

8070

2013-2014 Regular Sessions

I N A S S E M B L Y

June 17, 2013

Introduced by M. of A. TITUS, SILVER, BARRETT, BARRON, CLARK, COOK, DUPREY, FAHY, GALEF, GLICK, JAFFEE, LIFTON, LUPARDO, MARKEY, MAYER, MILLMAN, NOLAN, PAULIN, ROSA, ROSENTHAL, ROZIC, RUSSELL, SCHIMEL, SIMOTAS, SOLAGES, WEINSTEIN, ABINANTI, AUBRY, BRAUNSTEIN, BRINDISI, BRONSON, BUCHWALD, CAHILL, DINOWITZ, ENGLEBRIGHT, FARRELL, GOTTFRIED, HEVESI, KELLNER, KIM, LAVINE, MORELLE, MOSLEY, MOYA, OTIS, PRETLOW, QUART, STECK, STIRPE, THIELE, TITONE, WEPRIN, WRIGHT, ZEBROWSKI -- (at request of the Governor) -- read once and referred to the Committee on Codes

AN ACT to amend the labor law, in relation to the prohibition of differential pay because of sex (Part A); to amend the executive law, in relation to unlawful discriminatory practices (Part B); to amend the executive law, in relation to the provision of attorney's fees in cases of housing, employment or credit discrimination; to amend the executive law, in relation to the awarding of reasonable attorney's fees (Part C); to amend the executive law in relation to the unlawful discriminatory practice because of familial status (Part D); to amend the real property law and the real property actions and proceedings law, in relation to prohibiting discrimination in housing based upon domestic violence status and establishing a task force to study the impact of source of income on access to housing (Part E); to amend the domestic relations law, the family court act and the criminal procedure law, in relation to the scope of orders of protection and temporary orders of protection (Part F); to amend the family court act and the judiciary law, in relation to establishing a pilot program for the filing of petitions for temporary orders of protection by electronic means and for issuance of such orders ex parte by audio-visual means and to amend the executive law, in relation to review and reports by the chief administrator of the courts (Part G); to amend the penal law, the criminal procedure law, the social services law, the civil practice law and rules, the mental hygiene law, the correction law, the vehicle and traffic law, the public health law, the real property actions and proceedings law, and the real property law, in relation to enacting the "trafficking victims protection and justice act"; to

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

amend the penal law, in relation to prostitution in a school zone; to amend chapter 74 of the laws of 2007 amending the penal law, the criminal procedure law, the correction law, the social services law, and the executive law relating to human trafficking, in relation to extending the interagency task force on human trafficking for four years; and to amend the executive law, in relation to human trafficking awareness (Part H); to amend the executive law, in relation to reasonable accommodation (Part I); and to amend the public health law, in relation to access to reproductive services (Part J)

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

Section 1. This act shall be known and may be cited as the "Women's Equality act".

S 2. This act enacts into law major components of legislation which are necessary to implement the "Women's Equality act." Each component is wholly contained within a Part identified as Parts A through J. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section four of this act sets forth the general effective date of this act.

PART A

Section 1. Subdivision 1 of section 194 of the labor law, as added by chapter 548 of the laws of 1966, is amended and three new subdivisions 2, 3 and 4 are added to read as follows:

1. No employee shall be paid a wage at a rate less than the rate at which an employee of the opposite sex in the same establishment is paid for equal work on a job the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions, except where payment is made pursuant to a differential based on:

- a. a seniority system;
- b. a merit system;
- c. a system which measures earnings by quantity or quality of production; or
- d. [any other factor other than sex] A BONA FIDE FACTOR OTHER THAN SEX, SUCH AS EDUCATION, TRAINING, OR EXPERIENCE. SUCH FACTOR: (I) SHALL NOT BE BASED UPON OR DERIVED FROM A SEX-BASED DIFFERENTIAL IN COMPENSATION AND (II) SHALL BE JOB-RELATED WITH RESPECT TO THE POSITION IN QUESTION AND SHALL BE CONSISTENT WITH BUSINESS NECESSITY. SUCH EXCEPTION UNDER THIS PARAGRAPH SHALL NOT APPLY WHEN THE EMPLOYEE DEMONSTRATES (A) THAT AN EMPLOYER USES A PARTICULAR EMPLOYMENT PRACTICE THAT CAUSES A DISPARATE IMPACT ON THE BASIS OF SEX, (B) THAT AN ALTERNATIVE EMPLOYMENT PRACTICE EXISTS THAT WOULD SERVE THE SAME BUSINESS PURPOSE AND NOT PRODUCE SUCH DIFFERENTIAL, AND (C) THAT THE EMPLOYER HAS REFUSED TO ADOPT SUCH ALTERNATIVE PRACTICE.

1 2. FOR THE PURPOSE OF SUBDIVISION ONE OF THIS SECTION, "BUSINESS
2 NECESSITY" SHALL BE DEFINED AS A FACTOR THAT BEARS A MANIFEST RELATION-
3 SHIP TO THE EMPLOYMENT IN QUESTION.

4 3. FOR THE PURPOSES OF SUBDIVISION ONE OF THIS SECTION, EMPLOYEES
5 SHALL BE DEEMED TO WORK IN THE SAME ESTABLISHMENT IF THE EMPLOYEES WORK
6 FOR THE SAME EMPLOYER AT WORKPLACES LOCATED IN THE SAME GEOGRAPHICAL
7 REGION, NO LARGER THAN A COUNTY, TAKING INTO ACCOUNT POPULATION DISTRIB-
8 UTION, ECONOMIC ACTIVITY, AND/OR THE PRESENCE OF MUNICIPALITIES.

9 4. (A) NO EMPLOYER SHALL PROHIBIT AN EMPLOYEE FROM INQUIRING ABOUT,
10 DISCUSSING, OR DISCLOSING THE WAGES OF SUCH EMPLOYEE OR ANOTHER EMPLOY-
11 EE.

12 (B) AN EMPLOYER MAY, IN A WRITTEN POLICY PROVIDED TO ALL EMPLOYEES,
13 ESTABLISH REASONABLE WORKPLACE AND WORKDAY LIMITATIONS ON THE TIME,
14 PLACE AND MANNER FOR INQUIRES ABOUT, DISCUSSION OF, OR THE DISCLOSURE OF
15 WAGES. SUCH LIMITATIONS SHALL BE CONSISTENT WITH STANDARDS PROMULGATED
16 BY THE COMMISSIONER AND SHALL BE CONSISTENT WITH ALL OTHER STATE AND
17 FEDERAL LAWS. SUCH LIMITATIONS MAY INCLUDE PROHIBITING AN EMPLOYEE FROM
18 DISCUSSING OR DISCLOSING THE WAGES OF ANOTHER EMPLOYEE WITHOUT SUCH
19 EMPLOYEE'S PRIOR PERMISSION.

20 (C) NOTHING IN THIS SUBDIVISION SHALL REQUIRE AN EMPLOYEE TO DISCLOSE
21 HIS OR HER WAGES. THE FAILURE OF AN EMPLOYEE TO ADHERE TO SUCH REASON-
22 ABLE LIMITATIONS IN SUCH WRITTEN POLICY SHALL BE AN AFFIRMATIVE DEFENSE
23 TO ANY CLAIMS MADE AGAINST AN EMPLOYER UNDER THIS SUBDIVISION, PROVIDED
24 THAT ANY ADVERSE EMPLOYMENT ACTION TAKEN BY THE EMPLOYER WAS FOR FAILURE
25 TO ADHERE TO SUCH REASONABLE LIMITATIONS AND NOT FOR MERE INQUIRY,
26 DISCUSSION OR DISCLOSURE OF WAGES IN ACCORDANCE WITH SUCH REASONABLE
27 LIMITATIONS IN SUCH WRITTEN POLICY.

28 (D) THIS PROHIBITION SHALL NOT APPLY TO INSTANCES IN WHICH AN EMPLOYEE
29 WHO HAS ACCESS TO THE WAGE INFORMATION OF OTHER EMPLOYEES AS A PART OF
30 SUCH EMPLOYEE'S ESSENTIAL JOB FUNCTIONS DISCLOSES THE WAGES OF SUCH
31 OTHER EMPLOYEES TO INDIVIDUALS WHO DO NOT OTHERWISE HAVE ACCESS TO SUCH
32 INFORMATION, UNLESS SUCH DISCLOSURE IS IN RESPONSE TO A COMPLAINT OR
33 CHARGE, OR IN FURTHERANCE OF AN INVESTIGATION, PROCEEDING, HEARING, OR
34 ACTION UNDER THIS CHAPTER, INCLUDING AN INVESTIGATION CONDUCTED BY THE
35 EMPLOYER.

36 (E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE RIGHTS OF
37 AN EMPLOYEE PROVIDED UNDER ANY OTHER PROVISION OF LAW OR COLLECTIVE
38 BARGAINING AGREEMENT.

39 S 2. Subdivision 1-a of section 198 of the labor law, as amended by
40 chapter 564 of the laws of 2010, is amended to read as follows:

41 1-a. On behalf of any employee paid less than the wage to which he or
42 she is entitled under the provisions of this article, the commissioner
43 may bring any legal action necessary, including administrative action,
44 to collect such claim and as part of such legal action, in addition to
45 any other remedies and penalties otherwise available under this article,
46 the commissioner shall assess against the employer the full amount of
47 any such underpayment, and an additional amount as liquidated damages,
48 unless the employer proves a good faith basis for believing that its
49 underpayment of wages was in compliance with the law. Liquidated damages
50 shall be calculated by the commissioner as no more than one hundred
51 percent of the total amount of wages found to be due, EXCEPT SUCH LIQUI-
52 DATED DAMAGES MAY BE UP TO THREE HUNDRED PERCENT OF THE TOTAL AMOUNT OF
53 THE WAGES FOUND TO BE DUE FOR A WILLFUL VIOLATION OF SECTION ONE HUNDRED
54 NINETY-FOUR OF THIS ARTICLE. In any action instituted in the courts upon
55 a wage claim by an employee or the commissioner in which the employee
56 prevails, the court shall allow such employee to recover the full amount

1 of any underpayment, all reasonable attorney's fees, prejudgment inter-
2 est as required under the civil practice law and rules, and, unless the
3 employer proves a good faith basis to believe that its underpayment of
4 wages was in compliance with the law, an additional amount as liquidated
5 damages equal to one hundred percent of the total amount of the wages
6 found to be due, EXCEPT SUCH LIQUIDATED DAMAGES MAY BE UP TO THREE
7 HUNDRED PERCENT OF THE TOTAL AMOUNT OF THE WAGES FOUND TO BE DUE FOR A
8 WILLFUL VIOLATION OF SECTION ONE HUNDRED NINETY-FOUR OF THIS ARTICLE.

9 S 3. The department of labor and the division of human rights shall
10 make training available to assist employers in developing training,
11 policies and procedures to address discrimination and harassment in the
12 workplace including, but not limited to issues relating to pregnancy,
13 familial status, pay equity and sexual harassment. Such training shall
14 take into account the needs of employers of various sizes. The depart-
15 ment and division shall make such training available through, including
16 but not limited to, online means. In developing such training materi-
17 als, the department and division shall afford the public an opportunity
18 to submit comments on such training.

19 S 4. This act shall take effect on the ninetieth day after it shall
20 have become a law; provided, however, that the commissioner of labor
21 shall take actions necessary to provide for the promulgation of stand-
22 ards pursuant to subdivision 4 of section 194 of the labor law, as added
23 by section one of this act, prior to this act taking effect; and
24 provided further, however, that the department of labor and division of
25 human rights shall take actions necessary to establish training pursuant
26 to section three of this act prior to this act taking effect.

27 PART B

28 Section 1. Subdivision 5 of section 292 of the executive law, as
29 amended by chapter 481 of the laws of 2010, is amended to read as
30 follows:

31 5. The term "employer" does not include any employer with fewer than
32 four persons in his or her employ except as set forth in section two
33 hundred ninety-six-b of this [title] ARTICLE, PROVIDED, HOWEVER, THAT IN
34 THE CASE OF AN ACTION FOR DISCRIMINATION BASED ON SEX PURSUANT TO SUBDI-
35 VISION ONE OF SECTION TWO HUNDRED NINETY-SIX OF THIS ARTICLE, WITH
36 RESPECT TO SEXUAL HARASSMENT ONLY, THE TERM "EMPLOYER" SHALL INCLUDE ALL
37 EMPLOYERS WITHIN THE STATE.

38 S 2. This act shall take effect on the ninetieth day after it shall
39 have become a law.

40 PART C

41 Section 1. Subdivision 10 of section 297 of the executive law, as
42 added by section 17 of part D of chapter 405 of the laws of 1999, is
43 amended to read as follows:

44 10. With respect to ALL cases of HOUSING DISCRIMINATION AND housing
45 RELATED CREDIT discrimination [only] in an action or proceeding at law
46 under this section or section two hundred ninety-eight of this article,
47 the commissioner or the court may in its discretion award reasonable
48 attorney's fees to any prevailing or substantially prevailing party; AND
49 WITH RESPECT TO A CLAIM OF EMPLOYMENT OR CREDIT DISCRIMINATION WHERE SEX
50 IS A BASIS OF SUCH DISCRIMINATION, IN AN ACTION OR PROCEEDING AT LAW
51 UNDER THIS SECTION OR SECTION TWO HUNDRED NINETY-EIGHT OF THIS ARTICLE,
52 THE COMMISSIONER OR THE COURT MAY IN ITS DISCRETION AWARD REASONABLE

1 ATTORNEY'S FEES ATTRIBUTABLE TO SUCH CLAIM TO ANY PREVAILING PARTY;
2 provided, however, that a prevailing respondent or defendant in order to
3 recover such reasonable attorney's fees must make a motion requesting
4 such fees and show that the action or proceeding brought was frivolous;
5 and further provided that in a proceeding brought in the division of
6 human rights, the commissioner may only award attorney's fees as part of
7 a final order after a public hearing held pursuant to subdivision four
8 of this section. In no case shall attorney's fees be awarded to the
9 division, nor shall the division be liable to a prevailing or substan-
10 tially prevailing party for attorney's fees, except in a case in which
11 the division is a party to the action or the proceeding in the divi-
12 sion's capacity as an employer. IN CASES OF EMPLOYMENT DISCRIMINATION,
13 A RESPONDENT SHALL ONLY BE LIABLE FOR ATTORNEY'S FEES UNDER THIS SUBDI-
14 VISION IF THE RESPONDENT HAS BEEN FOUND LIABLE FOR HAVING COMMITTED AN
15 UNLAWFUL DISCRIMINATORY PRACTICE. In order to find the action or
16 proceeding to be frivolous, the court or the commissioner must find in
17 writing one or more of the following:

18 (a) the action or proceeding was commenced, used or continued in bad
19 faith, solely to delay or prolong the resolution of the litigation or to
20 harass or maliciously injure another; or

21 (b) the action or proceeding was commenced or continued in bad faith
22 without any reasonable basis and could not be supported by a good faith
23 argument for an extension, modification or reversal of existing law. If
24 the action or proceeding was promptly discontinued when the party or
25 attorney learned or should have learned that the action or proceeding
26 lacked such a reasonable basis, the court may find that the party or the
27 attorney did not act in bad faith.

28 S 2. Paragraph c of subdivision 7 of section 296-a of the executive
29 law, as amended by chapter 632 of the laws of 1976, is amended to read
30 as follows:

31 c. If the superintendent finds that a violation of this section has
32 occurred, the superintendent shall issue an order which shall do one or
33 more of the following:

34 (1) impose a fine in an amount not to exceed ten thousand dollars for
35 each violation, to be paid to the people of the state of New York;

36 (2) award compensatory damages to the person aggrieved by such
37 violation;

38 (3) FOR A CLAIM OF SEX DISCRIMINATION ONLY, AWARD REASONABLE ATTOR-
39 NEY'S FEES ATTRIBUTABLE TO SUCH CLAIM TO ANY PREVAILING PARTY; PROVIDED,
40 HOWEVER, THAT A PREVAILING RESPONDENT OR DEFENDANT IN ORDER TO RECOVER
41 SUCH REASONABLE ATTORNEY'S FEES MUST MAKE A MOTION REQUESTING SUCH FEES
42 AND SHOW THAT THE ACTION OR PROCEEDING BROUGHT WAS FRIVOLOUS. IN NO CASE
43 SHALL ATTORNEY'S FEES BE AWARDED TO THE DEPARTMENT, NOR SHALL THE
44 DEPARTMENT BE LIABLE TO A PREVAILING PARTY FOR ATTORNEY'S FEES. IN ORDER
45 TO FIND THE ACTION OR PROCEEDING TO BE FRIVOLOUS, THE SUPERINTENDENT
46 MUST FIND IN WRITING ONE OR MORE OF THE FOLLOWING:

47 (A) THE ACTION OR PROCEEDING WAS COMMENCED, USED OR CONTINUED IN BAD
48 FAITH, SOLELY TO DELAY OR PROLONG THE RESOLUTION OF THE LITIGATION OR TO
49 HARASS OR MALICIOUSLY INJURE ANOTHER; OR

50 (B) THE ACTION OR PROCEEDING WAS COMMENCED OR CONTINUED IN BAD FAITH
51 WITHOUT ANY REASONABLE BASIS AND COULD NOT BE SUPPORTED BY A GOOD FAITH
52 ARGUMENT FOR AN EXTENSION, MODIFICATION OR REVERSAL OF EXISTING LAW. IF
53 THE ACTION OR PROCEEDING WAS PROMPTLY DISCONTINUED WHEN THE PARTY OR
54 ATTORNEY LEARNED OR SHOULD HAVE LEARNED THAT THE ACTION OR PROCEEDING
55 LACKED SUCH A REASONABLE BASIS, THE COURT MAY FIND THAT THE PARTY OR THE
56 ATTORNEY DID NOT ACT IN BAD FAITH.

(4) require the regulated creditor to cease and desist from such unlawful discriminatory practices;

[(4)] (5) require the regulated creditor to take such further affirmative action as will effectuate the purposes of this section, including, but not limited to, granting the credit which was the subject of the complaint.

S 3. This act shall take effect on the ninetieth day after it shall have become a law, and shall apply to actions commenced on or after such date.

PART D

Section 1. Subdivisions 1 and 1-a of section 296 of the executive law, as amended by chapter 803 of the laws of 1975, paragraph (a) of subdivision 1 as amended by chapter 80 of the laws of 2009, paragraphs (b), (c) and (d) of subdivision 1 as amended by chapter 75 of the laws of 2005, paragraph (e) of subdivision 1 as amended by chapter 166 of the laws of 2000, paragraph (g) of subdivision 1 as added by chapter 98 of the laws of 1984 and paragraphs (b), (c) and (d) of subdivision 1-a as amended by chapter 106 of the laws of 2003, are amended to read as follows:

1. It shall be an unlawful discriminatory practice:

(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, FAMILIAL STATUS, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency to discriminate against any individual because of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, FAMILIAL STATUS, or marital status, in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

(c) For a labor organization, because of the age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, FAMILIAL STATUS, or marital status of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, FAMILIAL STATUS, or marital status, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible prob-

lems in recruitment and testing of members of minority groups to insure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, FAMILIAL STATUS, or marital status.

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he or she has opposed any practices forbidden under this article or because he or she has filed a complaint, testified or assisted in any proceeding under this article.

(f) Nothing in this subdivision shall affect any restrictions upon the activities of persons licensed by the state liquor authority with respect to persons under twenty-one years of age.

(g) For an employer to compel an employee who is pregnant to take a leave of absence, unless the employee is prevented by such pregnancy from performing the activities involved in the job or occupation in a reasonable manner.

1-a. It shall be an unlawful discriminatory practice for an employer, labor organization, employment agency or any joint labor-management committee controlling apprentice training programs:

(a) To select persons for an apprentice training program registered with the state of New York on any basis other than their qualifications, as determined by objective criteria which permit review;

(b) To deny to or withhold from any person because of race, creed, color, national origin, sexual orientation, military status, sex, age, disability, FAMILIAL STATUS, or marital status, the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, executive training program, or other occupational training or retraining program;

(c) To discriminate against any person in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs because of race, creed, color, national origin, sexual orientation, military status, sex, age, disability, FAMILIAL STATUS or marital status;

(d) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, FAMILIAL STATUS or marital status, or any intention to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

S 2. Paragraph (a) of subdivision 9 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

(a) It shall be an unlawful discriminatory practice for any fire department or fire company therein, through any member or members thereof, officers, board of fire commissioners or other body or office having power of appointment of volunteer firefighters, directly or indirectly, by ritualistic practice, constitutional or by-law prescription, by tacit agreement among its members, or otherwise, to deny to any individual membership in any volunteer fire department or fire company therein, or to expel or discriminate against any volunteer member of a fire department or fire company therein, because of the race, creed, color,

1 national origin, sexual orientation, military status, sex [or], marital
2 status, OR FAMILIAL STATUS, of such individual.

3 S 3. Subdivision 13 of section 296 of the executive law, as amended by
4 chapter 196 of the laws of 2010, is amended to read as follows:

5 13. It shall be an unlawful discriminatory practice (i) for any person
6 to boycott or blacklist, or to refuse to buy from, sell to or trade
7 with, or otherwise discriminate against any person, because of the race,
8 creed, color, national origin, sexual orientation, military status, sex,
9 [or] disability, OR FAMILIAL STATUS, of such person, or of such person's
10 partners, members, stockholders, directors, officers, managers, super-
11 intendants, agents, employees, business associates, suppliers or custom-
12 ers, or (ii) for any person wilfully to do any act or refrain from doing
13 any act which enables any such person to take such action. This subdivi-
14 sion shall not apply to:

15 (a) Boycotts connected with labor disputes; or

16 (b) Boycotts to protest unlawful discriminatory practices.

17 S 4. This act shall take effect on the ninetieth day after it shall
18 have become a law.

19 PART E

20 Section 1. The real property law is amended by adding a new section
21 227-d to read as follows:

22 S 227-D. DISCRIMINATION BASED ON DOMESTIC VIOLENCE STATUS; PROHIBITED.

23 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, A PERSON IS A "DOMES-
24 TIC VIOLENCE VICTIM" AND POSSESSES "DOMESTIC VIOLENCE VICTIM STATUS" IF
25 SUCH PERSON IS OR HAS BEEN, OR IS A PARENT ACCOMPANIED BY A MINOR CHILD
26 OR CHILDREN WHO IS OR HAS BEEN, IN A SITUATION IN WHICH SUCH PERSON OR
27 CHILD IS A VICTIM OF AN ACT THAT WOULD CONSTITUTE A VIOLENT FELONY
28 OFFENSE AS ENUMERATED IN SECTION 70.02 OF THE PENAL LAW, OR A FAMILY
29 OFFENSE AS ENUMERATED IN SUBDIVISION ONE OF SECTION EIGHT HUNDRED TWELVE
30 OF THE FAMILY COURT ACT, AND SUCH ACT IS ALLEGED TO HAVE BEEN COMMITTED
31 BY A MEMBER OF THE SAME FAMILY OR HOUSEHOLD, AS DEFINED IN SUBDIVISION
32 ONE OF SECTION EIGHT HUNDRED TWELVE OF THE FAMILY COURT ACT.

33 2. DISCRIMINATION BASED ON DOMESTIC VIOLENCE VICTIM STATUS PROHIBITED.

34 (A) NO PERSON, FIRM OR CORPORATION OWNING OR MANAGING ANY BUILDING USED
35 FOR DWELLING PURPOSES, OR THE AGENT OF SUCH PERSON, FIRM OR CORPORATION,
36 SHALL, BECAUSE OF SUCH PERSON'S OR FAMILY MEMBER'S DOMESTIC VIOLENCE
37 VICTIM STATUS, (1) REFUSE TO RENT A RESIDENTIAL UNIT TO ANY PERSON OR
38 FAMILY, WHEN, BUT FOR SUCH STATUS, RENTAL WOULD NOT HAVE BEEN REFUSED,
39 (2) DISCRIMINATE IN THE TERMS, CONDITIONS, OR PRIVILEGES OF ANY SUCH
40 RENTAL, WHEN, BUT FOR SUCH STATUS, SUCH DISCRIMINATION WOULD NOT HAVE
41 OCCURRED, OR (3) PRINT OR CIRCULATE, OR CAUSE TO BE PRINTED OR CIRCU-
42 LATED, ANY STATEMENT, ADVERTISEMENT OR PUBLICATION WHICH EXPRESSES,
43 DIRECTLY OR INDIRECTLY, ANY LIMITATION, SPECIFICATION, OR DISCRIMI-
44 NATION. A VIOLATION OF THIS SUBDIVISION SHALL BE A MISDEMEANOR AND, ON
45 CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE
46 THOUSAND DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS FOR EACH
47 OFFENSE; PROVIDED, HOWEVER, THAT IT SHALL BE A DEFENSE THAT SUCH PERSON,
48 FIRM, CORPORATION OR AGENT REFUSED TO RENT A RESIDENTIAL UNIT ON ANY
49 OTHER LAWFUL GROUND.

50 (B) CIVIL LIABILITY: (1) WHERE DISCRIMINATORY CONDUCT PROHIBITED BY
51 THIS SUBDIVISION HAS OCCURRED, SUCH PERSON OR FAMILY SHALL HAVE A CAUSE
52 OF ACTION IN ANY COURT OF APPROPRIATE JURISDICTION FOR COMPENSATORY AND
53 PUNITIVE DAMAGES, WITH SUCH PUNITIVE DAMAGES NOT EXCEEDING TWO THOUSAND
54 DOLLARS FOR EACH OFFENSE, AND DECLARATORY AND INJUNCTIVE RELIEF; AND (2)

1 IN ALL ACTIONS BROUGHT UNDER THIS SECTION, REASONABLE ATTORNEYS' FEES AS
2 DETERMINED BY THE COURT MAY BE AWARDED TO A PREVAILING PARTY, PROVIDED,
3 HOWEVER, THAT A PREVAILING DEFENDANT IN ORDER TO RECOVER SUCH REASONABLE
4 ATTORNEYS' FEES MUST MAKE A MOTION REQUESTING SUCH FEES AND SHOW THAT
5 THE ACTION OR PROCEEDING BROUGHT WAS FRIVOLOUS. IN ORDER TO FIND THE
6 ACTION OR PROCEEDING TO BE FRIVOLOUS, THE COURT MUST FIND ONE OR MORE OF
7 THE FOLLOWING: (I) THE ACTION WAS COMMENCED, USED OR CONTINUED IN BAD
8 FAITH, SOLELY TO DELAY OR PROLONG THE RESOLUTION OF THE LITIGATION OR TO
9 HARASS OR MALICIOUSLY INJURE ANOTHER; OR (II) THE ACTION WAS COMMENCED
10 OR CONTINUED IN BAD FAITH WITHOUT ANY REASONABLE BASIS AND COULD NOT BE
11 SUPPORTED BY A GOOD FAITH ARGUMENT FOR AN EXTENSION, MODIFICATION OR
12 REVERSAL OF EXISTING LAW. IF THE ACTION OR PROCEEDING WAS PROMPTLY
13 DISCONTINUED WHEN THE PARTY OR ATTORNEY LEARNED OR SHOULD HAVE LEARNED
14 THAT THE ACTION OR PROCEEDING LACKED SUCH A REASONABLE BASIS, THE COURT
15 MAY FIND THAT THE PARTY OR THE ATTORNEY DID NOT ACT IN BAD FAITH.

16 (C) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING THE ABILITY
17 OF A PERSON, FIRM OR CORPORATION OWNING OR MANAGING A BUILDING USED FOR
18 DWELLING PURPOSES, OR THE AGENT OF SUCH PERSON, FIRM OR CORPORATION,
19 FROM APPLYING REASONABLE STANDARDS NOT BASED ON OR DERIVED FROM DOMESTIC
20 VIOLENCE VICTIM STATUS IN DETERMINING THE ELIGIBILITY OF A PERSON OR
21 FAMILY SEEKING TO RENT A RESIDENTIAL UNIT.

22 (D) THIS SECTION SHALL NOT APPLY TO BUILDINGS USED FOR DWELLING
23 PURPOSES THAT ARE OWNER OCCUPIED AND HAVE TWO OR FEWER RESIDENTIAL
24 UNITS.

25 3. A PERSON, FIRM, OR CORPORATION OWNING OR MANAGING A BUILDING USED
26 FOR DWELLING PURPOSES OR AGENT OF SUCH PERSON, FIRM OR CORPORATION SHALL
27 NOT BE CIVILLY LIABLE TO OTHER TENANTS, GUESTS, INVITEES, OR LICENSEES
28 ARISING FROM REASONABLE AND GOOD FAITH EFFORTS TO COMPLY WITH THIS
29 SECTION.

30 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING A PERSON,
31 FIRM OR CORPORATION OWNING OR MANAGING A BUILDING USED FOR DWELLING
32 PURPOSES, OR THE AGENT OF SUCH PERSON, FIRM OR CORPORATION, FROM:

33 (A) PROVIDING OR PRESERVING A RENTAL PREFERENCE IN ANY PUBLIC OR
34 PRIVATE HOUSING FOR VICTIMS OF DOMESTIC VIOLENCE;

35 (B) PROVIDING ANY OTHER ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE IN
36 OBTAINING OR RETAINING ANY PUBLIC OR PRIVATE HOUSING; OR

37 (C) RESPONDING TO AN INQUIRY OR REQUEST BY AN APPLICANT, TENANT, OR
38 LEASEHOLDER WHO IS A VICTIM OF DOMESTIC VIOLENCE.

39 5. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING A MUNICI-
40 PALITY FROM RETAINING OR PROMULGATING LOCAL LAWS OR ORDINANCES IMPOSING
41 ADDITIONAL OR ENHANCED PROTECTIONS PROHIBITING DISCRIMINATION AGAINST
42 VICTIMS OF DOMESTIC VIOLENCE.

43 6. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING, DIMINISH-
44 ING, OR OTHERWISE AFFECTING ANY RIGHTS UNDER EXISTING LAW.

45 S 2. The real property actions and proceedings law is amended by
46 adding a new section 744 to read as follows:

47 S 744. EVICTION BASED ON DOMESTIC VIOLENCE VICTIM STATUS PROHIBITED.
48 1. A TENANT SHALL NOT BE REMOVED FROM POSSESSION OF A RESIDENTIAL UNIT
49 PURSUANT TO THIS ARTICLE BECAUSE OF SUCH PERSON'S DOMESTIC VIOLENCE
50 VICTIM STATUS, AS DEFINED IN SECTION TWO HUNDRED TWENTY-SEVEN-D OF THE
51 REAL PROPERTY LAW. IT SHALL BE A DEFENSE TO A PROCEEDING TO RECOVER
52 POSSESSION OF A RESIDENTIAL UNIT THAT A LANDLORD SEEKS SUCH RECOVERY
53 BECAUSE OF A PERSON'S DOMESTIC VIOLENCE VICTIM STATUS, AND THAT, BUT FOR
54 SUCH STATUS, THE LANDLORD WOULD NOT SEEK TO RECOVER POSSESSION. A LAND-
55 LORD MAY REBUT SUCH DEFENSE BY SHOWING THAT HE OR SHE SEEKS TO RECOVER
56 POSSESSION OF A RESIDENTIAL UNIT BECAUSE OF ANY OTHER LAWFUL GROUND.

2. NOTHING IN THIS SECTION SHALL RESTRICT A LANDLORD'S LEGAL RIGHTS TO RECOVER POSSESSION OF A RESIDENTIAL UNIT ON GROUNDS NOT BASED ON OR DERIVED FROM DOMESTIC VIOLENCE VICTIM STATUS.

3. A LANDLORD SHALL NOT BE CIVILLY LIABLE TO OTHER TENANTS, GUESTS, INVITEES, OR LICENSEES ARISING FROM REASONABLE AND GOOD FAITH EFFORTS TO COMPLY WITH THIS SECTION.

4. THIS SECTION SHALL NOT APPLY TO BUILDINGS USED FOR DWELLING PURPOSES THAT ARE OWNER OCCUPIED AND HAVE TWO OR FEWER RESIDENTIAL UNITS.

S 3. There is hereby established a task force to study the impact of source of income on access to housing including, but not limited to, any sex-based impact. The task force shall consist of the following members as appointed by the governor: (1) two members of the governor's cabinet; (2) two experts on housing policy representing the needs of both landlords and tenants; (3) two members who are local government officials, who shall each represent different geographical regions within the state; (4) two members on the recommendation of the temporary president of the senate; and (5) two members on the recommendation of the speaker of the assembly. The governor shall designate a chair of the task force from amongst such appointees. The task force shall meet as often as is appropriate under circumstances necessary to fulfill its duties under this section. The task force shall (a) review the Section 8 Housing Choice Voucher Administrative Plan and, if necessary, recommend modifications to increase the participation of landlords and property owners, which may include, but shall not be limited to: expanding the portability of Section 8 vouchers, including as may be appropriate for domestic violence victims; creating a state-sponsored special-purpose mobility counseling program; enhancing means of connecting voucher holders to approved landlords; and eliminating delays in housing quality standard inspections; and (b) review other current policies and laws and, if necessary, recommend modifications to improve access to quality and affordable housing. The task force shall submit its report and recommendations to the governor, the temporary president of the senate, and the speaker of the assembly on January 15, 2015.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.

PART F

Section 1. Paragraph b of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 597 of the laws of 1998, is amended and a new paragraph i is added to read as follows:

b. An order of protection entered pursuant to this subdivision shall bear in a conspicuous manner, on the front page of said order, the language "Order of protection issued pursuant to section two hundred forty of the domestic relations law". THE ORDER OF PROTECTION SHALL ALSO CONTAIN THE FOLLOWING NOTICE: "THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.". The absence of such language shall not affect the validity of such order. The presentation of a copy of such an order to any peace officer acting pursuant to his or her special duties, or police officer, shall constitute authority, for that officer to arrest a person when that person has violated the terms of such an order, and

bring such person before the court and, otherwise, so far as lies within the officer's power, to aid in securing the protection such order was intended to afford.

I. THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE SUCH AN ORDER NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR VIOLATING SUCH ORDER.

S 2. Subdivision 2 of section 252 of the domestic relations law, as added by chapter 349 of the laws of 1995, is amended and a new subdivision 9-a is added to read as follows:

2. An order of protection entered pursuant to this subdivision shall bear in a conspicuous manner, on the front page of said order, the language "Order of protection issued pursuant to section two hundred fifty-two of the domestic relations law". THE ORDER OF PROTECTION SHALL ALSO CONTAIN THE FOLLOWING NOTICE: "THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.". The absence of such language shall not affect the validity of such order. The presentation of a copy of such an order to any peace officer acting pursuant to his or her special duties, or police officer, shall constitute authority, for that officer to arrest a person when that person has violated the terms of such an order, and bring such person before the court and, otherwise, so far as lies within the officer's power, to aid in securing the protection such order was intended to afford.

9-A. THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN ORDER ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR VIOLATING SUCH ORDER.

S 3. Section 155 of the family court act is amended by adding a new subdivision 3 to read as follows:

3. THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN ORDER ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR VIOLATING SUCH ORDER.

S 4. Subdivision 3 of section 168 of the family court act, as added by chapter 164 of the laws of 1989, is amended to read as follows:

3. Any order of protection or temporary order of protection issued by the family court shall bear, in a conspicuous manner, the language, as the case may be, "this order constitutes an order of protection" or "this order constitutes a temporary order of protection", on the front page of said order. THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION SHALL ALSO CONTAIN THE FOLLOWING NOTICE: "THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.". The absence of such language shall not affect the validity of such order.

S 5. Section 446 of the family court act is amended by adding a new closing paragraph to read as follows:

THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN ORDER

1 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR
2 VIOLATING SUCH ORDER.

3 S 6. Section 551 of the family court act is amended by adding a new
4 closing paragraph to read as follows:

5 THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPO-
6 RARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN ORDER
7 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR
8 VIOLATING SUCH ORDER.

9 S 7. Section 656 of the family court act is amended by adding a new
10 closing paragraph to read as follows:

11 THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPO-
12 RARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN ORDER
13 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR
14 VIOLATING SUCH ORDER.

15 S 8. Section 759 of the family court act is amended by adding a new
16 closing paragraph to read as follows:

17 THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPO-
18 RARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN ORDER
19 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR
20 VIOLATING SUCH ORDER.

21 S 9. Section 842 of the family court act is amended by adding a new
22 closing paragraph to read as follows:

23 THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPO-
24 RARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN ORDER
25 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR
26 VIOLATING SUCH ORDER.

27 S 10. Section 846 of the family court act is amended by adding a new
28 subdivision (a-1) to read as follows:

29 (A-1) THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR
30 TEMPORARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN
31 ORDER ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE
32 ARRESTED FOR VIOLATING SUCH ORDER.

33 S 11. Section 1056 of the family court act is amended by adding a new
34 subdivision 7 to read as follows:

35 7. THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR
36 TEMPORARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN
37 ORDER ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE
38 ARRESTED FOR VIOLATING SUCH ORDER.

39 S 12. Subdivision 4 of section 140.10 of the criminal procedure law is
40 amended by adding a new second undesignated paragraph to read as
41 follows:

42 THE PROTECTED PARTY IN WHOSE FAVOR THE ORDER OF PROTECTION OR TEMPO-
43 RARY ORDER OF PROTECTION IS ISSUED MAY NOT BE HELD TO VIOLATE AN ORDER
44 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR
45 VIOLATING SUCH ORDER.

46 S 13. Subdivisions 6 and 8 of section 530.12 of the criminal procedure
47 law, subdivision 6 as amended by chapter 164 of the laws of 1989, the
48 closing paragraph of subdivision 6 as added by chapter 222 of the laws
49 of 1994 and subdivision 8 as amended by section 81 of subpart B of part
50 C of chapter 62 of the laws of 2011, are amended to read as follows:

51 6. An order of protection or a temporary order of protection issued
52 pursuant to subdivision one, two, three, four or five of this section
53 shall bear in a conspicuous manner the term "order of protection" or
54 "temporary order of protection" as the case may be and a copy shall be
55 filed by the clerk of the court with the sheriff's office in the county
56 in which the complainant resides, or, if the complainant resides within

1 a city, with the police department of such city. THE ORDER OF
2 PROTECTION OR TEMPORARY ORDER OF PROTECTION SHALL ALSO CONTAIN THE
3 FOLLOWING NOTICE: "THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN
4 IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNI-
5 CATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF
6 PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE
7 PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR
8 VIOLATING THIS ORDER.". The absence of such language shall not affect
9 the validity of such order. A copy of such order of protection or
10 temporary order of protection may from time to time be filed by the
11 clerk of the court with any other police department or sheriff's office
12 having jurisdiction of the residence, work place, and school of anyone
13 intended to be protected by such order. A copy of the order may also be
14 filed by the complainant at the appropriate police department or sher-
15 iff's office having jurisdiction. Any subsequent amendment or revocation
16 of such order shall be filed in the same manner as herein provided.

17 Such order of protection shall plainly state the date that such order
18 expires.

19 8. In any proceeding in which an order of protection or temporary
20 order of protection or a warrant has been issued under this section, the
21 clerk of the court shall issue to the complainant and defendant and
22 defense counsel and to any other person affected by the order a copy of
23 the order of protection or temporary order of protection and ensure that
24 a copy of the order of protection or temporary order of protection be
25 transmitted to the local correctional facility where the individual is
26 or will be detained, the state or local correctional facility where the
27 individual is or will be imprisoned, and the supervising probation
28 department or department of corrections and community supervision where
29 the individual is under probation or parole supervision. The presenta-
30 tion of a copy of such order or a warrant to any peace officer acting
31 pursuant to his or her special duties or police officer shall constitute
32 authority for him or her to arrest a person who has violated the terms
33 of such order and bring such person before the court and, otherwise, so
34 far as lies within his or her power, to aid in securing the protection
35 such order was intended to afford. THE PROTECTED PARTY IN WHOSE FAVOR
36 THE ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION IS ISSUED MAY
37 NOT BE HELD TO VIOLATE AN ORDER ISSUED IN HIS OR HER FAVOR NOR MAY SUCH
38 PROTECTED PARTY BE ARRESTED FOR VIOLATING SUCH ORDER.

39 S 14. This act shall take effect immediately and shall apply to all
40 orders of protection regardless of when such orders were issued, except
41 that:

42 (a) the amendments to paragraph b of subdivision 3 of section 240 of
43 the domestic relations law made by section one of this act, the amend-
44 ments to subdivision 2 of section 252 of the domestic relations law made
45 by section two of this act, the amendments to subdivision 3 of section
46 168 of the family court act made by section four of this act, and the
47 amendments to subdivision 6 of section 530.12 of the criminal procedure
48 law made by section thirteen of this act shall take effect on the nine-
49 tieth day after this act shall have become a law, and shall apply to
50 orders of protection issued on or after such effective date; and

51 (b) the amendments to subdivision 4 of section 140.10 of the criminal
52 procedure law, made by section twelve of this act, shall not affect the
53 repeal of such subdivision, and shall be deemed repealed therewith.

1 Section 1. Section 153-c of the family court act, as added by chapter
2 416 of the laws of 1981, is amended to read as follows:

3 S 153-c. Temporary order of protection. (A) Any person appearing at
4 family court when the court is open requesting a temporary order of
5 protection under any article of this act shall be entitled to file a
6 petition without delay on the same day such person first appears at the
7 family court, and a hearing on that request shall be held on the same
8 day or the next day that the family court is open following the filing
9 of such petition.

10 (B) AS PROVIDED IN THIS SECTION, THE CHIEF ADMINISTRATOR OF THE
11 COURTS, WITH THE APPROVAL OF THE ADMINISTRATIVE BOARD OF THE COURTS, MAY
12 PROMULGATE RULES TO ESTABLISH AND IMPLEMENT A PILOT PROGRAM FOR THE
13 FILING OF PETITIONS FOR TEMPORARY ORDERS OF PROTECTION BY ELECTRONIC
14 MEANS AND FOR THE ISSUANCE OF SUCH ORDERS EX PARTE BY AUDIO-VISUAL MEANS
15 IN ORDER TO ACCOMMODATE LITIGANTS FOR WHOM ATTENDANCE AT COURT TO FILE
16 FOR, AND OBTAIN, EMERGENCY RELIEF WOULD CONSTITUTE AN UNDUE HARDSHIP OR
17 TO ACCOMMODATE LITIGANTS, FOR WHOM TRAVELING TO AND APPEARING IN THE
18 COURTHOUSE TO OBTAIN EMERGENCY RELIEF, CREATES A RISK OF HARM TO SUCH
19 LITIGANT.

20 (1) DEFINITIONS. AS USED IN THIS SECTION:

21 (I) "ELECTRONIC MEANS" MEANS ANY METHOD OF TRANSMISSION OF INFORMATION
22 BETWEEN COMPUTERS OR OTHER MACHINES DESIGNED FOR THE PURPOSE OF SENDING
23 AND RECEIVING SUCH TRANSMISSIONS, AND WHICH ALLOWS THE RECIPIENT TO
24 REPRODUCE THE INFORMATION TRANSMITTED IN A TANGIBLE MEDIUM OF
25 EXPRESSION.

26 (II) "INDEPENDENT AUDIO-VISUAL SYSTEM" MEANS AN ELECTRONIC SYSTEM FOR
27 THE TRANSMISSION AND RECEIVING OF AUDIO AND VISUAL SIGNALS, ENCOMPASSING
28 ENCODED SIGNALS, FREQUENCY DOMAIN MULTIPLEXING OR OTHER SUITABLE MEANS
29 TO PRECLUDE THE UNAUTHORIZED RECEPTION AND DECODING OF THE SIGNALS BY
30 COMMERCIALY AVAILABLE TELEVISION RECEIVERS, CHANNEL CONVERTERS, OR
31 OTHER AVAILABLE RECEIVING DEVICES.

32 (III) "ELECTRONIC APPEARANCE" MEANS AN APPEARANCE IN WHICH ONE OR MORE
33 OF THE PARTIES ARE NOT PRESENT IN THE COURT, BUT IN WHICH, BY MEANS OF
34 AN INDEPENDENT AUDIO-VISUAL SYSTEM, ALL OF THE PARTICIPANTS ARE SIMUL-
35 TANEOUSLY ABLE TO SEE AND HEAR REPRODUCTIONS OF THE VOICES AND IMAGES OF
36 THE JUDGE, COUNSEL, PARTIES, WITNESSES, IF ANY AND OTHER PARTICIPANTS.

37 (2) DEVELOPMENT OF A PILOT PROGRAM. A PLAN FOR A PILOT PROGRAM PURSU-
38 ANT TO THIS SECTION SHALL BE DEVELOPED BY THE CHIEF ADMINISTRATOR OF THE
39 COURTS OR HIS OR HER DELEGATE IN CONSULTATION WITH ONE OR MORE LOCAL
40 PROGRAMS PROVIDING ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, THE
41 OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE, AND ATTORNEYS WHO REPRE-
42 SENT FAMILY OFFENSE PETITIONS. THE PLAN SHALL INCLUDE, BUT IS NOT
43 LIMITED TO:

44 (I) IDENTIFICATION OF ONE OR MORE FAMILY JUSTICE CENTERS OR ORGANIZA-
45 TIONS OR AGENCIES OR OTHER SITES OUTSIDE OF THE LOCAL FAMILY COURT THAT
46 ARE EQUIPPED WITH, OR HAVE ACCESS TO, AN INDEPENDENT AUDIO-VISUAL SYSTEM
47 AND ELECTRONIC MEANS FOR FILING DOCUMENTS THAT ARE COMPATIBLE WITH THE
48 EQUIPMENT IN THE LOCAL FAMILY COURT, WITH CONSIDERATION GIVEN TO THE
49 LOCATION OF SUCH SITE OR SITES AND AVAILABLE RESOURCES; AND

50 (II) IDENTIFICATION OF ONE OR MORE LICENSED AND CERTIFIED ORGANIZA-
51 TIONS, AGENCIES OR ENTITIES WITH ADVOCATES FOR VICTIMS OF DOMESTIC
52 VIOLENCE WHO ARE TRAINED, AND AVAILABLE TO ASSIST PETITIONERS IN PREPAR-
53 ING AND FILING PETITIONS FOR TEMPORARY ORDERS OF PROTECTION AND IN THEIR
54 ELECTRONIC APPEARANCES BEFORE THE FAMILY COURT TO OBTAIN SUCH ORDERS;
55 AND

1 (III) IDENTIFICATION OF THE EXISTING RESOURCES AVAILABLE IN LOCAL
2 FAMILY COURTS FOR THE IMPLEMENTATION AND OVERSIGHT OF THE PILOT PROGRAM;
3 AND

4 (IV) DELINEATION OF PROCEDURES FOR FILING OF THE PETITIONS AND DOCU-
5 MENTS, IF ANY, BY ELECTRONIC MEANS, SWEARING IN THE PETITIONERS AND ANY
6 WITNESSES, PREPARATION OF A VERBATIM TRANSCRIPTION OF TESTIMONY
7 PRESENTED AND A RECORD OF EVIDENCE ADDUCED AND PROMPT TRANSMISSION OF
8 ANY ORDERS ISSUED TO THE PETITIONERS; AND

9 (V) A TIMETABLE FOR IMPLEMENTATION OF THE PILOT PROGRAM AND PLAN FOR
10 INFORMING THE PUBLIC OF ITS AVAILABILITY; AND

11 (VI) A DESCRIPTION OF DATA TO BE COLLECTED IN ORDER TO EVALUATE AND,
12 IF NECESSARY, MAKE RECOMMENDATIONS FOR IMPROVEMENTS TO THE PILOT
13 PROGRAM.

14 (3) FILING BY ELECTRONIC MEANS. IN CONJUNCTION WITH AN ELECTRONIC
15 APPEARANCE UNDER THIS SECTION, PETITIONERS FOR EX PARTE TEMPORARY ORDERS
16 OF PROTECTION MAY, WITH THE ASSISTANCE OF TRAINED ADVOCATES, COMMENCE
17 THE PROCEEDINGS BY FILING PETITIONS BY ELECTRONIC MEANS.

18 (I) A PETITIONER WHO SEEKS A TEMPORARY ORDER OF PROTECTION EX PARTE BY
19 USE OF AN ELECTRONIC APPEARANCE MUST FILE A PETITION IN ADVANCE OF SUCH
20 APPEARANCE AND MAY DO SO BY ELECTRONIC MEANS. THE PETITIONER SHALL SET
21 FORTH THE CIRCUMSTANCES IN WHICH TRAVELING TO OR APPEARING IN THE COURT-
22 HOUSE WOULD CONSTITUTE AN UNDUE HARDSHIP, OR CREATE A RISK OF HARM TO
23 THE PETITIONER. IN GRANTING OR DENYING THE RELIEF SOUGHT BY THE PETI-
24 TIONER, THE COURT SHALL STATE THE NAMES OF ALL PARTICIPANTS, AND WHETHER
25 IT IS GRANTING OR DENYING AN APPEARANCE BY ELECTRONIC MEANS AND THE
26 BASIS FOR SUCH DETERMINATION; PROVIDED, HOWEVER, THAT NOTHING IN THIS
27 SECTION SHALL BE CONSTRUED TO COMPEL A PARTY TO FILE A PETITION OR OTHER
28 DOCUMENT BY ELECTRONIC MEANS OR TO TESTIFY BY MEANS OF AN ELECTRONIC
29 APPEARANCE.

30 (II) NOTHING IN THIS SECTION SHALL AFFECT OR CHANGE ANY EXISTING LAWS
31 GOVERNING THE SERVICE OF PROCESS, INCLUDING REQUIREMENTS FOR PERSONAL
32 SERVICE, OR THE SEALING AND CONFIDENTIALITY OF COURT RECORDS IN FAMILY
33 COURT PROCEEDINGS, OR ACCESS TO COURT RECORDS BY THE PARTIES TO SUCH
34 PROCEEDINGS.

35 (4) (I) ALL ELECTRONIC APPEARANCES BY PETITIONERS SEEKING TEMPORARY
36 ORDERS OF PROTECTION EX PARTE UNDER THIS SECTION SHALL BE STRICTLY
37 VOLUNTARY AND THE CONSENT OF SUCH PETITIONERS SHALL BE GIVEN ON THE
38 RECORD AT THE COMMENCEMENT OF EACH APPEARANCE.

39 (II) APPEARANCES TAKEN THROUGH THE USE OF AN ELECTRONIC APPEARANCE
40 UNDER THIS SECTION SHALL BE RECORDED AND PRESERVED FOR TRANSCRIPTION.
41 DOCUMENTARY EVIDENCE, IF ANY, REFERRED TO BY A PARTY OR WITNESS OR THE
42 COURT MAY BE TRANSMITTED AND SUBMITTED AND INTRODUCED BY ELECTRONIC
43 MEANS.

44 S 2. Subdivision 2 of section 212 of the judiciary law is amended by
45 adding a new paragraph (s) to read as follows:

46 (S) HAVE THE POWER TO ESTABLISH PILOT PROGRAMS FOR THE FILING OF
47 PETITIONS FOR TEMPORARY ORDERS OF PROTECTION BY ELECTRONIC MEANS AND FOR
48 THE ISSUANCE OF SUCH ORDERS BY AUDIO-VISUAL MEANS PURSUANT TO SUBDIVI-
49 SION (B) OF SECTION ONE HUNDRED FIFTY-THREE-C OF THE FAMILY COURT ACT.
50 THE CHIEF ADMINISTRATOR SHALL MAINTAIN AN UP-TO-DATE AND PUBLICLY-Avail-
51 ABLE LISTING OF THE SITES, IF ANY, AT WHICH SUCH APPLICATIONS FOR EX
52 PARTE TEMPORARY ORDERS OF PROTECTION MAY BE FILED, AND AT WHICH ELEC-
53 TRONIC APPEARANCES IN SUPPORT OF SUCH APPLICATIONS MAY BE SOUGHT, IN
54 ACCORDANCE WITH SUCH SECTION ONE HUNDRED FIFTY-THREE-C OF THE FAMILY
55 COURT ACT. IN DEVELOPING SUCH PILOT PROGRAM, THE CHIEF ADMINISTRATOR
56 SHALL STRIVE FOR A PROGRAM THAT IS REGIONALLY DIVERSE, AND TAKES INTO

1 CONSIDERATION, AMONG OTHER THINGS, THE AVAILABILITY OF PUBLIC TRANSPOR-
2 TATION, POPULATION DENSITY AND THE AVAILABILITY OF FACILITIES FOR
3 CONDUCTING SUCH PROGRAM.

4 S 3. Section 648 of the executive law, as added by chapter 893 of the
5 laws of 1986, is amended to read as follows:

6 S 648. Review; report and implementation. 1. The chief administrator
7 of the unified court system shall review court practices, procedures,
8 services, regulations and laws to determine the adequacy and appropri-
9 ateness of its services with respect to crime victims, including victims
10 with special needs, particularly the elderly, disabled or victims of
11 child abuse, domestic violence, SEX TRAFFICKING or sex-related offenses.
12 Such review shall include reasonable opportunity for public comment and
13 consultation with crime victims or their representatives, and may
14 include public hearings.

15 2. After the review, and not later than two hundred seventy days after
16 the effective date of this section, AND NO LATER THAN TWO HUNDRED SEVEN-
17 TY DAYS AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOU-
18 SAND THIRTEEN WHICH AMENDED THIS SECTION, AND EVERY FIVE YEARS THEREAFT-
19 ER, the chief administrator of the unified court system shall submit a
20 report to the governor and the legislature, setting forth the findings
21 of the review, including a description of the services provided by the
22 components of the unified court system and recommendations for changes
23 in its procedures, services, regulations and laws to improve its
24 services to crime victims and to establish and implement fair treatment
25 standards for crime victims.

26 3. Subject to the direction of the chief administrator, the components
27 of the unified court system shall expeditiously implement the recommen-
28 dations of its report.

29 S 4. This act shall take effect April 1, 2014.

30 PART H

31 Section 1. Short title. This act shall be known and may be cited as
32 the "trafficking victims protection and justice act".

33 S 2. Section 60.13 of the penal law, as added by chapter 7 of the laws
34 of 2007, is amended to read as follows:

35 S 60.13 Authorized dispositions; felony sex offenses.

36 When a person is to be sentenced upon a conviction for any felony
37 defined in article one hundred thirty of this chapter, including a sexu-
38 ally motivated felony, or patronizing a [prostitute] PERSON FOR PROSTI-
39 TUTION in the first degree as defined in section 230.06 of this chapter,
40 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS
41 DEFINED IN SECTION 230.11 OF THIS CHAPTER, AGGRAVATED PATRONIZING A
42 MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12
43 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE
44 FIRST DEGREE AS DEFINED IN SECTION 230.13 OF THIS CHAPTER, incest in the
45 second degree as defined in section 255.26 of this chapter, or incest in
46 the first degree as defined in section 255.27 of this chapter, or a
47 felony attempt or conspiracy to commit any of these crimes, the court
48 must sentence the defendant in accordance with the provisions of section
49 70.80 of this title.

50 S 3. Paragraphs (a) and (c) of subdivision 1 of section 70.02 of the
51 penal law, paragraph (a) as amended by chapter 320 of the laws of 2006
52 and paragraph (c) as amended by chapter 1 of the laws of 2013, are
53 amended to read as follows:

1 (a) Class B violent felony offenses: an attempt to commit the class
2 A-I felonies of murder in the second degree as defined in section
3 125.25, kidnapping in the first degree as defined in section 135.25, and
4 arson in the first degree as defined in section 150.20; manslaughter in
5 the first degree as defined in section 125.20, aggravated manslaughter
6 in the first degree as defined in section 125.22, rape in the first
7 degree as defined in section 130.35, criminal sexual act in the first
8 degree as defined in section 130.50, aggravated sexual abuse in the
9 first degree as defined in section 130.70, course of sexual conduct
10 against a child in the first degree as defined in section 130.75;
11 assault in the first degree as defined in section 120.10, kidnapping in
12 the second degree as defined in section 135.20, burglary in the first
13 degree as defined in section 140.30, arson in the second degree as
14 defined in section 150.15, robbery in the first degree as defined in
15 section 160.15, SEX TRAFFICKING AS DEFINED IN PARAGRAPHS (A) AND (B) OF
16 SUBDIVISION FIVE OF SECTION 230.34, incest in the first degree as
17 defined in section 255.27, criminal possession of a weapon in the first
18 degree as defined in section 265.04, criminal use of a firearm in the
19 first degree as defined in section 265.09, criminal sale of a firearm in
20 the first degree as defined in section 265.13, aggravated assault upon a
21 police officer or a peace officer as defined in section 120.11, gang
22 assault in the first degree as defined in section 120.07, intimidating a
23 victim or witness in the first degree as defined in section 215.17,
24 hindering prosecution of terrorism in the first degree as defined in
25 section 490.35, criminal possession of a chemical weapon or biological
26 weapon in the second degree as defined in section 490.40, and criminal
27 use of a chemical weapon or biological weapon in the third degree as
28 defined in section 490.47.

29 (c) Class D violent felony offenses: an attempt to commit any of the
30 class C felonies set forth in paragraph (b); reckless assault of a child
31 as defined in section 120.02, assault in the second degree as defined in
32 section 120.05, menacing a police officer or peace officer as defined in
33 section 120.18, stalking in the first degree, as defined in subdivision
34 one of section 120.60, strangulation in the second degree as defined in
35 section 121.12, rape in the second degree as defined in section 130.30,
36 criminal sexual act in the second degree as defined in section 130.45,
37 sexual abuse in the first degree as defined in section 130.65, course of
38 sexual conduct against a child in the second degree as defined in
39 section 130.80, aggravated sexual abuse in the third degree as defined
40 in section 130.66, facilitating a sex offense with a controlled
41 substance as defined in section 130.90, LABOR TRAFFICKING AS DEFINED IN
42 PARAGRAPHS (A) AND (B) OF SUBDIVISION THREE OF SECTION 135.35, criminal
43 possession of a weapon in the third degree as defined in subdivision
44 five, six, seven, eight, nine or ten of section 265.02, criminal sale of
45 a firearm in the third degree as defined in section 265.11, intimidating
46 a victim or witness in the second degree as defined in section 215.16,
47 soliciting or providing support for an act of terrorism in the second
48 degree as defined in section 490.10, and making a terroristic threat as
49 defined in section 490.20, falsely reporting an incident in the first
50 degree as defined in section 240.60, placing a false bomb or hazardous
51 substance in the first degree as defined in section 240.62, placing a
52 false bomb or hazardous substance in a sports stadium or arena, mass
53 transportation facility or enclosed shopping mall as defined in section
54 240.63, and aggravated unpermitted use of indoor pyrotechnics in the
55 first degree as defined in section 405.18.

1 S 4. Paragraph (a) of subdivision 1 of section 70.80 of the penal law,
2 as added by chapter 7 of the laws of 2007, is amended to read as
3 follows:

4 (a) For the purposes of this section, a "felony sex offense" means a
5 conviction of any felony defined in article one hundred thirty of this
6 chapter, including a sexually motivated felony, or patronizing a [pros-
7 titute] PERSON FOR PROSTITUTION in the first degree as defined in
8 section 230.06 of this chapter, PATRONIZING A PERSON FOR PROSTITUTION IN
9 THE SECOND DEGREE AS DEFINED IN SECTION 230.05 OF THIS CHAPTER, AGGRA-
10 VATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS
11 DEFINED IN SECTION 230.11 OF THIS CHAPTER, AGGRAVATED PATRONIZING A
12 MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12
13 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN
14 FIRST DEGREE AS DEFINED IN SECTION 230.13 OF THIS CHAPTER, incest in the
15 second degree as defined in section 255.26 of this chapter, or incest in
16 the first degree as defined in section 255.27 of this chapter, or a
17 felony attempt or conspiracy to commit any of the above.

18 S 5. Section 135.35 of the penal law, as added by chapter 74 of the
19 laws of 2007, is amended to read as follows:

20 S 135.35 Labor trafficking.

21 A person is guilty of labor trafficking if he or she compels or
22 induces another to engage in labor or recruits, entices, harbors, or
23 transports such other person by means of intentionally:

24 1. [unlawfully providing a controlled substance to such person with
25 intent to impair said person's judgment;

26 2.] requiring that the labor be performed to retire, repay, or service
27 a real or purported debt that the actor has caused by a systematic ongo-
28 ing course of conduct with intent to defraud such person;

29 [3.] 2. withholding, destroying, or confiscating any actual or
30 purported passport, immigration document, or any other actual or
31 purported government identification document, of another person with
32 intent to impair said person's freedom of movement; provided, however,
33 that this subdivision shall not apply to an attempt to correct a social
34 security administration record or immigration agency record in accord-
35 ance with any local, state, or federal agency requirement, where such
36 attempt is not made for the purpose of any express or implied threat;

37 [4.] 3. using force or engaging in any scheme, plan or pattern to
38 compel or induce such person to engage in or continue to engage in labor
39 activity by means of instilling a fear in such person that, if the
40 demand is not complied with, the actor or another will do one or more of
41 the following:

42 (a) cause physical injury, serious physical injury, or death to a
43 person; or

44 (b) cause damage to property, other than the property of the actor; or

45 (c) engage in other conduct constituting a felony or unlawful impri-
46 sonment in the second degree in violation of section 135.05 of this
47 [chapter] ARTICLE; or

48 (d) accuse some person of a crime or cause criminal charges or depor-
49 tation proceedings to be instituted against such person; provided,
50 however, that it shall be an affirmative defense to this subdivision
51 that the defendant reasonably believed the threatened charge to be true
52 and that his or her sole purpose was to compel or induce the victim to
53 take reasonable action to make good the wrong which was the subject of
54 such threatened charge; or

1 (e) expose a secret or publicize an asserted fact, whether true or
2 false, tending to subject some person to hatred, contempt or ridicule;
3 or

4 (f) testify or provide information or withhold testimony or informa-
5 tion with respect to another's legal claim or defense; or

6 (g) use or abuse his or her position as a public servant by performing
7 some act within or related to his or her official duties, or by failing
8 or refusing to perform an official duty, in such manner as to affect
9 some person adversely.

10 Labor trafficking is a class D felony.

11 S 5-a. The penal law is amended by adding a new section 135.37 to read
12 as follows:

13 S 135.37 AGGRAVATED LABOR TRAFFICKING.

14 A PERSON IS GUILTY OF AGGRAVATED LABOR TRAFFICKING IF HE OR SHE
15 COMPELS OR INDUCES ANOTHER TO ENGAGE IN LABOR OR RECRUITS, ENTICES,
16 HARBORS, OR TRANSPORTS SUCH OTHER PERSON TO ENGAGE IN LABOR BY MEANS OF
17 INTENTIONALLY UNLAWFULLY PROVIDING A CONTROLLED SUBSTANCE TO SUCH PERSON
18 WITH INTENT TO IMPAIR SAID PERSON'S JUDGMENT.

19 AGGRAVATED LABOR TRAFFICKING IS A CLASS C FELONY.

20 S 5-b. Paragraph (a) of subdivision 1 of section 460.10 of the penal
21 law, as amended by chapter 405 of the laws of 2010, is amended to read
22 as follows:

23 (a) Any of the felonies set forth in this chapter: sections 120.05,
24 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
25 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
26 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
27 135.25 relating to kidnapping; [section] SECTIONS 135.35 AND 135.37
28 relating to labor trafficking; section 135.65 relating to coercion;
29 sections 140.20, 140.25 and 140.30 relating to burglary; sections
30 145.05, 145.10 and 145.12 relating to criminal mischief; article one
31 hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and
32 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and
33 177.25 relating to health care fraud; article one hundred sixty relating
34 to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to crim-
35 inal possession of stolen property; sections 165.72 and 165.73 relating
36 to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30,
37 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25,
38 175.35, 175.40 and 210.40 relating to false statements; sections 176.15,
39 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20
40 and 178.25 relating to criminal diversion of prescription medications
41 and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40,
42 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,
43 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections
44 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage
45 fraud, sections 190.40 and 190.42 relating to criminal usury; section
46 190.65 relating to schemes to defraud; sections 205.60 and 205.65 relat-
47 ing to hindering prosecution; sections 210.10, 210.15, and 215.51 relat-
48 ing to perjury and contempt; section 215.40 relating to tampering with
49 physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21,
50 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and
51 220.77 relating to controlled substances; sections 225.10 and 225.20
52 relating to gambling; sections 230.25, 230.30, and 230.32 relating to
53 promoting prostitution; section 230.34 relating to sex trafficking;
54 sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;
55 sections 263.10 and 263.15 relating to promoting a sexual performance by
56 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the

1 provisions of section 265.10 which constitute a felony relating to
2 firearms and other dangerous weapons; and sections 265.14 and 265.16
3 relating to criminal sale of a firearm; and section 275.10, 275.20,
4 275.30, or 275.40 relating to unauthorized recordings; and sections
5 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

6 S 5-c. Paragraphs (b) and (h) of subdivision 8 of section 700.05 of
7 the criminal procedure law, paragraph (b) as amended by chapter 405 of
8 the laws of 2010 and paragraph (h) as amended by chapter 154 of the laws
9 of 1990, are amended to read as follows:

10 (b) Any of the following felonies: assault in the second degree as
11 defined in section 120.05 of the penal law, assault in the first degree
12 as defined in section 120.10 of the penal law, reckless endangerment in
13 the first degree as defined in section 120.25 of the penal law, promot-
14 ing a suicide attempt as defined in section 120.30 of the penal law,
15 strangulation in the second degree as defined in section 121.12 of the
16 penal law, strangulation in the first degree as defined in section
17 121.13 of the penal law, criminally negligent homicide as defined in
18 section 125.10 of the penal law, manslaughter in the second degree as
19 defined in section 125.15 of the penal law, manslaughter in the first
20 degree as defined in section 125.20 of the penal law, murder in the
21 second degree as defined in section 125.25 of the penal law, murder in
22 the first degree as defined in section 125.27 of the penal law, abortion
23 in the second degree as defined in section 125.40 of the penal law,
24 abortion in the first degree as defined in section 125.45 of the penal
25 law, rape in the third degree as defined in section 130.25 of the penal
26 law, rape in the second degree as defined in section 130.30 of the penal
27 law, rape in the first degree as defined in section 130.35 of the penal
28 law, criminal sexual act in the third degree as defined in section
29 130.40 of the penal law, criminal sexual act in the second degree as
30 defined in section 130.45 of the penal law, criminal sexual act in the
31 first degree as defined in section 130.50 of the penal law, sexual abuse
32 in the first degree as defined in section 130.65 of the penal law,
33 unlawful imprisonment in the first degree as defined in section 135.10
34 of the penal law, kidnapping in the second degree as defined in section
35 135.20 of the penal law, kidnapping in the first degree as defined in
36 section 135.25 of the penal law, labor trafficking as defined in section
37 135.35 of the penal law, AGGRAVATED LABOR TRAFFICKING AS DEFINED IN
38 SECTION 135.37 OF THE PENAL LAW, custodial interference in the first
39 degree as defined in section 135.50 of the penal law, coercion in the
40 first degree as defined in section 135.65 of the penal law, criminal
41 trespass in the first degree as defined in section 140.17 of the penal
42 law, burglary in the third degree as defined in section 140.20 of the
43 penal law, burglary in the second degree as defined in section 140.25 of
44 the penal law, burglary in the first degree as defined in section 140.30
45 of the penal law, criminal mischief in the third degree as defined in
46 section 145.05 of the penal law, criminal mischief in the second degree
47 as defined in section 145.10 of the penal law, criminal mischief in the
48 first degree as defined in section 145.12 of the penal law, criminal
49 tampering in the first degree as defined in section 145.20 of the penal
50 law, arson in the fourth degree as defined in section 150.05 of the
51 penal law, arson in the third degree as defined in section 150.10 of the
52 penal law, arson in the second degree as defined in section 150.15 of
53 the penal law, arson in the first degree as defined in section 150.20 of
54 the penal law, grand larceny in the fourth degree as defined in section
55 155.30 of the penal law, grand larceny in the third degree as defined in
56 section 155.35 of the penal law, grand larceny in the second degree as

1 defined in section 155.40 of the penal law, grand larceny in the first
2 degree as defined in section 155.42 of the penal law, health care fraud
3 in the fourth degree as defined in section 177.10 of the penal law,
4 health care fraud in the third degree as defined in section 177.15 of
5 the penal law, health care fraud in the second degree as defined in
6 section 177.20 of the penal law, health care fraud in the first degree
7 as defined in section 177.25 of the penal law, robbery in the third
8 degree as defined in section 160.05 of the penal law, robbery in the
9 second degree as defined in section 160.10 of the penal law, robbery in
10 the first degree as defined in section 160.15 of the penal law, unlawful
11 use of secret scientific material as defined in section 165.07 of the
12 penal law, criminal possession of stolen property in the fourth degree
13 as defined in section 165.45 of the penal law, criminal possession of
14 stolen property in the third degree as defined in section 165.50 of the
15 penal law, criminal possession of stolen property in the second degree
16 as defined by section 165.52 of the penal law, criminal possession of
17 stolen property in the first degree as defined by section 165.54 of the
18 penal law, trademark counterfeiting in the second degree as defined in
19 section 165.72 of the penal law, trademark counterfeiting in the first
20 degree as defined in section 165.73 of the penal law, forgery in the
21 second degree as defined in section 170.10 of the penal law, forgery in
22 the first degree as defined in section 170.15 of the penal law, criminal
23 possession of a forged instrument in the second degree as defined in
24 section 170.25 of the penal law, criminal possession of a forged instru-
25 ment in the first degree as defined in section 170.30 of the penal law,
26 criminal possession of forgery devices as defined in section 170.40 of
27 the penal law, falsifying business records in the first degree as
28 defined in section 175.10 of the penal law, tampering with public
29 records in the first degree as defined in section 175.25 of the penal
30 law, offering a false instrument for filing in the first degree as
31 defined in section 175.35 of the penal law, issuing a false certificate
32 as defined in section 175.40 of the penal law, criminal diversion of
33 prescription medications and prescriptions in the second degree as
34 defined in section 178.20 of the penal law, criminal diversion of
35 prescription medications and prescriptions in the first degree as
36 defined in section 178.25 of the penal law, residential mortgage fraud
37 in the fourth degree as defined in section 187.10 of the penal law,
38 residential mortgage fraud in the third degree as defined in section
39 187.15 of the penal law, residential mortgage fraud in the second degree
40 as defined in section 187.20 of the penal law, residential mortgage
41 fraud in the first degree as defined in section 187.25 of the penal law,
42 escape in the second degree as defined in section 205.10 of the penal
43 law, escape in the first degree as defined in section 205.15 of the
44 penal law, absconding from temporary release in the first degree as
45 defined in section 205.17 of the penal law, promoting prison contraband
46 in the first degree as defined in section 205.25 of the penal law,
47 hindering prosecution in the second degree as defined in section 205.60
48 of the penal law, hindering prosecution in the first degree as defined
49 in section 205.65 of the penal law, sex trafficking as defined in
50 section 230.34 of the penal law, criminal possession of a weapon in the
51 third degree as defined in subdivisions two, three and five of section
52 265.02 of the penal law, criminal possession of a weapon in the second
53 degree as defined in section 265.03 of the penal law, criminal
54 possession of a weapon in the first degree as defined in section 265.04
55 of the penal law, manufacture, transport, disposition and defacement of
56 weapons and dangerous instruments and appliances defined as felonies in

subdivisions one, two, and three of section 265.10 of the penal law, sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use of weapons as defined in subdivision two of section 265.35 of the penal law, relating to firearms and other dangerous weapons, or failure to disclose the origin of a recording in the first degree as defined in section 275.40 of the penal law;

(h) Promoting prostitution in the first degree, as defined in section 230.32 of the penal law, promoting prostitution in the second degree, as defined by subdivision one of section 230.30 of the penal law, PROMOTING PROSTITUTION IN THE THIRD DEGREE, AS DEFINED IN SECTION 230.25 OF THE PENAL LAW;

S 6. The penal law is amended by adding a new section 230.01 to read as follows:

S 230.01 PROSTITUTION; AFFIRMATIVE DEFENSE.

IN ANY PROSECUTION UNDER SECTION 230.00, SECTION 230.03 OR SUBDIVISION TWO OF SECTION 240.37 OF THIS PART, IT IS AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT'S PARTICIPATION IN THE OFFENSE WAS A RESULT OF HAVING BEEN A VICTIM OF COMPELLING PROSTITUTION UNDER SECTION 230.33, A VICTIM OF SEX TRAFFICKING UNDER SECTION 230.34 OF THIS ARTICLE OR A VICTIM OF TRAFFICKING IN PERSONS UNDER THE TRAFFICKING VICTIMS PROTECTION ACT (UNITED STATES CODE, TITLE 22, CHAPTER 78).

S 7. The section heading and subdivision 1 of section 230.02 of the penal law, as amended by chapter 627 of the laws of 1978, are amended to read as follows:

Patronizing a [prostitute] PERSON FOR PROSTITUTION; definitions.

1. A person patronizes a [prostitute] PERSON FOR PROSTITUTION when:

(a) Pursuant to a prior understanding, he OR SHE pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him OR HER; or

(b) He OR SHE pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person or a third person will engage in sexual conduct with him OR HER; or

(c) He OR SHE solicits or requests another person to engage in sexual conduct with him OR HER in return for a fee.

S 8. Subdivision 2 of section 230.03 of the penal law, as added by chapter 191 of the laws of 2011, is amended to read as follows:

2. For the purposes of this section, SECTION 230.08 and section 230.19 of this article, "school zone" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school, or (b) any public sidewalk, street, parking lot, park, playground or private land, located immediately adjacent to the boundary line of such school.

S 9. Section 230.04 of the penal law, as amended by chapter 74 of the laws of 2007, is amended to read as follows:

S 230.04 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the third degree.

A person is guilty of patronizing a [prostitute] PERSON FOR PROSTITUTION in the third degree when he or she patronizes a [prostitute] PERSON FOR PROSTITUTION.

Patronizing a [prostitute] PERSON FOR PROSTITUTION in the third degree is a class A misdemeanor.

S 10. Section 230.05 of the penal law, as added by chapter 627 of the laws of 1978, is amended to read as follows:

1 S 230.05 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the
2 second degree.

3 A person is guilty of patronizing a [prostitute] PERSON FOR PROSTITU-
4 TION in the second degree when, being [over] eighteen years [of age] OLD
5 OR MORE, he OR SHE patronizes a [prostitute] PERSON FOR PROSTITUTION and
6 the person patronized is less than [fourteen] FIFTEEN years [of age]
7 OLD.

8 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the second
9 degree is a class E felony.

10 S 11. Section 230.06 of the penal law, as added by chapter 627 of the
11 laws of 1978, is amended to read as follows:

12 S 230.06 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the first
13 degree.

14 A person is guilty of patronizing a [prostitute] PERSON FOR PROSTITU-
15 TION in the first degree when [he]:

16 1. HE OR SHE patronizes a [prostitute] PERSON FOR PROSTITUTION and the
17 person patronized is less than eleven years [of age] OLD; OR

18 2. BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR
19 PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD.

20 Patronizing a [prostitute] PERSON FOR PROSTITUTION in the first degree
21 is a class D felony.

22 S 11-a. Section 230.07 of the penal law, as amended by chapter 74 of
23 the laws of 2007, is amended to read as follows:

24 S 230.07 Patronizing a [prostitute] PERSON FOR PROSTITUTION; defense.

25 In any prosecution for patronizing a [prostitute] PERSON FOR PROSTITU-
26 TION in the first or second degrees OR PATRONIZING A PERSON FOR PROSTI-
27 TUTION IN A SCHOOL ZONE, it is a defense that the defendant did not have
28 reasonable grounds to believe that the person was less than the age
29 specified.

30 S 12. The penal law is amended by adding a new section 230.08 to read
31 as follows:

32 S 230.08 PATRONIZING A PERSON FOR PROSTITUTION IN A SCHOOL ZONE.

33 1. A PERSON IS GUILTY OF PATRONIZING A PERSON FOR PROSTITUTION IN A
34 SCHOOL ZONE WHEN, BEING TWENTY-ONE YEARS OF AGE OR OLDER, HE OR SHE
35 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS
36 THAN EIGHTEEN YEARS OF AGE AT A PLACE THAT HE OR SHE KNOWS, OR REASON-
37 ABLY SHOULD KNOW, IS IN A SCHOOL ZONE.

38 2. FOR PURPOSES OF THIS SECTION, "SCHOOL ZONE" SHALL MEAN "SCHOOL
39 ZONE" AS DEFINED IN SUBDIVISION TWO OF SECTION 230.03 OF THIS ARTICLE.

40 PATRONIZING A PERSON FOR PROSTITUTION IN A SCHOOL ZONE IS A CLASS E
41 FELONY.

42 S 13. The section heading and the opening paragraph of section 230.10
43 of the penal law are amended to read as follows:

44 Prostitution and patronizing a [prostitute] PERSON FOR PROSTITUTION;
45 no defense.

46 In any prosecution for prostitution or patronizing a [prostitute]
47 PERSON FOR PROSTITUTION, the sex of the two parties or prospective
48 parties to the sexual conduct engaged in, contemplated or solicited is
49 immaterial, and it is no defense that:

50 S 14. The penal law is amended by adding three new sections 230.11,
51 230.12 and 230.13 to read as follows:

52 S 230.11 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD
53 DEGREE.

54 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION
55 IN THE THIRD DEGREE WHEN, BEING TWENTY-ONE YEARS OLD OR MORE, HE OR SHE
56 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS

1 THAN SEVENTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN
2 SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRA-
3 VATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF
4 THIS PART.

5 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE IS
6 A CLASS E FELONY.

7 S 230.12 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND
8 DEGREE.

9 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION
10 IN THE SECOND DEGREE WHEN, BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE
11 PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS
12 THAN FIFTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN
13 SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRA-
14 VATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF
15 THIS PART.

16 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE
17 IS A CLASS D FELONY.

18 S 230.13 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST
19 DEGREE.

20 A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION
21 IN THE FIRST DEGREE WHEN HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION
22 AND THE PERSON PATRONIZED IS LESS THAN ELEVEN YEARS OLD, OR BEING EIGH-
23 TEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION
24 AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD, AND THE
25 PERSON GUILTY OF PATRONIZING ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL
26 CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRAVATED SEXUAL CONDUCT AS THOSE
27 TERMS ARE DEFINED IN SECTION 130.00 OF THIS PART.

28 AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST DEGREE IS
29 A CLASS B FELONY.

30 S 15. Subdivisions 1 and 2 of section 230.15 of the penal law are
31 amended to read as follows:

32 1. "Advance prostitution." A person "advances prostitution" when,
33 acting other than as a [prostitute] PERSON IN PROSTITUTION or as a
34 patron thereof, he OR SHE knowingly causes or aids a person to commit or
35 engage in prostitution, procures or solicits patrons for prostitution,
36 provides persons or premises for prostitution purposes, operates or
37 assists in the operation of a house of prostitution or a prostitution
38 enterprise, or engages in any other conduct designed to institute, aid
39 or facilitate an act or enterprise of prostitution.

40 2. "Profit from prostitution." A person "profits from prostitution"
41 when, acting other than as a [prostitute] PERSON IN PROSTITUTION receiv-
42 ing compensation for personally rendered prostitution services, he OR
43 SHE accepts or receives money or other property pursuant to an agreement
44 or understanding with any person whereby he OR SHE participates or is to
45 participate in the proceeds of prostitution activity.

46 S 16. Subdivision 1 of section 230.19 of the penal law, as added by
47 chapter 191 of the laws of 2011, is amended to read as follows:

48 1. A person is guilty of promoting prostitution in a school zone when,
49 being nineteen years [of age] OLD or [older] MORE, he or she knowingly
50 advances or profits from prostitution that he or she knows or reasonably
51 should know is or will be committed in violation of section 230.03 of
52 this article in a school zone during the hours that school is in
53 session.

54 S 17. The opening paragraph and subdivision 1 of section 230.25 of the
55 penal law, the opening paragraph as amended by chapter 627 of the laws

1 of 1978 and subdivision 1 as amended by chapter 74 of the laws of 2007,
2 are amended to read as follows:

3 A person is guilty of promoting prostitution in the third degree when
4 he OR SHE knowingly:

5 1. Advances or profits from prostitution by managing, supervising,
6 controlling or owning, either alone or in association with others, a
7 house of prostitution or a prostitution business or enterprise involving
8 prostitution activity by two or more [prostitutes] PERSONS IN PROSTITU-
9 TION, or a business that sells travel-related services knowing that such
10 services include or are intended to facilitate travel for the purpose of
11 patronizing a [prostitute] PERSON FOR PROSTITUTION, including to a
12 foreign jurisdiction and regardless of the legality of prostitution in
13 said foreign jurisdiction; or

14 S 18. Section 230.30 of the penal law, as amended by chapter 627 of
15 the laws of 1978, is amended to read as follows:

16 S 230.30 Promoting prostitution in the second degree.

17 A person is guilty of promoting prostitution in the second degree when
18 he OR SHE knowingly:

19 1. Advances prostitution by compelling a person by force or intim-
20 idation to engage in prostitution, or profits from such coercive conduct
21 by another; or

22 2. Advances or profits from prostitution of a person less than
23 [sixteen] EIGHTEEN years old.

24 Promoting prostitution in the second degree is a class C felony.

25 S 19. The first undesignated paragraph of section 230.32 of the penal
26 law, as added by chapter 627 of the laws of 1978, is amended to read as
27 follows:

28 A person is guilty of promoting prostitution in the first degree when
29 he OR SHE:

30 1. knowingly advances or profits from prostitution of a person less
31 than [eleven] THIRTEEN years old; OR

32 2. BEING TWENTY-ONE YEARS OLD OR MORE, HE OR SHE KNOWINGLY ADVANCES OR
33 PROFITS FROM PROSTITUTION OF A PERSON LESS THAN FIFTEEN YEARS OF AGE.

34 S 20. Section 230.33 of the penal law, as added by chapter 450 of the
35 laws of 2005, is amended to read as follows:

36 S 230.33 Compelling prostitution.

37 A person is guilty of compelling prostitution when, being [twenty-one]
38 EIGHTEEN years [of age or older] OLD OR MORE, he or she knowingly
39 advances prostitution by compelling a person less than [sixteen] EIGH-
40 TEEN years old, by force or intimidation, to engage in prostitution.

41 Compelling prostitution is a class B felony.

42 S 21. Intentionally omitted.

43 S 22. Section 230.35 of the penal law, as amended by chapter 450 of
44 the laws of 2005, is amended to read as follows:

45 S 230.35 Promoting or compelling prostitution; accomplice.

46 In a prosecution for promoting prostitution or compelling prostitu-
47 tion, a person less than [seventeen] EIGHTEEN years [of age] OLD from
48 whose prostitution activity another person is alleged to have advanced
49 or attempted to advance or profited or attempted to profit shall not be
50 deemed to be an accomplice.

51 S 23. The first undesignated paragraph of section 230.40 of the penal
52 law is amended to read as follows:

53 A person is guilty of permitting prostitution when, having possession
54 or control of premises OR VEHICLE which he OR SHE knows are being used
55 for prostitution purposes OR FOR THE PURPOSE OF ADVANCING PROSTITUTION,
56 he OR SHE fails to make reasonable effort to halt or abate such use.

1 S 24. Subdivision 2 of section 240.37 of the penal law, as added by
2 chapter 344 of the laws of 1976, is amended, and subdivision 3 is renum-
3 bered subdivision 4 and a new subdivision 3 is added to read as follows:

4 2. Any person who remains or wanders about in a public place and
5 repeatedly beckons to, or repeatedly stops, or repeatedly attempts to
6 stop, or repeatedly attempts to engage passers-by in conversation, or
7 repeatedly stops or attempts to stop motor vehicles, or repeatedly
8 interferes with the free passage of other persons, for the purpose of
9 prostitution[, or of patronizing a prostitute as those terms are] AS
10 THAT TERM IS defined in article two hundred thirty of [the penal law]
11 THIS PART, shall be guilty of a violation and is guilty of a class B
12 misdemeanor if such person has previously been convicted of a violation
13 of this section or of [sections] SECTION 230.00 [or 230.05] of [the
14 penal law] THIS PART.

15 3. ANY PERSON WHO REMAINS OR WANDERS ABOUT IN A PUBLIC PLACE AND
16 REPEATEDLY BECKONS TO, OR REPEATEDLY STOPS, OR REPEATEDLY ATTEMPTS TO
17 STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERS-BY IN CONVERSATION, OR
18 REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY
19 INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF
20 PATRONIZING A PERSON FOR PROSTITUTION AS DEFINED IN SECTION 230.02 OF
21 THIS PART, SHALL BE GUILTY OF A VIOLATION AND IS GUILTY OF A CLASS B
22 MISDEMEANOR IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION
23 OF THIS SECTION OR OF SECTION 230.04, 230.05, 230.06 OR 230.08 OF THIS
24 PART.

25 S 25. Subdivision 6 of section 380.50 of the criminal procedure law,
26 as amended by chapter 320 of the laws of 2006, is amended to read as
27 follows:

28 6. Regardless of whether the victim requests to make a statement with
29 regard to the defendant's sentence, where the defendant is sentenced for
30 a violent felony offense as defined in section 70.02 of the penal law or
31 a felony defined in article one hundred twenty-five of such law or any
32 of the following provisions of such law sections 130.25, 130.30, 130.40,
33 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10,
34 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of
35 section 230.30 or 230.32, the prosecutor shall, within sixty days of the
36 imposition of sentence, provide the victim with a form on which the
37 victim may indicate a demand to be informed of any petition to change
38 the name of such defendant. Such forms shall be maintained by such
39 prosecutor. Upon receipt of a notice of a petition to change the name of
40 any such defendant, pursuant to subdivision two of section sixty-two of
41 the civil rights law, the prosecutor shall promptly notify the victim at
42 the most current address or telephone number provided by such victim in
43 the most reasonable and expedient possible manner of the time and place
44 such petition will be presented to the court.

45 S 26. Paragraph (i) of subdivision 1 of section 440.10 of the criminal
46 procedure law, as added by chapter 332 of the laws of 2010, is amended
47 to read as follows:

48 (i) The judgment is a conviction where the arresting charge was under
49 section 240.37 (loitering for the purpose of engaging in a prostitution
50 offense, provided that the defendant was not alleged to be loitering for
51 the purpose of patronizing a prostitute or promoting prostitution) or
52 230.00 (prostitution) OR 230.03 of the penal law, and the defendant's
53 participation in the offense was a result of having been a victim of sex
54 trafficking under section 230.34 of the penal law, LABOR TRAFFICKING
55 UNDER SECTION 135.35 OF THE PENAL LAW, AGGRAVATED LABOR TRAFFICKING
56 UNDER SECTION 135.37 OF THE PENAL LAW, COMPELLING PROSTITUTION UNDER

SECTION 230.33 OF THE PENAL LAW, or trafficking in persons under the Trafficking Victims Protection Act (United States Code, title 22, chapter 78); provided that

(i) a motion under this paragraph shall be made with due diligence, after the defendant has ceased to be a victim of such trafficking OR COMPELLING PROSTITUTION CRIME or has sought services for victims of such trafficking OR COMPELLING PROSTITUTION CRIME, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking OR COMPELLING PROSTITUTION CRIME that may be jeopardized by the bringing of such motion, or for other reasons consistent with the purpose of this paragraph; and

(ii) official documentation of the defendant's status as a victim of [sex] trafficking, COMPELLING PROSTITUTION or trafficking in persons at the time of the offense from a federal, state or local government agency shall create a presumption that the defendant's participation in the offense was a result of having been a victim of sex trafficking, COMPELLING PROSTITUTION or trafficking in persons, but shall not be required for granting a motion under this paragraph.

S 27. Intentionally omitted.

S 28. Section 483-bb of the social services law is amended by adding a new subdivision (c) to read as follows:

(C) AN INDIVIDUAL WHO IS A VICTIM OF THE CONDUCT PROHIBITED BY SECTION 230.33, 230.34, 135.35 OR 135.37 OF THE PENAL LAW MAY BRING A CIVIL ACTION AGAINST THE PERPETRATOR OR WHOEVER KNOWINGLY ADVANCES OR PROFITS FROM, OR WHOEVER SHOULD HAVE KNOWN HE OR SHE WAS ADVANCING OR PROFITING FROM, AN ACT IN VIOLATION OF SECTION 230.33, 230.34, 135.35 OR 135.37 OF THE PENAL LAW TO RECOVER DAMAGES AND REASONABLE ATTORNEY'S FEES.

S 29. Section 212 of the civil practice law and rules is amended by adding a new subdivision (e) to read as follows:

(E) BY A VICTIM OF SEX TRAFFICKING, COMPELLING PROSTITUTION, OR LABOR TRAFFICKING. AN ACTION BY A VICTIM OF SEX TRAFFICKING, COMPELLING PROSTITUTION, LABOR TRAFFICKING OR AGGRAVATED LABOR TRAFFICKING, BROUGHT PURSUANT TO SUBDIVISION (C) OF SECTION FOUR HUNDRED EIGHTY-THREE-BB OF THE SOCIAL SERVICES LAW, MAY BE COMMENCED WITHIN TEN YEARS AFTER SUCH VICTIMIZATION OCCURS PROVIDED, HOWEVER, THAT SUCH TEN YEAR PERIOD SHALL NOT BEGIN TO RUN AND SHALL BE TOLLED DURING ANY PERIOD IN WHICH THE VICTIM IS OR REMAINS SUBJECT TO SUCH CONDUCT.

S 30. Subdivision (a) of section 483-cc of the social services law, as added by chapter 74 of the laws of 2007, is amended to read as follows:

(a) As soon as practicable after a first encounter with a person who reasonably appears to a law enforcement agency [or a], district attorney's office, OR AN ESTABLISHED PROVIDER OF SOCIAL OR LEGAL SERVICES DESIGNATED BY THE OFFICE OF TEMPORARY AND AND DISABILITY ASSISTANCE OR THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE OR THE OFFICE OF VICTIM SERVICES to be a human trafficking victim, that [agency or] LAW ENFORCEMENT AGENCY OR DISTRICT ATTORNEY'S office shall notify the office of temporary and disability assistance and the division of criminal justice services that such person may be eligible for services under this article OR, IN THE CASE OF AN ESTABLISHED PROVIDER OF SOCIAL OR LEGAL SERVICES, SHALL NOTIFY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE DIVISION OF CRIMINAL JUSTICE SERVICES IF SUCH VICTIM CONSENTS TO SEEKING SERVICES PURSUANT TO THIS ARTICLE.

S 31. Intentionally omitted.

S 32. Section 14 of chapter 74 of the laws of 2007, amending the penal law, the criminal procedure law, the correction law, the social services

1 law, and the executive law relating to human trafficking, as amended by
2 chapter 24 of the laws of 2011, is amended to read as follows:

3 S 14. This act shall take effect on the first of November next
4 succeeding the date on which it shall have become a law; provided that
5 section 483-ee of the social services law, as added by section eleven of
6 this act, shall take effect immediately and shall remain in full force
7 and effect until September 1, [2013] 2017 when upon such date the
8 provisions of such section shall expire and be deemed repealed.
9 Provided, effective immediately, the addition, amendment and/or repeal
10 of any rule or regulation necessary for the timely implementation of the
11 provisions of article 10-D of the social services law, as added by
12 section eleven of this act, on its effective date are authorized to be
13 made on or before such effective date.

14 S 33. Subdivision (p) of section 10.03 of the mental hygiene law, as
15 added by chapter 7 of the laws of 2007, is amended to read as follows:

16 (p) "Sex offense" means an act or acts constituting: (1) any felony
17 defined in article one hundred thirty of the penal law, including a
18 sexually motivated felony; (2) patronizing a [prostitute] PERSON FOR
19 PROSTITUTION in the first degree as defined in section 230.06 of the
20 penal law, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST
21 DEGREE AS DEFINED IN SECTION 230.13 OF THE PENAL LAW, AGGRAVATED PATRON-
22 IZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN
23 SECTION 230.12 OF THE PENAL LAW, AGGRAVATED PATRONIZING A MINOR FOR
24 PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THE
25 PENAL LAW, incest in the second degree as defined in section 255.26 of
26 the penal law, or incest in the first degree as defined in section
27 255.27 of the penal law; (3) a felony attempt or conspiracy to commit
28 any of the foregoing offenses set forth in this subdivision; or (4) a
29 designated felony, as defined in subdivision (f) of this section, if
30 sexually motivated and committed prior to the effective date of this
31 article.

32 S 34. Subparagraph (i) of paragraph (a) of subdivision 2 of section
33 168-a of the correction law, as amended by chapter 405 of the laws of
34 2008, is amended to read as follows:

35 (i) a conviction of or a conviction for an attempt to commit any of
36 the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40,
37 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article two
38 hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20
39 or 135.25 of such law relating to kidnapping offenses, provided the
40 victim of such kidnapping or related offense is less than seventeen
41 years old and the offender is not the parent of the victim, or section
42 230.04, where the person patronized is in fact less than seventeen years
43 of age, 230.05 [or], 230.06, [or] 230.11, 230.12, 230.13, subdivision
44 two of section 230.30, [or] section 230.32 [or], 230.33, OR 230.34 of
45 the penal law, OR SECTION 230.25 OF THE PENAL LAW WHERE THE PERSON PROS-
46 TITUTED IS IN FACT LESS THAN SEVENTEEN YEARS OLD, or

47 S 35. Paragraph (b) of subdivision 1 of section 168-d of the
48 correction law, as amended by chapter 74 of the laws of 2007, is amended
49 to read as follows:

50 (b) Where a defendant stands convicted of an offense defined in para-
51 graph (b) of subdivision two of section one hundred sixty-eight-a of
52 this article or where the defendant was convicted of patronizing a
53 [prostitute] PERSON FOR PROSTITUTION in the third degree under section
54 230.04 of the penal law and the defendant controverts an allegation that
55 the victim of such offense was less than eighteen years of age or, in
56 the case of a conviction under section 230.04 of the penal law, less

1 than seventeen years of age, the court, without a jury, shall, prior to
2 sentencing, conduct a hearing, and the people may prove by clear and
3 convincing evidence that the victim was less than eighteen years [of
4 age] OLD or less than seventeen years [of age] OLD, as applicable, by
5 any evidence admissible under the rules applicable to a trial of the
6 issue of guilt. The court in addition to such admissible evidence may
7 also consider reliable hearsay evidence submitted by either party
8 provided that it is relevant to the determination of the age of the
9 victim. Facts concerning the age of the victim proven at trial or ascer-
10 tained at the time of entry of a plea of guilty shall be deemed estab-
11 lished by clear and convincing evidence and shall not be relitigated. At
12 the conclusion of the hearing, or if the defendant does not controvert
13 an allegation that the victim of the offense was less than eighteen
14 years [of age] OLD or less than seventeen years [of age] OLD, as appli-
15 cable, the court must make a finding and enter an order setting forth
16 the age of the victim. If the court finds that the victim of such
17 offense was under eighteen years [of age] OLD or under seventeen years
18 [of age] OLD, as applicable, the court shall certify the defendant as a
19 sex offender, the provisions of paragraph (a) of this subdivision shall
20 apply and the defendant shall register with the division in accordance
21 with the provisions of this article.

22 S 36. Paragraph (c) of subdivision 4 of section 509-cc of the vehicle
23 and traffic law, as amended by chapter 400 of the laws of 2011, is
24 amended to read as follows:

25 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
26 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
27 of this section that result in disqualification for a period of five
28 years shall include a conviction under sections 100.10, 105.13, 115.05,
29 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,
30 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17,
31 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,
32 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55, 230.00,
33 230.05, 230.06, 230.11, 230.12, 230.13, 230.19, 230.20, 235.05, 235.06,
34 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of section
35 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10,
36 265.12, 265.35 of the penal law or an attempt to commit any of the afor-
37 esaid offenses under section 110.00 of the penal law, or any similar
38 offenses committed under a former section of the penal law, or any
39 offenses committed under a former section of the penal law which would
40 constitute violations of the aforesaid sections of the penal law, or any
41 offenses committed outside this state which would constitute violations
42 of the aforesaid sections of the penal law.

43 S 36-a. The vehicle and traffic law is amended by adding a new section
44 510-d to read as follows:

45 S 510-D. SUSPENSION AND REVOCATION OF CLASS E DRIVER'S LICENSES. 1. A
46 CLASS E DRIVER'S LICENSE SHALL BE SUSPENDED BY THE COMMISSIONER FOR A
47 PERIOD OF ONE YEAR WHERE THE HOLDER IS CONVICTED OF A VIOLATION OF
48 SECTION 230.20, 230.25, 230.30, 230.32, 230.34 OR 230.40 OF THE PENAL
49 LAW AND THE HOLDER USED A FOR HIRE MOTOR VEHICLE TO COMMIT SUCH CRIME.

50 2. A CLASS E DRIVER'S LICENSE MAY BE REVOKED BY THE COMMISSIONER WHEN
51 THE HOLDER, WHO HAD HIS OR HER DRIVER'S LICENSE SUSPENDED UNDER SUBDIVI-
52 SION ONE OF THIS SECTION WITHIN THE LAST TEN YEARS, IS CONVICTED OF A
53 SECOND VIOLATION OF SECTION 230.20, 230.25, 230.30, 230.32, 230.34 OR
54 230.40 OF THE PENAL LAW AND THE HOLDER USED A FOR HIRE MOTOR VEHICLE TO
55 COMMIT SUCH CRIME.

1 3. ANY REVOCATION OR SUSPENSION OF A CLASS E DRIVER'S LICENSE ISSUED
2 PURSUANT TO THIS ARTICLE SHALL BE APPLICABLE ONLY TO THAT PORTION OF THE
3 HOLDER'S DRIVER'S LICENSE OR PRIVILEGE WHICH PERMITS THE OPERATION OF A
4 MOTOR VEHICLE TRANSPORTING PASSENGERS FOR HIRE, AND THE COMMISSIONER
5 SHALL IMMEDIATELY ISSUE A LICENSE, OTHER THAN A CLASS E DRIVER'S
6 LICENSE, TO SUCH PERSON, PROVIDED THAT SUCH PERSON IS OTHERWISE ELIGIBLE
7 TO RECEIVE SUCH LICENSE AND FURTHER PROVIDED THAT ISSUING A LICENSE TO
8 SUCH PERSON DOES NOT CREATE A SUBSTANTIAL TRAFFIC SAFETY HAZARD.

9 4. THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO PREVENT
10 ANY PERSON WHO HAS THE AUTHORITY TO SUSPEND OR REVOKE A LICENSE TO DRIVE
11 OR PRIVILEGE OF OPERATING PURSUANT TO SECTION FIVE HUNDRED TEN OF THIS
12 ARTICLE FROM EXERCISING ANY SUCH AUTHORITY.

13 S 37. Section 2324-a of the public health law, as amended by chapter
14 260 of the laws of 1978, is amended to read as follows:

15 S 2324-a. Presumptive evidence. For the purposes of this title, two
16 or more convictions of any person or persons had, within a period of one
17 year, for any of the offenses described in section 230.00, 230.05,
18 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25 [or], 230.30 OR
19 230.32 of the penal law arising out of conduct engaged in at the same
20 real property consisting of a dwelling as that term is defined in subdi-
21 vision four of section four of the multiple dwelling law shall be
22 presumptive evidence of conduct constituting use of the premises for
23 purposes of prostitution.

24 S 38. Subdivision 2 of section 715 of the real property actions and
25 proceedings law, as added by chapter 494 of the laws of 1976, is amended
26 to read as follows:

27 2. For purposes of this section, two or more convictions of any person
28 or persons had, within a period of one year, for any of the offenses
29 described in section 230.00, 230.05, 230.06, 230.11, 230.12, 230.13,
30 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal law arising out of
31 conduct engaged in at the same real property consisting of a dwelling as
32 that term is defined in subdivision four of section four of the multiple
33 dwelling law shall be presumptive evidence of conduct constituting use
34 of the premises for purposes of prostitution.

35 S 39. Subdivision 3 of section 231 of the real property law, as
36 amended by chapter 203 of the laws of 1980, is amended to read as
37 follows:

38 3. For the purposes of this section, two or more convictions of any
39 person or persons had, within a period of one year, for any of the
40 offenses described in section 230.00, 230.05, 230.06, 230.11, 230.12,
41 230.13, 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal law aris-
42 ing out of conduct engaged in at the same premises consisting of a
43 dwelling as that term is defined in subdivision four of section four of
44 the multiple dwelling law shall be presumptive evidence of unlawful use
45 of such premises and of the owners knowledge of the same.

46 S 40. Subdivision 3 of section 840 of the executive law is amended by
47 adding a new paragraph (f-1) to read as follows:

48 (F-1) DEVELOP, MAINTAIN AND DISSEMINATE, IN CONSULTATION WITH THE
49 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE DIVISION OF CRIMI-
50 NAL JUSTICE SERVICES, WRITTEN POLICIES AND PROCEDURES REGARDING HUMAN
51 TRAFFICKING VICTIMS. SUCH POLICIES AND PROCEDURES SHALL INCLUDE, BUT NOT
52 BE LIMITED TO THE FOLLOWING: (1) THE IDENTIFICATION OF POTENTIAL VICTIMS
53 OF HUMAN TRAFFICKING, AS DEFINED UNDER SECTION FOUR HUNDRED
54 EIGHTY-THREE-AA OF THE SOCIAL SERVICES LAW; AND (2) INFORMATION AND/OR
55 REFERRAL TO APPROPRIATE SOCIAL AND LEGAL SERVICES FOR VICTIMS OF HUMAN

TRAFFICKING IN ACCORDANCE WITH SECTION FOUR HUNDRED EIGHTY-THREE-BB OF THE SOCIAL SERVICES LAW;

S 41. The executive law is amended by adding a new section 214-d to read as follows:

S 214-D. HUMAN TRAFFICKING AWARENESS. THE SUPERINTENDENT, IN CONSULTATION WITH THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE DIVISION OF CRIMINAL JUSTICE SERVICES, SHALL: (1) DEVELOP, MAINTAIN AND DISSEMINATE TO ALL MEMBERS OF THE STATE POLICE, INCLUDING NEW AND VETERAN OFFICERS, WRITTEN POLICIES, PROCEDURES AND EDUCATIONAL MATERIALS RELATING TO HUMAN TRAFFICKING VICTIMS, INCLUDING SERVICES AVAILABLE FOR VICTIMS OF HUMAN TRAFFICKING, AS REFERENCED IN SECTION FOUR HUNDRED EIGHTY-THREE-BB OF THE SOCIAL SERVICES LAW; AND (2) ESTABLISH AND IMPLEMENT WRITTEN PROCEDURES AND POLICIES IN THE EVENT A MEMBER OF THE DIVISION OF STATE POLICE ENCOUNTERS AN INDIVIDUAL BELIEVED TO BE A VICTIM OF HUMAN TRAFFICKING, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE PROVISION OF INFORMATION AND/OR REFERRAL TO AN APPROPRIATE PROVIDER OF SOCIAL AND LEGAL SERVICES TO HUMAN TRAFFICKING VICTIMS, IN ACCORDANCE WITH SUCH SECTION FOUR HUNDRED EIGHTY-THREE-BB.

S 42. This act shall take effect on the ninetieth day after it shall have become a law.

PART I

Section 1. Subdivision 21-e of section 292 of the executive law, as added by chapter 269 of the laws of 1997, is amended and a new subdivision 21-f is added to read as follows:

21-e. The term "reasonable accommodation" means actions taken which permit an employee, prospective employee or member with a disability, OR A PREGNANCY-RELATED CONDITION, to perform in a reasonable manner the activities involved in the job or occupation sought or held and include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, job restructuring and modified work schedules; provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested.

21-F. THE TERM "PREGNANCY-RELATED CONDITION" MEANS A MEDICAL CONDITION RELATED TO PREGNANCY OR CHILDBIRTH THAT INHIBITS THE EXERCISE OF A NORMAL BODILY FUNCTION OR IS DEMONSTRABLE BY MEDICALLY ACCEPTED CLINICAL OR LABORATORY DIAGNOSTIC TECHNIQUES; PROVIDED, HOWEVER, THAT IN ALL PROVISIONS OF THIS ARTICLE DEALING WITH EMPLOYMENT, THE TERM SHALL BE LIMITED TO CONDITIONS WHICH, UPON THE PROVISION OF REASONABLE ACCOMMODATIONS, DO NOT PREVENT THE COMPLAINANT FROM PERFORMING IN A REASONABLE MANNER THE ACTIVITIES INVOLVED IN THE JOB OR OCCUPATION SOUGHT OR HELD; AND PROVIDED FURTHER, HOWEVER, THAT PREGNANCY-RELATED CONDITIONS SHALL BE TREATED AS TEMPORARY DISABILITIES FOR THE PURPOSES OF THIS ARTICLE.

S 2. Paragraph (a) of subdivision 3 of section 296 of the executive law, as added by chapter 269 of the laws of 1997, is amended and two new paragraphs (c) and (d) are added to read as follows:

(a) It shall be an unlawful discriminatory practice for an employer, licensing agency, employment agency or labor organization to refuse to provide reasonable accommodations to the known disabilities, OR PREGNANCY-RELATED CONDITIONS, of an employee, prospective employee or member in connection with a job or occupation sought or held or participation in a training program.

(C) THE EMPLOYEE MUST COOPERATE IN PROVIDING MEDICAL OR OTHER INFORMATION THAT IS NECESSARY TO VERIFY THE EXISTENCE OF THE DISABILITY OR PREGNANCY-RELATED CONDITION, OR THAT IS NECESSARY FOR CONSIDERATION OF THE ACCOMMODATION. THE EMPLOYEE HAS A RIGHT TO HAVE SUCH MEDICAL INFORMATION KEPT CONFIDENTIAL.

(D) NOTHING IN THIS SUBDIVISION REGARDING "REASONABLE ACCOMMODATION" OR IN PART D OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH SHALL ALTER, DIMINISH, INCREASE, OR CREATE NEW OR ADDITIONAL REQUIREMENTS TO ACCOMMODATE PROTECTED CLASSES PURSUANT TO THIS ARTICLE OTHER THAN THE ADDITIONAL REQUIREMENTS AS EXPLICITLY SET FORTH IN SUCH CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

PART J

Section 1. The public health law is amended by adding a new section 4166 to read as follows:

S 4166. ACCESS TO REPRODUCTIVE SERVICES. THE STATE SHALL NOT DENY A WOMAN'S RIGHT TO OBTAIN AN ABORTION AS ESTABLISHED BY THE UNITED STATES SUPREME COURT IN THE DECISION ROE V. WADE, 410 U.S.113 (1973). NOTWITHSTANDING ANY LAW TO THE CONTRARY, NEW YORK PROTECTS A WOMAN'S RIGHT TO TERMINATE A PREGNANCY WITHIN TWENTY-FOUR WEEKS FROM COMMENCEMENT OF HER PREGNANCY, OR WHEN NECESSARY TO PROTECT A WOMAN'S LIFE OR HEALTH AS DETERMINED BY A LICENSED PHYSICIAN.

NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFLICT WITH ANY APPLICABLE STATE OR FEDERAL LAW OR REGULATION PERMITTING A HEALTH CARE PROVIDER TO REFRAIN FROM PROVIDING ABORTIONS DUE TO THE PROVIDER'S RELIGIOUS OR MORAL BELIEFS.

NOTHING IN THIS SECTION SHALL CONFLICT WITH THE PARTIAL BIRTH ABORTION BAN CODIFIED UNDER 18 USC SECTION 1531.

NO PROSECUTION OR PROCEEDING SHALL BE BROUGHT OR MAINTAINED UNDER THE PENAL LAW OR OTHERWISE FOR ACTS THAT ARE AUTHORIZED OR PERMITTED PURSUANT TO THIS SECTION OR BY THIS CHAPTER AND THE EDUCATION LAW.

SUBDIVISIONS TWO AND THREE OF SECTION 125.05, SUBDIVISION TWO OF SECTION 125.15, SUBDIVISION THREE OF SECTION 125.20 AND SECTIONS 125.40, 125.45, 125.50, 125.55 AND 125.60 OF THE PENAL LAW ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE INCONSISTENT WITH THIS SECTION.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

S 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 4. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through J of this act shall be as specifically set forth in the last section of such Parts.