the following
8 statement:

9 STATEMENT OF ABSENTEE VOTER

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

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

40 Date.....Signature of Voter

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

44 2. After the filing of an applicant's fingerprint cards, the secretary
45 of state shall forward such fingerprints to the division of criminal
46 justice services to be compared with the fingerprints on file with the
47 division of criminal justice services in order to ascertain whether the
48 applicant has been convicted of a felony involving fraud, bribery,
49 perjury or theft pursuant to article one hundred forty, one hundred

1 fifty-five, one hundred sixty, one hundred sixty-five, one hundred
2 seventy, one hundred seventy-five, one hundred seventy-six, one hundred
3 eighty, one hundred eighty-five, one hundred ninety, one hundred nine-
4 ty-five, two hundred or two hundred ten of the penal law; or has a crim-
5 inal action which has been pending for such a felony for under one year
6 without a final disposition unless adjourned in contemplation of
7 dismissal; provided, however, that for the purposes of this article,
8 none of the following shall be considered criminal convictions or
9 reported as such:

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

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

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

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

25 The secretary of state shall deny the application of any individual
26 convicted of a felony involving fraud, bribery, perjury or theft pursu-
27 ant to article one hundred forty, one hundred fifty-five, one hundred
28 sixty, one hundred sixty-five, one hundred seventy, one hundred seven-
29 ty-five, one hundred seventy-six, one hundred eighty, one hundred eight-
30 y-five, one hundred ninety, one hundred ninety-five, two hundred or two
31 hundred ten of the penal law; or has a criminal action which has been
32 pending for such a felony for under one year without a final disposition
33 unless adjourned in contemplation of dismissal; provided, however, that
34 for the purposes of this article, none of the following shall be consid-
35 ered criminal convictions or reported as such:

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

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

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

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

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

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

21 S 33. Paragraph 4 of subsection (d) of section 2108 of the insurance
22 law, as amended by section 18 of part LL of chapter 56 of the laws of
23 2010, is amended to read as follows:

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

31 S 34. Subdivision 6 of section 369 of the banking law, as amended by
32 chapter 164 of the laws of 2003 and paragraph (b) as amended by section
33 6 of part LL of chapter 56 of the laws of 2010, is amended to read as
34 follows:

35 6. The superintendent may refuse to issue a license pursuant to this
36 article if he shall find that the applicant, or any person who is a
37 director, officer, partner, agent, employee or substantial stockholder
38 of the applicant, (a) has been convicted of a crime in any jurisdiction
39 or (b) is associating or consorting with any person who has, or persons
40 who have, been convicted of a crime or crimes in any jurisdiction or
41 jurisdictions; provided, however, that the superintendent shall not
42 issue such a license if he shall find that the applicant, or any person
43 who is a director, officer, partner, agent, employee or substantial
44 stockholder of the applicant, has been convicted of a felony in any
45 jurisdiction or of a crime which, if committed within this state, would
46 constitute a felony under the laws thereof. For the purposes of this
47 article, a person shall be deemed to have been convicted of a crime if
48 such person shall have pleaded guilty to a charge thereof before a court
49 or magistrate, or shall have been found guilty thereof by the decision
50 or judgment of a court or magistrate or by the verdict of a jury, irre-
51 spective of the pronouncement of sentence or the suspension thereof,
52 unless such plea of guilty, or such decision, judgment or verdict, shall
53 have been set aside, reversed or otherwise abrogated by lawful judicial
54 process or unless the person convicted of the crime shall have received
55 a pardon therefor from the president of the United States or the gover-
56 nor or other pardoning authority in the jurisdiction where the

1 conviction was had, or shall have received a certificate of [relief from
2 disabilities or a certificate of good conduct] RESTORATION pursuant to
3 article twenty-three of the correction law to remove the disability
4 under this article because of such conviction. The term "substantial
5 stockholder," as used in this subdivision, shall be deemed to refer to a
6 person owning or controlling ten per centum or more of the total
7 outstanding stock of the corporation in which such person is a stock-
8 holder. In making a determination pursuant to this subdivision, the
9 superintendent shall require fingerprinting of the applicant. Such fing-
10 erprints shall be submitted to the division of criminal justice services
11 for a state criminal history record check, as defined in subdivision one
12 of section three thousand thirty-five of the education law, and may be
13 submitted to the federal bureau of investigation for a national criminal
14 history record check.

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

18 5. Possession of a rifle or shotgun by a person other than a person
19 who has been convicted of a class A-I felony or a violent felony
20 offense, as defined in subdivision one of section 70.02 of this chapter,
21 who has been convicted as specified in subdivision four of section
22 265.01 OF THIS ARTICLE to whom a certificate of [good conduct] RESTORA-
23 TION has been issued [pursuant to section seven hundred three-b of the
24 correction law].

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

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

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

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

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

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

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

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

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

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

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

4 (a) Except as provided in paragraphs (b) and (d) of this subdivision,
5 anything contained in this section or in a certificate of [relief from
6 disabilities or a certificate of good conduct] RESTORATION issued pursu-
7 ant to article twenty-three of the correction law to the contrary
8 notwithstanding, a hospital operating certificate of a hospital under
9 control of a controlling person as defined in paragraph (a) of subdivi-
10 sion twelve of section twenty-eight hundred one-a of this article, or
11 under control of any other entity, shall be revoked upon a finding by
12 the department that such controlling person or any individual, member of
13 a partnership or shareholder of a corporation to whom or to which an
14 operating certificate has been issued, has been convicted of a class A,
15 B or C felony, or a felony related in any way to any activity or program
16 subject to the regulations, supervision, or administration of the
17 department or of the office of temporary and disability assistance or in
18 violation of the public officers law in a court of competent jurisdic-
19 tion in the state, or of a crime outside the state which, if committed
20 within the state, would have been a class A, B or C felony or a felony
21 related in any way to any activity or program subject to the regu-
22 lations, supervision, or administration of the department or of the
23 office of temporary and disability assistance or in violation of the
24 public officers law.

25 S 42. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision
26 2 of section 509-c of the vehicle and traffic law, paragraph (a) of
27 subdivision 1 as amended by section 25 and paragraph (a) of subdivision
28 2 as amended by section 26 of part LL of chapter 56 of the laws of 2010,
29 are amended to read as follows:

30 (a) permanently, if that person has been convicted of or forfeited
31 bond or collateral which forfeiture order has not been vacated or the
32 subject of an order of remission upon a violation of section 130.30,
33 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
34 offense committed under a former section of the penal law which would
35 constitute a violation of the aforesaid sections of the penal law or any
36 offense committed outside of this state which would constitute a
37 violation of the aforesaid sections of the penal law, provided, however,
38 the provisions of this paragraph shall not apply to convictions, suspen-
39 sions or revocations or forfeitures of bonds for collateral upon any of
40 the charges listed in this paragraph for violations which occurred prior
41 to September first, nineteen hundred seventy-four committed by a person
42 employed as a bus driver on September first, nineteen hundred seventy-
43 four. However, such disqualification may be waived provided that five
44 years have expired since the applicant was discharged or released from a
45 sentence of imprisonment imposed pursuant to conviction of an offense
46 that requires disqualification under this paragraph and that the appli-
47 cant shall have been granted a certificate of [relief from disabilities
48 or a certificate of good conduct] RESTORATION pursuant to article twen-
49 ty-three of the correction law.

50 (a) permanently, if that person has been convicted of or forfeited
51 bond or collateral which forfeiture order has not been vacated or the
52 subject of an order of remission upon a violation committed prior to
53 September fifteenth, nineteen hundred eighty-five, of section 130.30,
54 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
55 offense committed under a former section of the penal law which would
56 constitute a violation of the aforesaid sections of the penal law or any

offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of [relief from disabilities or a certificate of good conduct] RESTORATION pursuant to article twenty-three of the correction law.

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

(a) permanently, if that person

(i) has been convicted of or forfeited bond or collateral which forfeiture order has not been vacated or the subject of an order of remission upon a violation committed prior to September fifteenth, nineteen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an offense committed under a former section of the penal law which would constitute a violation of the aforesaid sections of the penal law or any offense committed outside of this state which would constitute a violation of the aforesaid sections of the penal law, provided, however, the provisions of this subparagraph shall not apply to convictions, suspensions or revocations or forfeitures of bonds for collateral upon any of the charges listed in this subparagraph for violations which occurred prior to September first, nineteen hundred seventy-four committed by a person employed as a bus driver on September first, nineteen hundred seventy-four. However, such disqualification may be waived provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of [relief from disabilities or a certificate of good conduct] RESTORATION pursuant to article twenty-three of the correction law. When the certificate is issued by a court for a conviction which occurred in this state, it shall only be issued by the court having jurisdiction over such conviction. Such certificate shall specifically indicate that the authority granting such certificate has considered the bearing, if any, the criminal offense or offenses for which the person was convicted will have on the applicant's fitness or ability to operate a bus transporting school children to the applicant's prospective employment, prior to granting such a certificate; or

(ii) has been convicted of an offense listed in paragraph (a) of subdivision four of this section that was committed on or after September fifteenth, nineteen hundred eighty-five. However, such disqualification may be waived by the commissioner provided that five years have expired since the applicant was discharged or released from a sentence of imprisonment imposed pursuant to conviction of an offense that requires disqualification under this paragraph and that the applicant shall have been granted a certificate of [relief from disabilities or a certificate of good conduct] RESTORATION pursuant to article twenty-

1 three of the correction law. When the certificate is issued by a court
2 for a conviction which occurred in this state, it shall only be issued
3 by the court having jurisdiction over such conviction. Such certificate
4 shall specifically indicate that the authority granting such certificate
5 has considered the bearing, if any, the criminal offense or offenses for
6 which the person was convicted will have on the applicant's fitness or
7 ability to operate a bus transporting school children, prior to granting
8 such a certificate; or

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

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

42 (a) permanently, if that person has been convicted of an offense list-
43 ed in paragraph (a) of subdivision four of this section. However, such
44 disqualification may be waived by the commissioner provided that five
45 years have expired since the applicant was discharged or released from a
46 sentence of imprisonment imposed pursuant to conviction of an offense
47 that requires disqualification under this paragraph and that the appli-
48 cant shall have been granted a certificate of [relief from disabilities
49 or a certificate of good conduct] RESTORATION pursuant to article twen-
50 ty-three of the correction law. When the certificate is issued by a
51 court for a conviction which occurred in this state, it shall only be
52 issued by the court having jurisdiction over such conviction. Such
53 certificate shall specifically indicate that the authority granting such
54 certificate has considered the bearing, if any, the criminal offense or
55 offenses for which the person was convicted will have on the applicant's
56 fitness or ability to operate a bus transporting school children to the

1 applicant's prospective employment, prior to granting such a certifi-
2 cate.

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

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

36 S 44. Subparagraph (iii) of paragraph d of subdivision 6 of section
37 510 of the vehicle and traffic law, as amended by section 29 of part LL
38 of chapter 56 of the laws of 2010, is amended to read as follows:

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

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

47 (iii) after such documentation, if required, is accepted, that such
48 person is 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 by the court in which such person was last
51 penalized.

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

55 (5) A restricted use license or privilege shall be valid for the oper-
56 ation of any motor vehicle, except a vehicle for hire as a taxicab,

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

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

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

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

37 S 48. Item (iii) of clause (e) of subparagraph 12 of paragraph (b) of
38 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
39 by section 33 of part LL of chapter 56 of the laws of 2010, is amended
40 to read as follows:

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

45 S 49. Subparagraph 1 of paragraph (d) of subdivision 2 of section 1193
46 of the vehicle and traffic law, as amended by section 34 of part LL of
47 chapter 56 of the laws of 2010, is amended to read as follows:

48 (1) Notwithstanding anything to the contrary contained in a certifi-
49 cate of [relief from disabilities or a certificate of good conduct]
50 RESTORATION issued pursuant to article twenty-three of the correction
51 law, where a suspension or revocation, other than a revocation required
52 to be issued by the commissioner, is mandatory pursuant to paragraph (a)
53 or (b) of this subdivision, the magistrate, justice or judge shall issue
54 an order suspending or revoking such license upon sentencing, and the
55 license holder shall surrender such license to the court. Except as

1 hereinafter provided, such suspension or revocation shall take effect
2 immediately.

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

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

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

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

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

22 (g) Notwithstanding anything to the contrary contained in a certif-
23 icate of [relief from disabilities or a certificate of good conduct]
24 RESTORATION issued pursuant to article twenty-three of the correction
25 law, any conditional license or privilege issued to a person convicted
26 of a violation of any subdivision of section eleven hundred ninety-two
27 of this article shall not be valid for the operation of any commercial
28 motor vehicle. In addition, no such conditional license or privilege
29 shall be valid for the operation of a taxicab as defined in this chap-
30 ter.

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

35 S 54. Any certificate of relief from disabilities or certificate of
36 good conduct issued prior to the effective date of this act shall be
37 deemed the equivalent of a certificate of restoration and shall remain
38 in full force and effect on and after the effective date of this act.
39 Nothing in this act shall be read to invalidate a certificate of relief
40 from disabilities or a certificate of good conduct issued prior to the
41 effective date of this act.

42 S 55. This act shall take effect on the ninetieth day after it shall
43 have become a law, provided that the amendments to subdivision 5 of
44 section 530 of the vehicle and traffic law made by section forty-six of
45 this act shall not affect the expiration of such subdivision and shall
46 be deemed to expire therewith.