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

5573

2013-2014 Regular Sessions

I N A S S E M B L Y

March 1, 2013

Introduced by M. of A. KATZ -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to the state assuming all of the costs for the benefits and services administered under the state's Medicaid program, to amend section 1 of part C of chapter 58 of the laws of 2005, authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and the administration thereof, in relation to increasing expenditures; and to repeal certain provisions of the social services law relating thereto (Part A); to amend the social services law, in relation to eligibility for temporary assistance for needy persons and counting emergency assistance towards any other assistance a family may be eligible for under the social services law (Part B); to amend the social services law, in relation to simplifying investigation requirements when there are repeated unfounded CPS investigations, to no longer require investigations of education neglect for children over the age of twelve, to allow the county discretion in setting and determining staffing performance and criteria and to create an adoption incentives board and pilot program (Part C); to amend the education law, in relation to requiring that municipal administrative costs be covered by the state for programs operated under section 4410 of the education law and to allow municipalities to require income based financial participation by the parent or guardian of children enrolled in such programs (Part D); to amend the county law, the family court act and the civil practice law and rules, in relation to funding for indigent defense (Part E); to amend the executive law, in relation to authorizing the collection of administrative fees to support probation services; and to amend chapter 55 of the laws of 1992 amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to the effectiveness of certain provisions (Part F); to amend the public health law, in relation to the funding for early intervention programs (Part G); to amend the executive law, the navigation law, the penal law, the correction law and the criminal procedure law, in relation to youth

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

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detention and allowing the county greater control of where youths are sent for detention; and to repeal certain provisions of the criminal procedure law, the vehicle and traffic law, and the penal law relating thereto (Part H); and to amend the retirement and social security law, in relation to allowing additional contributions to be made by members who joined the retirement system after July 27, 1976 and to preclude overtime hours from being calculated in retirement allowances (Part I)

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

Section 1. This act enacts into law major components of legislation which are necessary to enact the New York state mandate relief for counties act. Each component is wholly contained within a Part identified as Parts A through I. 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 reference to a 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.

S 2. This act shall be known and may be cited as the "New York state mandate relief for counties act".

PART A

Section 1. Section 368-a of the social services law is REPEALED and a new section 368-a is added to read as follows:

S 368-A. STATE REIMBURSEMENT. THE DEPARTMENT SHALL REVIEW THE EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS FOR MEDICAL ASSISTANCE FOR NEEDY PERSONS, AND THE ADMINISTRATION THEREOF, BEFORE MAKING REIMBURSEMENT. BEFORE APPROVING SUCH EXPENDITURES FOR REIMBURSEMENT, THE DEPARTMENT SHALL GIVE DUE CONSIDERATION TO THE RESULTS OF THE REVIEWS AND AUDITS CONDUCTED BY THE DEPARTMENT OF HEALTH PURSUANT TO SUBDIVISION TWO OF SECTION THREE HUNDRED SIXTY-FOUR OF THIS TITLE. IF APPROVED BY THE DEPARTMENT, SUCH EXPENDITURES SHALL NOT BE SUBJECT TO REIMBURSEMENT BY THE STATE PURSUANT TO SECTION ONE HUNDRED FIFTY-THREE OF THIS ARTICLE OR ANY PROVISION OF THIS CHAPTER OTHER THAN THIS SECTION, BUT SHALL BE SUBJECT TO REIMBURSEMENT BY THE STATE IN ACCORDANCE WITH THIS SECTION AND THE REGULATIONS OF THE DEPARTMENT, AS FOLLOWS:

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BY JANUARY FIRST, TWO THOUSAND SEVENTEEN THE STATE SHALL ASSUME ONE HUNDRED PERCENT OF THE NON-FEDERAL SHARE OF COSTS FOR BENEFITS AND SERVICES PROVIDED UNDER THE STATE'S MEDICAID PROGRAM PURSUANT TO THE PROVISIONS OF SUBDIVISION THREE HUNDRED SIXTY-EIGHT-AA OF THIS TITLE.

S 2. The social services law is amended by adding a new section 368-aa to read as follows:

S 368-AA. STATE ASSUMPTION OF NON-FEDERAL SHARE MEDICAID COSTS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW THE STATE SHALL ASSUME ONE HUNDRED PERCENT OF THE NON-FEDERAL SHARE OF MEDICAID COSTS BY JANUARY FIRST, TWO THOUSAND SEVENTEEN.

2. (A)(I) BEGINNING STATE FISCAL YEAR TWO THOUSAND THIRTEEN THE MEDICAL ASSISTANCE EXPENDITURE AMOUNT FOR THE SOCIAL SERVICES DISTRICTS

SHALL BE CAPPED, FOR A PERIOD OF FIVE YEARS, AT AN AMOUNT EQUAL TO THE PREVIOUS CALENDAR YEARS' MEDICAL ASSISTANCE EXPENDITURE AMOUNT.

(II) THE STATE BY AND THROUGH THE GOVERNOR MAY CHOOSE TO OVERRIDE SUCH CAP DURING THE YEARS TWO THOUSAND THIRTEEN--TWO THOUSAND EIGHTEEN, HOWEVER ANY INCREASES TO EXPEDITES APPROVED BY THE GOVERNOR SHALL BE FUNDED THROUGH THE STATE BUDGET.

(B)(I) COMMENCING STATE FISCAL YEAR TWO THOUSAND FOURTEEN THE LOCAL SHARE/COUNTY SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE REDUCED BY TEN PERCENT UNDER THE PREVIOUS YEARS EXPENDITURE.

(II) COMMENCING STATE FISCAL YEAR TWO THOUSAND FOURTEEN THE STATE SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE INCREASED BY TEN PERCENT OVER THE PREVIOUS YEARS EXPENDITURE.

(C)(I) COMMENCING STATE FISCAL YEAR TWO THOUSAND FIFTEEN THE LOCAL SHARE/COUNTY SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE REDUCED BY TWENTY PERCENT UNDER THE PREVIOUS YEARS EXPENDITURE.

(II) COMMENCING STATE FISCAL YEAR TWO THOUSAND FIFTEEN THE STATE SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE INCREASED BY TWENTY PERCENT OVER THE PREVIOUS YEAR EXPENDITURE.

(D)(I) COMMENCING STATE FISCAL YEAR TWO THOUSAND SIXTEEN THE LOCAL SHARE/COUNTY SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE REDUCED BY FIFTY PERCENT UNDER THE PREVIOUS YEARS EXPENDITURE.

(II) COMMENCING STATE FISCAL YEAR TWO THOUSAND SIXTEEN THE STATE SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE INCREASED BY FIFTY PERCENT OVER THE PREVIOUS YEARS EXPENDITURE.

(E)(I) COMMENCING STATE FISCAL YEAR TWO THOUSAND SEVENTEEN THE LOCAL SHARE/COUNTY SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE REDUCED BY SEVENTY-FIVE PERCENT UNDER THE PREVIOUS YEARS EXPENDITURE.

(II) COMMENCING STATE FISCAL YEAR TWO THOUSAND SEVENTEEN THE STATE SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE INCREASED BY SEVENTY PERCENT OVER THE PREVIOUS YEARS EXPENDITURE.

(F)(I) COMMENCING STATE FISCAL YEAR TWO THOUSAND EIGHTEEN THE LOCAL SHARE/COUNTY SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE REDUCED BY ONE HUNDRED PERCENT UNDER THE PREVIOUS YEARS EXPENDITURE.

(II) COMMENCING STATE FISCAL YEAR TWO THOUSAND EIGHTEEN THE STATE SHARE OF MEDICAID COSTS EXPENDED THROUGH THE MEDICAL ASSISTANCE AMOUNT FOR SOCIAL SERVICES DISTRICTS SHALL BE INCREASED BY ONE HUNDRED PERCENT OVER THE PREVIOUS YEARS EXPENDITURE RESULTING IN THE ENTIRE EXPENDITURE FOR MEDICAID COST BEING FUNDED BY THE STATE.

(G) THE STATE BY AND THROUGH THE GOVERNOR MAY CHOOSE TO OVERRIDE THE CAP ESTABLISHED IN THIS SECTION AFTER THE YEAR TWO THOUSAND EIGHTEEN HOWEVER ANY INCREASES TO EXPENDITURES APPROVED BY THE GOVERNOR SHALL BE FUNDED THROUGH THE STATE BUDGET.

AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (1) LOCAL SHARE/COUNTY SHARE SHALL MEAN THE PORTION OF ANY EXPENSES COVERED BY COUNTIES FOR THE ADMINISTRATION, BENEFITS AND SERVICE PROVIDED UNDER THE STATE'S MEDICAID PROGRAM.

S 3. Subdivision (c-1) of section 1 of part C of chapter 58 of the laws of 2005 authorizing reimbursements for expenditures made by or on behalf of social services districts for medical assistance for needy persons and the administration thereof, as added by section 1 of part F of chapter 56 of the laws of 2012, is amended to read as follows:

(c-1) Notwithstanding any provisions of subdivision (c) of this section to the contrary, effective April 1, 2013, for the period January 1, 2013 through December 31, 2013 and for each calendar year thereafter, the medical assistance expenditure amount for the social services district for such period shall be equal to the previous calendar year's medical assistance expenditure amount[, except that:

(1) for the period January 1, 2013 through December 31, 2013, the previous calendar year medical assistance expenditure amount will be increased by 2%;

(2) for the period January 1, 2014 through December 31, 2014, the previous calendar year medical assistance expenditure amount will be increased by 1%]. ANY INCREASES TO EXPENDITURES REQUIRED AFTER THE YEAR 2013 SHALL BE MADE PURSUANT TO THE PROVISIONS OF SECTION 368-AA OF THE SOCIAL SERVICES LAW.

S 4. This act shall take effect immediately; provided, however, that the amendments made to subdivision (c-1) of section 1 of part C of chapter 58 of the laws of 2005 by section three of this act shall take effect on the same date and in the same manner as section 1 of part F of chapter 56 of the laws of 2012, takes effect.

PART B

Section 1. Subdivision 1 of section 158 of the social services law, as added by section 44 of part B of chapter 436 of the laws of 1997 and paragraph (f) as amended by chapter 214 of the laws of 1998, is amended to read as follows:

1. A person is eligible for safety net assistance who is financially needy as determined in accordance with title one of this article and the regulations promulgated thereunder, is not in sanction status for a program authorized by this chapter and:

(a) resides in a family which is ineligible for family assistance or other assistance funded by the federal temporary assistance for needy families block grant because an adult in the family has exceeded the maximum durational limits on such assistance contained in section three hundred fifty of this chapter, or

(b) [is an adult who would otherwise be eligible for family assistance except that he or she does not reside with a dependent child, or

(c)] resides in a family that would otherwise be eligible for family assistance except that at least one adult or minor head of household has been determined in accordance with section one hundred thirty-two of this article to be abusing illegal substances or engaging in the habitual and excessive consumption of alcoholic beverages, or

[(d)] (C) is under the age of eighteen, not living with his or her child and has no adult relatives with whom to reside, or

[(e)] (D) resides in a family in which a person required to submit to screening or evaluation for use of illegal drugs or excess alcohol consumption pursuant to section one hundred thirty-two of this article refused to comply, or

[(f)] (E) resides in a family which includes a person disqualified from receiving assistance pursuant to paragraph (f) of subdivision four of section one hundred thirty-two of this article, or

[(g)] (F) is a qualified alien who is ineligible to receive assistance funded under the temporary assistance for needy families block grant solely because of section four hundred three of the federal personal responsibility and work opportunity reconciliation act of 1996 (P.L. 104-193) or is an alien who is permanently residing under color of law but is not a qualified alien.

S 2. Section 350-j of the social services law is amended by adding a new subdivision 6 to read as follows:

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY ANY EMERGENCY ASSISTANCE PROVIDED UNDER THIS SECTION SHALL COUNT TOWARDS THE TOTAL AMOUNT OF ASSISTANCE A FAMILY MAY BE ELIGIBLE FOR UNDER ANY OTHER PROGRAM IN THIS CHAPTER.

S 3. This act shall take effect immediately.

PART C

Section 1. The social services law is amended by adding a new section 416-a to read as follows:

S 416-A. REPEATED UNFOUNDED INVESTIGATIONS. THE COMMISSIONER SHALL DEVELOP A PROTOCOL FOR EACH COUNTY AND THE CITY OF NEW YORK WHERE THERE HAVE BEEN REPEATED UNFOUNDED INVESTIGATIONS AGAINST A FAMILY OR INDIVIDUAL. SUCH PROTOCOL SHALL AIM TO REDUCE THE AMOUNT OF TIME SPENT UNNECESSARILY INVESTIGATING SO THAT CASEWORKERS MAY WORK MORE EFFICIENTLY.

S 2. Subdivision 8 of section 34-a of the social services law, as added by chapter 543 of the laws of 2006, is amended to read as follows:

8. The commissioner of the office of children and family services shall, in conjunction with the commissioner of education, develop model practices and procedures for local social services districts and school districts regarding the reporting and investigation of educational neglect. Such model practices and procedures shall be available to social services districts and school districts and shall be posted on the office of children and family services website and the state department of education website by September first, two thousand seven. Each social services district shall, in conjunction with local school districts within its district, submit written policies and procedures regarding the reporting of educational neglect by each school district within such social services district and the investigation of educational neglect allegations by child protective services PROVIDED, HOWEVER, INVESTIGATION SHALL NOT BE REQUIRED WHEN THE CHILD IS OVER THE AGE OF TWELVE. Such policies and procedures shall be submitted to the office of children and family services for review by January first, two thousand eight and the office shall approve or disapprove such local policies and procedures, based upon the model practices and procedures established in conjunction with the state department of education, within sixty days of submission.

S 3. The social services law is amended by adding a new section 412-b to read as follows:

S 412-B. STAFFING AND PERFORMANCE CRITERIA. COMMENCING JANUARY FIRST, TWO THOUSAND THIRTEEN THE COUNTIES AND THE CITY OF NEW YORK SHALL BE ALLOWED TO REEVALUATE AND ESTABLISH THEIR STAFFING AND PERFORMANCE CRITERIA. THE GOAL OF SUCH REEVALUATION SHALL BE TO ALLOW LOCALS GREATER FLEXIBILITY AND WORK MORE EFFICIENTLY AND DEVELOP IMPROVED MODELS OF SERVICE.

S 4. The social services law is amended by adding a new section 427-b to read as follows:

S 427-B. ADOPTION INCENTIVES BOARD AND PILOT PROGRAM. EACH COUNTY AND THE CITY OF NEW YORK SHALL DEVELOP AN ADOPTION INCENTIVE BOARD AND PILOT PROGRAM. SUCH BOARD SHALL MAKE SUGGESTIONS IN THE FORM OF A REPORT TO THE COMMISSIONER ON VIABLE INCENTIVES TO ENCOURAGE ADOPTION WITHIN THEIR COUNTY OR THE CITY OF NEW YORK BY MAY FIFTEENTH, TWO THOUSAND THIRTEEN. THE COMMISSIONER SHALL THEN EVALUATE SUCH SUGGESTIONS AND WORK WITH THE COUNTIES TO IMPLEMENT SUGGESTIONS THROUGH AN ADOPTION INCENTIVES PILOT PROGRAM AT A LOCAL LEVEL BY JANUARY FIRST, TWO THOUSAND THIRTEEN.

S 5. This act shall take effect immediately.

PART D

Section 1. Paragraph d of subdivision 10 of section 4410 of the education law, as amended by chapter 705 of the laws of 1992, subparagraph (ii) as amended by section 58 of part H of chapter 83 of the laws of 2002 and subparagraph (iii) as amended by section 63 of part A of chapter 60 of the laws of 2000, is amended to read as follows:

d. (i) At the beginning of the school year, the commissioner shall allocate funds for reimbursement of allowable administrative costs, as defined in regulations of the commissioner, incurred by a board pursuant to this section. Such allocation shall be in an amount equal to a school district's pro rata share of the statewide base year count of preschool children as a percent of federal funds available for such reimbursement, as determined by the commissioner. In January of any school year in which additional federal funds are determined by the commissioner to be available for such reimbursement, the commissioner shall equitably allocate such funds for reimbursement of allowable administrative costs, in a manner determined by the commissioner which is consistent with federal statutes and regulations governing the use of federal funds, to school districts which have demonstrated a need for such additional funds. At the close of the school year for which such funds were allocated, each board shall submit, in a form prescribed by the commissioner, a statement of the allowable administrative costs incurred pursuant to this section. [A board may, subject to approval of the commissioner, submit any allowable administrative costs for which federal funds are not allocated to that school district pursuant to this subdivision to the appropriate municipality or municipalities for reimbursement pursuant to subdivision eleven of this section.]

(ii) Boards may submit reasonable costs incurred pursuant to paragraphs a through d of subdivision seven of this section to the [appropriate municipality] COMMISSIONER for reimbursement. Boards may also submit to the [appropriate municipality] COMMISSIONER for reimbursement of reasonable costs incurred pursuant to paragraph e of subdivision seven of this section: (A) in an action or proceeding brought by another party or (B) in an action or proceeding brought by the board, other than an action or proceeding brought against the state, a department, board or agency of the state or a state officer, except where such state defendant is joined as a necessary party to such action or proceeding, if, upon final disposition of the action or proceeding, the board receives a judgment in its favor annulling the determination or order of the state review officer. The municipality shall be reimbursed for payment of such costs pursuant to subdivision eleven of this section.

(iii) On or after July first, nineteen hundred ninety, and annually thereafter until June thirtieth, two thousand one, municipalities shall be eligible for reimbursement for administrative costs incurred during the preceding year of fifty dollars for each eligible preschool child

served in such year pursuant to this section. On or after July first, two thousand one, and annually thereafter, municipalities shall be eligible for reimbursement for ALL administrative costs incurred during the preceding year [of seventy-five dollars for each eligible preschool child served in such year pursuant to this section]. Each municipality shall submit a claim in a form prescribed by the commissioner. Upon approval, reimbursement shall be made by the commissioner from appropriations available therefor. Such reimbursement shall be made in the first instance from any federal funds designated under federal law for local use, as determined by the commissioner, that are available after satisfying the provisions of subparagraph (i) of this paragraph. To the extent that such federal funds are not sufficient or available to reimburse a municipality for such costs, reimbursement shall be made with state funds.

S 2. Paragraph a of subdivision 11 of section 4410 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

a. The approved costs for a preschool child who receives services pursuant to this section shall be a charge upon the municipality wherein such child resides. COMMENCING THE BEGINNING OF THE SCHOOL YEAR IN THE YEAR TWO THOUSAND THIRTEEN THE MUNICIPALITY IS HEREBY AUTHORIZED TO REQUIRE FINANCIAL PARTICIPATION BY THE PARENT OR LEGAL GUARDIAN OF ANY CHILD ENROLLED IN A PROGRAM UNDER THIS SECTION. SUCH FINANCIAL PARTICIPATION COLLECTED BY THE MUNICIPALITY SHALL BE UTILIZED TO FUND ONE HUNDRED PERCENT OF THE MUNICIPALITY'S NON-ADMINISTRATIVE COSTS FOR THE OPERATION OF PROGRAMS IN THIS SECTION. THE COMMISSIONER IN CONJUNCTION WITH THE LOCAL BOARDS SHALL DEVELOP AN INCOME BASED FINANCIAL PARTICIPATION SCHEDULE FOR TUITION WHICH SHALL BE PAID BY THE PARENT OR LEGAL GUARDIAN OF ANY CHILD ENROLLED IN A PROGRAM UNDER THIS SECTION. THE COMMISSIONER IN CONJUNCTION WITH THE LOCAL BOARDS SHALL ADDITIONALLY INVESTIGATE THE FEASIBILITY OF ACCEPTING THIRD PARTY INSURANCE PAYMENTS FOR SERVICES RENDERED UNDER THIS SECTION AND WHERE APPLICABLE BILL SUCH THIRD PARTY INSURANCE FOR SERVICES RENDERED UNDER THIS SECTION. All approved costs shall be paid in the first instance and at least quarterly by the appropriate governing body or officer of the municipality upon vouchers presented and audited in the same manner as the case of other claims against the municipality. Notwithstanding any inconsistent provisions of this section, upon notification by the commissioner, a municipality may withhold payments due any provider for services rendered to preschool children in a program for which the commissioner has been unable to establish a tuition rate due to the failure of the provider to file complete and accurate reports for such purpose, as required by the commissioner.

S 3. This act shall take effect immediately.

PART E

Section 1. Section 722-e of the county law, as added by chapter 878 of the laws of 1965, is amended to read as follows:

S 722-e. Expenses. 1. EXPENSES. All expenses for providing counsel and services other than counsel hereunder shall be a county charge or in the case of a county wholly located within a city a city charge to be paid out of an appropriation for such purposes.

2. RATES. THE RATES PAID TO INDIVIDUALLY ASSIGNED ATTORNEYS PROVIDING REPRESENTATION UNDER THIS ARTICLE SHALL BE SET BY THE COUNTY AND SHALL BE EVALUATED PERIODICALLY FOR COST OF LIVING INCREASES.

3. DETERMINING INDIGENCE. THE COUNTY SHALL HAVE THE AUTHORITY TO DETERMINE AND ESTABLISH GUIDELINES FOR DETERMINING THE INDIGENCE STATUS OF PERSONS APPLYING FOR ASSISTANCE UNDER THIS ARTICLE. SUCH GUIDELINES SHALL NOT BE LESS THAN ONE HUNDRED AND TWENTY-FIVE PERCENT OF THE FEDERAL POVERTY GUIDELINES AS DEFINED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. FURTHER, THE COUNTY SHALL HAVE THE ABILITY TO COLLECT ANY FUNDS EXPENDED UNDER THIS ARTICLE FROM THE FUTURE EARNINGS OF FORMERLY QUALIFYING INDIGENT PERSONS.

S 2. Section 580-313 of the family court act, as added by chapter 398 of the laws of 1997, is amended to read as follows:

S 580-313. Costs and fees. (a) The petitioner [may not] SHALL be required to pay a filing fee [or other costs] UP TO, BUT NOT MORE THAN, TWENTY-FIVE DOLLARS. SUCH FEE SHALL BE UTILIZED TO SUPPORT INDIGENT DEFENSE SERVICES WITHIN THE COURT.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under part six of this article (enforcement and modification of support order after registration), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

S 3. Section 8018 of the civil practice law and rules is amended by adding a new subdivision (e) to read as follows:

(E) THE FAMILY COURT OF ANY JURISDICTION SHALL REQUIRE THE PETITIONER TO PAY A FILING FEE UP TO, BUT NOT MORE THAN TWENTY-FIVE DOLLARS FOR ALL ACTIONS COMMENCED UNDER THE FAMILY COURT'S JURISDICTION. SUCH FEE SHALL BE UTILIZED TO SUPPORT INDIGENT DEFENSE SERVICES WITHIN THE COURT.

S 4. This act shall take effect immediately.

PART F

Section 1. Section 257-c of the executive law, as added by chapter 55 of the laws of 1992, subdivision 5 as amended by section 58 of part A of chapter 56 of the laws of 2010, is amended to read as follows:

S 257-c. Probation administrative fee. 1. Notwithstanding any other provision of law, every county and the city of New York, may adopt a local law requiring individuals currently serving or who shall be sentenced to a period of probation upon conviction of any crime under article thirty-one of the vehicle and traffic law to pay to the local probation department with the responsibility of supervising the probationer an administrative fee of thirty dollars per month. The LOCAL PROBATION department shall waive all or part of such fee where, because of the indigence of the offender, the payment of said surcharge would work an unreasonable hardship on the person convicted, his or her immediate family, or any other person who is dependent on such person for financial support.

2. The provisions of subdivision six of section 420.10 of the criminal procedure law shall govern for purposes of collection of the administrative fee.

3. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY COUNTY AND THE CITY OF NEW YORK, MAY ADOPT A LOCAL LAW REQUIRING INDIVIDUALS WHO SHALL BE SENTENCED TO A PERIOD OF PROBATION UPON CONVICTION OF ANY CRIME TO PAY A TWENTY-FIVE DOLLAR PROBATIONER REGISTRATION FEE. IN ADDITION, EVERY COUNTY AND THE CITY OF NEW YORK, MAY ADOPT A LOCAL LAW REQUIRING INDIVIDUALS CURRENTLY SERVING, OR WHO SHALL BE SENTENCED TO A PERIOD OF PROBATION UPON CONVICTION OF ANY CRIME, AN ADMINISTRATIVE FEE OF THIRTY DOLLARS A MONTH.

B. EVERY COUNTY AND THE CITY OF NEW YORK, MAY ADOPT A LOCAL LAW REQUIRING INDIVIDUALS THAT UTILIZE, OR ARE REQUIRED TO UTILIZE, CERTAIN SERVICES AND ARE SENTENCED TO A PERIOD OF PROBATION, TO PAY AN ADDITIONAL MONTHLY FEE OF TEN DOLLARS A MONTH. SUCH SERVICES MAY INCLUDE BUT NOT BE LIMITED TO AN ALCOHOL AND DRUG TESTING FEE OR AN ELECTRONIC ENHANCEMENTS BENEFIT FEE. THE LOCAL PROBATION DEPARTMENT SHALL WAIVE ALL OR PART OF SUCH FEE WHERE, BECAUSE OF THE INDIGENCE OF THE OFFENDER, THE PAYMENT OF SAID SURCHARGE WOULD WORK AN UNREASONABLE HARDSHIP ON THE PERSON CONVICTED, HIS OR HER IMMEDIATELY FAMILY, OR ANY OTHER PERSON WHO IS DEPENDENT ON SUCH PERSON FOR FINANCIAL SUPPORT.

[3.] 4. The probation administrative fee authorized by this section shall not constitute nor be imposed as a condition of probation.

[4.] 5. In the event of non-payment of any fees which have not been waived by the local probation department, the county or the city of New York may seek to enforce payment in any manner permitted by law for enforcement of a debt.

[5.] 6. Monies collected pursuant to this section shall be utilized for probation services by the local probation department. Such moneys shall not be considered by the division when determining state aid pursuant to section two hundred forty-six of [the executive law] OF THIS CHAPTER. Monies collected shall not be used to replace federal funds otherwise utilized for probation services.

S 2. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 11 of part A of chapter 57 of the laws of 2011, is amended to read as follows:

(aa) the provisions of sections three hundred eighty-two[, three hundred eighty-three] and three hundred eighty-four of this act shall expire on September 1, 2013;

S 3. This act shall take effect immediately and any revenue generated by the administrative fees authorized by this act shall be retained by every county or the city of New York to support probation services within the jurisdiction.

PART G

Section 1. Section 2556 of the public health law, as added by chapter 428 of the laws of 1992, is amended to read as follows:

S 2556. Administrative costs. On or after July first, nineteen hundred ninety-four, and annually thereafter, municipalities shall be eligible for reimbursement for administrative costs exclusive of due process costs incurred during the preceding year pursuant to this title. Such reimbursement shall be made in the first instance from any federal funds available for such purpose, as determined by the commissioner. To the extent that such federal funds are not sufficient or available to

reimburse a municipality for such administrative costs, reimbursement shall be made with state funds [in an amount up to, but not exceeding, one hundred dollars] for each eligible child served in such preceding year.

S 2. Subdivision 1 of section 2557 of the public health law, as amended by section 4 of part C of chapter 1 of the laws of 2002, is amended to read as follows:

1. The approved costs for an eligible child who receives an evaluation and early intervention services pursuant to this title shall be a charge upon the municipality wherein the eligible child resides or, where the services are covered by the medical assistance program, upon the social services district of fiscal responsibility with respect to those eligible children who are also eligible for medical assistance OR TO A THIRD PARTY INSURANCE PLAN THROUGH WHICH THE ELIGIBLE CHILD IS A COVERED MEMBER. All approved costs shall be paid in the first instance THROUGH A THIRD PARTY INSURANCE PLAN OF WHICH THE ELIGIBLE CHILD IS A COVERED MEMBER and at least quarterly, AND THEN by the appropriate governing body or officer of the municipality upon vouchers presented and audited in the same manner as the case of other claims against the municipality. Notwithstanding the insurance law or regulations thereunder relating to the permissible exclusion of payments for services under governmental programs, OR PRIVATE THIRD PARTY INSURANCE THROUGH WHICH THE ELIGIBLE CHILD IS A COVERED MEMBER no such exclusion shall apply with respect to payments made pursuant to this title. [Notwithstanding the insurance law or any other law or agreement to the contrary, benefits under this title shall be considered secondary to any plan of insurance or state government benefit program under which an eligible child may have coverage.] Nothing in this section shall increase or enhance coverages provided for within an insurance contract subject to the provisions of this title.

S 3. Subdivision 2 of section 2557 of the public health law, as added by chapter 428 of the laws of 1992, is amended to read as follows:

2. The department shall reimburse the approved costs paid by a municipality for the purposes of this title, other than those reimbursable by the medical assistance program or by third party payors, in an amount of [fifty] ONE HUNDRED percent of the amount expended in accordance with the rules and regulations of the commissioner. Such state reimbursement to the municipality shall not be paid prior to April first of the year in which the approved costs are paid by the municipality.

S 4. Subdivision 2 of section 2557 of the public health law, as amended by section 9-a of part A of chapter 56 of the laws of 2012, is amended to read as follows:

2. The department shall reimburse the approved costs paid by a municipality for the purposes of this title, other than those reimbursable by the medical assistance program or by third party payors, in an amount of [fifty] ONE HUNDRED percent of the amount expended in accordance with the rules and regulations of the commissioner[; provided, however, that in the discretion of the department and with the approval of the director of the division of the budget, the department may reimburse municipalities in an amount greater than fifty percent of the amount expended]. Such state reimbursement to the municipality shall not be paid prior to April first of the year in which the approved costs are paid by the municipality, provided, however that, subject to the approval of the director of the budget, the department may pay such state aid reimbursement to the municipality prior to such date.

S 5. Section 2559-a of the public health law, as added by chapter 428 of the laws of 1992, is amended to read as follows:

S 2559-a. Transportation. The municipality in which an eligible child resides shall, beginning with the first day of service, provide either directly, by contract, or through reimbursement at a mileage rate authorized by the municipality for the use of a private vehicle or for other reasonable transportation costs, for suitable transportation pursuant to section twenty-five hundred forty-five of this title PROVIDED, HOWEVER, THAT THE MUNICIPALITY SHALL FIRST MAKE EVERY EFFORT TO COORDINATE TRANSPORTATION SERVICES WITH OTHER HEALTH AND HUMAN SERVICES PROGRAMS OPERATED WITHIN THE MUNICIPALITY. All contracts for transportation of such children shall be provided pursuant to the procedures set forth in section two hundred thirty-six of the family court act, using the date on which the child's IFSP is implemented, in lieu of the date the court order was issued; provided, however, that the city of New York shall provide such transportation in accordance with the provisions of chapter one hundred thirty of the laws of nineteen hundred ninety-two, if applicable.

S 6. This act shall take effect immediately; provided however that the amendments to subdivision 2 of section 2557 of the public health law made by section four of this act shall take effect on the same date and in the same manner as section 9-a of part A of chapter 56 of the laws of 2012, takes effect.

PART H

Section 1. Subdivisions 1, 2, 3, 5, 7 and 8 of section 503 of the executive law, subdivisions 1, 2, 3, 5 and 8 as amended by chapter 465 of the laws of 1992, paragraphs (b) and (c) of subdivision 5 and subdivision 7 as amended by section 2 of subpart B of part Q of chapter 58 of the laws of 2011, are amended to read as follows:

1. The division shall establish regulations for the operation of secure [and non-secure] detention facilities pursuant to this article and section two hundred eighteen-a of the county law. DETENTION SHALL ONLY BE AVAILABLE AS A COURT MANDATED OPTION FOR YOUTH WHO ARE DEEMED TO BE A DANGER TO THEMSELVES OR OTHERS. IN THE ABSENCE OF SUCH A FINDING THE YOUTH SHALL BE PLACED WITH A COMMUNITY BASED VOLUNTARY AGENCY, OR ALLOWED TO REMAIN WITH THEIR PARENT OR GUARDIAN PROVIDED, THE YOUTH IS ADDITIONALLY ENROLLED IN COUNSELING OR UNDERGOING ADDICTION SERVICES AND AGREES TO WEAR AN ANKLE MONITORING DEVICE.

2. To assure that adequate, suitable and conveniently accessible accommodations and proper care will be available when required for detention, the division may contract for or establish, operate, maintain and certify secure [and non-secure] detention facilities if funds shall have been made available for the lease or purchase and maintenance and operation of appropriate facilities.

3. Each social services district may establish, operate and maintain secure [and non-secure] detention facilities for the purposes defined in section five hundred two of this article. Each such detention facility shall be established, operated and maintained in compliance with this article and the regulations of the division for youth.

5. No detention facility shall receive or care for children detained pursuant to [the family court act or] the criminal procedure law unless certified by the division, which certification shall include a maximum-capacity which shall not be exceeded. No certification shall be issued or renewed unless such a facility has developed and implemented a procedure, consistent with appropriate collective bargaining agreements and applicable provisions of the civil service law, for reviewing and evalu-

ating the backgrounds of and the information supplied by any person applying to be an employee, volunteer or consultant, which shall include but not be limited to the following requirements: that the applicant set forth his or her employment history, provide personal and employment references and sign a sworn statement indicating whether the applicant, to the best of his or her knowledge, has ever been convicted of a crime in this state or any other jurisdiction. CHILDREN DETAINED AS JUVENILE OFFENDERS SHALL BE PLACED AT FACILITIES DEEMED BY THE COUNTY OR CITY OF NEW YORK TO BE MOST APPROPRIATE TO ACCOMMODATE THE INDIVIDUAL CHILD'S NEEDS, SUCH AS COMMUNITY BASED VOLUNTARY AGENCIES OR WHERE APPROPRIATE SECURE DETENTION FACILITIES. COMMUNITY BASED VOLUNTARY AGENCIES OFFERING PLACEMENT SERVICES MUST BE CERTIFIED BY THE COUNTY PURSUANT TO THE PROVISIONS OF THIS SECTION PRIOR TO ACCEPTING PLACEMENTS.

(a) The division shall promulgate regulations governing procedures for certification of detention facilities AND COMMUNITY BASED VOLUNTARY AGENCIES and for renewal, suspension and revocation of such certifications. Such regulations shall provide for a hearing prior to the suspension or revocation of a certification.

(b) The office of children and family services OR THE COUNTY OR CITY OF NEW YORK may suspend a certification for good cause shown. [Suspension shall mean that no persons coming within the provisions of article three or seven of the family court act and no alleged or convicted juvenile offender may be received for care in a detention facility, but persons already in care may remain in care.] The office OR THE COUNTY OR CITY OF NEW YORK may impose such conditions in the event of a suspension as it shall deem necessary and proper.

(c) Such office OR THE COUNTY OR CITY OF NEW YORK may revoke a certification for good cause shown. Revocation shall mean that no persons [coming within the provisions of article three or seven of the family court act and no alleged or convicted juvenile offender] may be received for care nor remain at the detention facility OR COMMUNITY BASED VOLUNTARY AGENCY.

7. The person in charge of each detention facility OR COMMUNITY BASED VOLUNTARY AGENCY shall keep a record of all time spent in such facility for each youth in care. The detention facility shall deliver a certified transcript of such record to the office, social services district, COUNTY OR CITY OF NEW YORK or other agency taking custody of the youth pursuant to article three or seven of the family court act, before, or at the same time as the youth is delivered to the office, district or other agency, as is appropriate.

8. The division AND COUNTY OR CITY OF NEW YORK shall list all facilities certified for the detention of children and shall file a copy of that list periodically with the clerk of the family court in each county, the clerk of the criminal court of the city of New York, the clerk of the supreme court in each county within the city of New York and the clerk of the county court in each county outside the city of New York.

S 2. Article 720 of the criminal procedure law is REPEALED.

S 3. Subdivision 16 of section 296 of the executive law, as separately amended by section 3 of part N and section 14 of part AAA of chapter 56 of the laws of 2009, is amended to read as follows:

16. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then

pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, [or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law,] or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.58 of the criminal procedure law, in connection with the licensing, employment or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 of the criminal procedure law. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; [provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law,] or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 of the criminal procedure law.

S 4. Subdivision 8 of section 508 of the executive law, as added by chapter 560 of the laws of 1984 and such section as renumbered by chapter 465 of the laws of 1992, is amended to read as follows:

8. Whenever a juvenile offender [or a juvenile offender adjudicated a youthful offender] shall be delivered to the director of a division for youth facility pursuant to a commitment to the director of the division for youth, the officer so delivering such person shall deliver to such facility director a certified copy of the sentence received by such officer from the clerk of the court by which such person shall have been sentenced, a copy of the report of the probation officer's investigation and report, any other pre-sentence memoranda filed with the court, a copy of the person's fingerprint records, a detailed summary of available medical records, psychiatric records and reports relating to assaults, or other violent acts, attempts at suicide or escape by the person while in the custody of a local detention facility.

S 5. Subdivisions 2 and 3 of section 510-c of the executive law, subdivision 2 as amended by section 98 of subpart B of part C of chapter 62 of the laws of 2011 and subdivision 3 as amended by chapter 465 of the laws of 1992, are amended to read as follows:

2. Except as provided in subdivision three of this section, any child who has been placed with the office of children and family services shall be deemed to have been discharged therefrom if, during the period provided in the order of placement or extension thereof, the child is convicted of a crime [or adjudicated a youthful offender,] and is

committed to an institution in the department of corrections and community supervision or department of mental hygiene, or receives a one year sentence in a local correctional facility.

3. A child placed with the division pursuant to a restrictive placement under the family court act shall not be discharged solely by reason of conviction for a crime [or adjudication as a juvenile delinquent or youthful offender], nor shall any such child be discharged except pursuant to section 353.5 of the family court act.

S 6. Subdivision 4 of section 837-a of the executive law, as added by chapter 481 of the laws of 1978, is amended to read as follows:

4. Collect, analyze and maintain all reports, statements and transcripts forwarded to the division concerning the reasons for imposition of a sentence other than an indeterminate sentence of imprisonment upon an armed felony offender as defined in subdivision forty-one of section 1.20 of the criminal procedure law; the reasons for the removal of an action involving a juvenile offender, as defined in subdivision forty-two of section 1.20 of the criminal procedure law, AND to the family court[; and the reasons for a finding that a youth who has been convicted of an armed felony offense is to be treated as a youthful offender]. Such reports, statements and transcripts shall be made available for public inspection except that in the case of a juvenile offender [or a youthful offender], those portions which identify the offender shall be deleted. The commissioner may promulgate such rules and regulations with respect to the form of such reports, statements and transcripts.

S 7. Subparagraph 1 of paragraph (d) of subdivision 7 of section 49-a of the navigation law, as amended by chapter 391 of the laws of 1998, is amended to read as follows:

(1) Any privilege to operate a vessel which has been suspended pursuant to paragraph (c) of this subdivision shall not be restored for six months after such suspension. However, no such privilege shall be restored for at least one year after such suspension in any case where the person was under the age of twenty-one at the time of the offense, has had a prior suspension resulting from refusal to submit to a chemical test pursuant to this subdivision or subdivision six of section forty-nine-b of this article, or has been convicted of a violation of any paragraph of subdivision two of this section not arising out of the same incident, within the five years immediately preceding the date of such suspension; provided, however, a prior finding that a person under the age of twenty-one has refused to submit to a chemical test pursuant to such subdivision six of section forty-nine-b of this article shall have the same effect as a prior finding of a refusal pursuant to this subdivision solely for the purpose of determining the length of any suspension required to be imposed under any provision of this article, provided that the subsequent offense or refusal is committed or occurred prior to the expiration of the retention period for such prior refusal as set forth in paragraph (k) of subdivision one of section two hundred one of the vehicle and traffic law. Notwithstanding any provision of this paragraph to the contrary, any privilege to operate a vessel which has been suspended pursuant to paragraph (c) of this subdivision, where the person was under the age of twenty-one at the time of the refusal, and such person under the age of twenty-one has a prior finding[,] OR conviction [or youthful offender adjudication] resulting from a violation of this section or section forty-nine-b of this article, not arising from the same incident, shall not be restored for at least one

year or until such person reaches the age of twenty-one years, whichever is the greater period of time.

S 8. Paragraph (d) of subdivision 6 and paragraph (b) of subdivision 9 of section 49-b of the navigation law, as added by chapter 391 of the laws of 1998, are amended to read as follows:

(d) Any privilege which has been suspended pursuant to paragraph (c) of this subdivision shall not be restored for one year after such suspension. Where such person under the age of twenty-one years has a prior finding, conviction [or youthful offender adjudication] resulting from a violation of this section or section forty-nine-a of this article, not arising from the same incident, such privilege shall not be restored for at least one year or until such person reaches the age of twenty-one years, whichever is the greater period of time.

(b) The suspension of operating privileges pursuant to this subdivision shall be for one year or until such person reaches the age of twenty-one, whichever is the greater period of time, where such person has been found to have operated a vessel after having consumed alcohol in violation of this section, and has previously been found to have operated a vessel after having consumed alcohol in violation of this section or has previously been convicted of, [or adjudicated a youthful offender for] any violation of section forty-nine-a of this article not arising out of the same incident.

S 9. Subdivision 7 of section 201 of the vehicle and traffic law is REPEALED.

S 10. Section 60.02 of the penal law is REPEALED.

S 11. Section 60.10 of the penal law, as amended by chapter 411 of the laws of 1979, is amended to read as follows:

S 60.10 Authorized disposition; juvenile offender.

1. When a juvenile offender is convicted of a crime, the court shall sentence the defendant to imprisonment in accordance with section 70.05 [or sentence him upon a youthful offender finding in accordance with section 60.02] of this chapter.

2. Subdivision one of this section shall apply when sentencing a juvenile offender notwithstanding the provisions of any other law that deals with the authorized sentence for persons who are not juvenile offenders. Provided, however, that the limitation prescribed by this section shall not be deemed or construed to bar use of a conviction of a juvenile offender, [other than a juvenile offender who has been adjudicated a youthful offender pursuant to section 720.20 of the criminal procedure law,] as a previous or predicate felony offender under section 70.04, 70.06, 70.08 or 70.10, when sentencing a person who commits a felony [after he has reached the age of sixteen].

S 12. Subdivision 10 of section 60.35 of the penal law is REPEALED.

S 13. Paragraph (h) of subdivision 2 of section 65.10 of the penal law, as amended by chapter 508 of the laws of 2001, is amended to read as follows:

(h) Perform services for a public or not-for-profit corporation, association, institution or agency, including but not limited to services for the division of substance abuse services, services in an appropriate community program for removal of graffiti from public or private property, including any property damaged in the underlying offense, or services for the maintenance and repair of real or personal property maintained as a cemetery plot, grave, burial place or other place of interment of human remains. Provided however, that the performance of any such services shall not result in the displacement of employed workers or in the impairment of existing contracts for services, nor shall

the performance of any such services be required or permitted in any establishment involved in any labor strike or lockout. The court may establish provisions for the early termination of a sentence of probation or conditional discharge pursuant to the provisions of subdivision three of section 410.90 of the criminal procedure law after such services have been completed. Such sentence may only be imposed upon conviction of a misdemeanor, violation, or class D or class E felony, [or a youthful offender finding replacing any such conviction,] where the defendant has consented to the amount and conditions of such service;

S 14. Paragraphs (a) and (b) of subdivision 4 of section 70.20 of the penal law, as amended by section 124 of subpart B of part C of chapter 62 of the laws of 2011, are amended to read as follows:

(a) Notwithstanding any other provision of law to the contrary, a juvenile offender[, or a juvenile offender who is adjudicated a youthful offender and] given an indeterminate or a definite sentence, shall be committed to the custody of the commissioner of the office of children and family services who shall arrange for the confinement of such offender in secure facilities of the office. The release or transfer of such offenders from the office of children and family services shall be governed by section five hundred eight of the executive law.

(b) The court in committing a juvenile offender [and youthful offender] to the custody of the office of children and family services shall inquire as to whether the parents or legal guardian of the youth, if present, will consent for the office of children and family services to provide routine medical, dental and mental health services and treatment.

S 15. Subdivision 1 of section 205.00 of the penal law, as amended by chapter 207 of the laws of 1972, is amended to read as follows:

1. "Detention Facility" means any place used for the confinement, pursuant to an order of a court, of a person (a) charged with or convicted of an offense, or (b) charged with being or adjudicated a [youthful offender,] person in need of supervision or juvenile delinquent, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court.

S 16. Subdivision 3 of section 205.10 of the penal law is REPEALED.

S 17. Subdivision 3 of section 205.15 of the penal law is REPEALED.

S 18. Subdivision 1 of section 402 of the correction law, as added by chapter 766 of the laws of 1976, is amended to read as follows:

1. Whenever the physician of any correctional facility, any county penitentiary, county jail or workhouse, any reformatory for women, or of any other correctional institution, shall report in writing to the superintendent that any person undergoing a sentence of imprisonment [or adjudicated to be a youthful offender] or juvenile delinquent confined therein is, in his opinion, mentally ill, such superintendent shall apply to a judge of the county court or justice of the supreme court in the county to cause an examination to be made of such person by two examining physicians. Such physicians shall be designated by the judge to whom the application is made. Each such physician, if satisfied, after a personal examination, that such inmate is mentally ill and in need of care and treatment, shall make a certificate to such effect. Before making such certificate, however, he shall consider alternative forms of care and treatment available during confinement in such correctional facility, penitentiary, jail, reformatory or correctional institution that might be adequate to provide for such inmate's needs without requiring hospitalization. If the examining physician knows that the

person he is examining has been under prior treatment, he shall, insofar as possible, consult with the physician or psychologist furnishing such prior treatment prior to making his certificate.

S 19. Subdivision 1 of section 160.30 of the criminal procedure law, as amended by chapter 920 of the laws of 1982, is amended to read as follows:

1. Upon receiving fingerprints from a police officer or agency pursuant to section 160.20 of this chapter, the division of criminal justice services must, except as provided in subdivision two of this section, classify them and search its records for information concerning a previous record of the defendant, including any adjudication as a juvenile delinquent pursuant to article three of the family court act, [or as a youthful offender pursuant to article seven hundred twenty of this chapter,] and promptly transmit to such forwarding police officer or agency a report containing all information on file with respect to such defendant's previous record, if any, or stating that the defendant has no previous record according to its files. Such a report, if certified, constitutes presumptive evidence of the facts so certified.

S 20. Subdivision 1 of section 170.56 of the criminal procedure law, as amended by chapter 360 of the laws of 1977, is amended to read as follows:

1. Upon or after arraignment in a local criminal court upon an information, a prosecutor's information or a misdemeanor complaint, where the sole remaining count or counts charge a violation or violations of section 221.05, 221.10, 221.15, 221.35 or 221.40 of the penal law and before the entry of a plea of guilty thereto or commencement of a trial thereof, the court, upon motion of a defendant, may order that all proceedings be suspended and the action adjourned in contemplation of dismissal, or upon a finding that adjournment would not be necessary or appropriate and the setting forth in the record of the reasons for such findings, may dismiss in furtherance of justice the accusatory instrument; provided, however, that the court may not order such adjournment in contemplation of dismissal or dismiss the accusatory instrument if: (a) the defendant has previously been granted such adjournment in contemplation of dismissal, or (b) the defendant has previously been granted a dismissal under this section, or (c) the defendant has previously been convicted of any offense involving controlled substances, or (d) the defendant has previously been convicted of a crime and the district attorney does not consent [or (e) the defendant has previously been adjudicated a youthful offender on the basis of any act or acts involving controlled substances and the district attorney does not consent].

S 21. Subparagraph (i) of paragraph (a) of subdivision 3 of section 216.05 of the criminal procedure law is REPEALED.

S 22. Subparagraph (i) of paragraph (b) of subdivision 3 of section 220.30 of the criminal procedure law, as amended by chapter 410 of the laws of 1979, is amended to read as follows:

(i) A plea of guilty, whether to the entire indictment or to part of the indictment for any crime other than a class A felony, may not be accepted on the condition that it constitutes a complete disposition of one or more other indictments against the defendant wherein is charged a class A-I felony as defined in article two hundred twenty of the penal law or the attempt to commit any such class A-I felony[, except that an eligible youth, as defined in subdivision two of section 720.10, may plea to a class B felony, upon consent of the district attorney, for purposes of adjudication as a youthful offender].

S 23. Subdivision 7 of section 340.40 of the criminal procedure law is REPEALED.

S 24. Paragraph (b) of subdivision 1 of section 390.15 of the criminal procedure law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(b) For the purposes of this section, the terms "defendant", "conviction" and "sentence" mean and include, respectively, [an "eligible youth," a "youthful offender finding" and a "youthful offender sentence" as those terms are defined in section 720.10 of this chapter]. The term "victim" means the person with whom the defendant engaged in an act of "sexual intercourse", "oral sexual conduct" or "anal sexual conduct", as those terms are defined in section 130.00 of the penal law, where such conduct with such victim was the basis for the defendant's conviction of an offense specified in paragraph (a) of this subdivision.

S 25. Subparagraph (v) of paragraph (a) of subdivision 2 of section 510.30 of the criminal procedure law, as amended by chapter 920 of the laws of 1982, is amended to read as follows:

(v) His record of previous adjudication as a juvenile delinquent, as retained pursuant to section 354.2 of the family court act, or, of pending cases where fingerprints are retained pursuant to section 306.1 of such act[, or a youthful offender, if any]; and

S 26. The opening paragraph of subdivision 5 of section 530.12 of the criminal procedure law, as amended by section 1 of chapter 9 of the laws of 2011, is amended to read as follows:

Upon sentencing on a conviction for any crime or violation between spouses, between a parent and child, or between members of the same family or household as defined in subdivision one of section 530.11 of this article, the court may in addition to any other disposition, including a conditional discharge [or youthful offender adjudication,] enter an order of protection. Where a temporary order of protection was issued, the court shall state on the record the reasons for issuing or not issuing an order of protection. The duration of such an order shall be fixed by the court and: (A) in the case of a felony conviction, shall not exceed the greater of: (i) eight years from the date of such sentencing, or (ii) eight years from the date of the expiration of the maximum term of an indeterminate or the term of a determinate sentence of imprisonment actually imposed; or (B) in the case of a conviction for a class A misdemeanor, shall not exceed the greater of: (i) five years from the date of such sentencing, or (ii) five years from the date of the expiration of the maximum term of a definite or intermittent term actually imposed; or (C) in the case of a conviction for any other offense, shall not exceed the greater of: (i) two years from the date of sentencing, or (ii) two years from the date of the expiration of the maximum term of a definite or intermittent term actually imposed. [For purposes of determining the duration of an order of protection entered pursuant to this subdivision, a conviction shall be deemed to include a conviction that has been replaced by a youthful offender adjudication.] In addition to any other conditions, such an order may require the defendant:

S 27. The opening paragraph of subdivision 5 of section 530.12 of the criminal procedure law, as amended by section 2 of chapter 9 of the laws of 2011, is amended to read as follows:

Upon sentencing on a conviction for any crime or violation between spouses, between a parent and child, or between members of the same family or household as defined in subdivision one of section 530.11 of this article, the court may in addition to any other disposition,

[including a conditional discharge or youthful offender adjudication,] enter an order of protection. Where a temporary order of protection was issued, the court shall state on the record the reasons for issuing or not issuing an order of protection. The duration of such an order shall be fixed by the court and, in the case of a felony conviction, shall not exceed the greater of: (i) five years from the date of such sentencing, or (ii) three years from the date of the expiration of the maximum term of an indeterminate sentence of imprisonment actually imposed; or in the case of a conviction for a class A misdemeanor, shall not exceed three years from the date of such sentencing; or in the case of a conviction for any other offense, shall not exceed one year from the date of sentencing. [For purposes of determining the duration of an order of protection entered pursuant to this subdivision, a conviction shall be deemed to include a conviction that has been replaced by a youthful offender adjudication.] In addition to any other conditions, such an order may require the defendant:

S 28. The opening paragraph of subdivision 4 of section 530.13 of the criminal procedure law, as amended by section 3 of chapter 9 of the laws of 2011, is amended to read as follows:

Upon sentencing on a conviction for any offense, where the court has not issued an order of protection pursuant to section 530.12 of this article, the court may, in addition to any other disposition, [including a conditional discharge or youthful offender adjudication,] enter an order of protection. Where a temporary order of protection was issued, the court shall state on the record the reasons for issuing or not issuing an order of protection. The duration of such an order shall be fixed by the court and; (A) in the case of a felony conviction, shall not exceed the greater of: (i) eight years from the date of such sentencing, or (ii) eight years from the date of the expiration of the maximum term of an indeterminate or the term of a determinate sentence of imprisonment actually imposed; or (B) in the case of a conviction for a class A misdemeanor, shall not exceed the greater of: (i) five years from the date of such sentencing, or (ii) five years from the date of the expiration of the maximum term of a definite or intermittent term actually imposed; or (C) in the case of a conviction for any other offense, shall not exceed the greater of: (i) two years from the date of sentencing, or (ii) two years from the date of the expiration of the maximum term of a definite or intermittent term actually imposed. [For purposes of determining the duration of an order of protection entered pursuant to this subdivision, a conviction shall be deemed to include a conviction that has been replaced by a youthful offender adjudication.] In addition to any other conditions such an order may require that the defendant:

S 29. The opening paragraph of subdivision 4 of section 530.13 of the criminal procedure law, as amended by section 4 of chapter 9 of the laws of 2011, is amended to read as follows:

Upon sentencing on a conviction for any offense, where the court has not issued an order of protection pursuant to section 530.12 of this article, the court may, in addition to any other disposition, [including a conditional discharge or youthful offender adjudication,] enter an order of protection. Where a temporary order of protection was issued, the court shall state on the record the reasons for issuing or not issuing an order of protection. The duration of such an order shall be fixed by the court and, in the case of a felony conviction, shall not exceed the greater of: (i) five years from the date of such sentencing, or (ii) three years from the date of the expiration of the maximum term of an indeterminate sentence of imprisonment actually imposed; or in the case

of a conviction for a class A misdemeanor, shall not exceed three years from the date of such sentencing; or in the case of a conviction for any other offense, shall not exceed one year from the date of sentencing. [For purposes of determining the duration of an order of protection entered pursuant to this subdivision, a conviction shall be deemed to include a conviction that has been replaced by a youthful offender adjudication.] In addition to any other conditions such an order may require that the defendant:

S 30. This act shall take effect immediately, provided that the amendments to the opening paragraph of subdivision 5 of section 530.12 of the criminal procedure law made by section twenty-six of this act shall be subject to the expiration and reversion of such paragraph pursuant to subdivision d of section 74 of chapter 3 of the laws of 1995, as amended, when upon such date the provisions of section twenty-seven of this act shall take effect; provided further, that, the amendments to the opening paragraph of subdivision 4 of section 530.13 of the criminal procedure law made by section twenty-eight of this act shall be subject to the expiration and reversion of such paragraph pursuant to subdivision d of section 74 of chapter 3 of the laws of 1995, as amended, when upon such date the provisions of section twenty-nine of this act shall take effect.

PART I

Section 1. Section 1323 of the retirement and social security law, as added by chapter 18 of the laws of 2012, is amended to read as follows:

S 1323. Additional member contributions. A. Upon election by the city of New York, the retirement system shall require additional member contributions to be paid by all eligible employees. The additional member contributions to be paid by eligible employees shall be of a level so that no additional contributions shall be paid by the city of New York to cover the cost of such additional benefits. Additional member contributions made pursuant to this section shall be in addition to member contributions paid pursuant to other provisions of this chapter. B. ANY MEMBER WHO BECAME A MEMBER ON OR AFTER JULY TWENTY-SEVENTH, NINETEEN HUNDRED SEVENTY-SIX, MAY ELECT TO MAKE ADDITIONAL CONTRIBUTIONS OVER THE THREE PERCENT REQUIREMENT.

S 2. Section 100 of the retirement and social security law is amended to read as follows:

S 100. Payment of retirement allowances. A. Retirement allowances shall be payable on the first day of each and every month beginning on the first day of the month following the effective date of retirement. Upon the death of a retired member, however, the retirement allowance due for that part of the month prior to his death shall be paid forthwith. B. RETIREMENT ALLOWANCES SHALL ONLY BE BASED UPON THE SALARY OF A MEMBER. MEMBERS WHO ARE ALLOWED TO WORK OVERTIME HOURS WILL NOT BE ELIGIBLE TO APPLY ANY OF THE OVERTIME HOURS WORKED TOWARDS THEIR RETIREMENT.

S 3. This act shall take effect immediately.

S 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any 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 dates of Parts A through I of this act shall be as specifically set forth in the last section of such Parts.