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

5806

2013-2014 Regular Sessions

I N S E N A T E

June 16, 2013

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

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 direct the division of housing and community renewal to review the Section 8 Housing Choice Voucher Administrative Plan (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 amend the penal law, in relation to prostitution in a school zone; to amend the executive law, in relation to human trafficking awareness and to amend the criminal procedure law, in relation to persons charged with prostitution and loitering for the purpose of prostitution (Part H); to amend the executive law, in relation to reasonable accommodation (Part I); to amend the civil service law, in relation to discriminatory practices where public employers compensate employees of different sexes differently for work that is of comparable worth (Part J); to amend the workers' compensation law and the insurance

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

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law, in relation to providing six weeks of disability benefits for the birth, adoption or placement of a child (Part K); to amend the tax law, in relation to the personal income tax credit for certain household and dependent care services necessary for gainful employment (Part L); to amend the social services law, in relation to the treatment of earned income of a child under the age of eighteen and the income of an eighteen, nineteen or twenty year old household member when determining the eligibility of a household for a child care subsidy (Part M); to amend the social services law, in relation to child care services for parents and caretakers who work a late shift (Part N); to direct the office of children and family services to examine, evaluate and make recommendations on the availability of day care for children; and providing for the repeal of such provisions upon expiration thereof (Part O); to amend the social services law, in relation to notice of inspection report for residential and non-residential child day care providers (Part P); to amend the economic development law, in relation to requiring development centers and entrepreneurship support centers to track the success of program participants; to amend the labor law, in relation to self employment activities for the purposes of unemployment claims; and to amend chapter 413 of the laws of 2003, amending the labor law relating to the self-employment assistance program and other matters, in relation to extending the expiration of the provisions thereof (Part Q); to amend the social services law, in relation to requiring participants in public assistance employment programs to complete a course in financial literacy and personal finance (Part R); to amend the social services law, in relation to the composition of the interagency task force on human trafficking and their meetings; and 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 (Part S); to amend the public health law, in relation to health care and wellness education and outreach programs for victims of sex offenses or victims of child pornography promotion (Part T); to amend the election law, in relation to authorizing registration records of victims of sexual violence to be kept confidential in certain cases (Part U); to amend the domestic relations law and the social services law, in relation to visitation and custody rights of a parent convicted of sexual assault (Part V); to amend the penal law, in relation to the definition of the term "sexual intercourse" as such term applies to sex offenses (Part W); to amend the penal law and the correction law, in relation to enacting "Brittany's Law" (Part X); to amend the retirement and social security law, in relation to certain members who re-enter public service (Part Y); to amend the labor law, in relation to the entitlement to unpaid leave of absence from employment for victims of domestic violence (Part Z); to amend the executive law, in relation to including certain information in the study of minority and women-owned business enterprise programs (Part AA); establishing the workforce guidance and information for women policy study; and providing for the repeal of such provisions upon expiration thereof (Part BB); to amend the social services law, in relation to notice requirements to families and providers when funding cuts are made (Part CC); to amend the public health law, in relation to breast cancer research (Part DD); to amend the public health law, in relation to establishing a women's health

website (Part EE); and to amend the tax law, in relation to establishing a personal income tax credit for the adoption of a child (Part FF)

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 relating to issues deemed necessary by the state. Each component is wholly contained within a Part identified as Parts A through FF. 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 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. Parts A through I of this act shall be known and may be cited as the "Women's Equality 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.

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

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

4. (A) NO EMPLOYER SHALL PROHIBIT AN EMPLOYEE FROM INQUIRING ABOUT, DISCUSSING, OR DISCLOSING THE WAGES OF SUCH EMPLOYEE OR ANOTHER EMPLOYEE.

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

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

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

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

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

1-a. On behalf of any employee paid less than the wage to which he or she is entitled under the provisions of this article, the commissioner may bring any legal action necessary, including administrative action, to collect such claim and as part of such legal action, in addition to any other remedies and penalties otherwise available under this article, the commissioner shall assess against the employer the full amount of any such underpayment, and an additional amount as liquidated damages, unless the employer proves a good faith basis for believing that its underpayment of wages was in compliance with the law. Liquidated damages shall be calculated by the commissioner as no more than one hundred percent of the total amount of wages found to be due, EXCEPT SUCH LIQUIDATED DAMAGES MAY BE UP TO THREE HUNDRED PERCENT OF THE TOTAL AMOUNT OF THE WAGES FOUND TO BE DUE FOR A WILLFUL VIOLATION OF SECTION ONE HUNDRED NINETY-FOUR OF THIS ARTICLE. In any action instituted in the courts upon a wage claim by an employee or the commissioner in which the employee prevails, the court shall allow such employee to recover the full amount of any underpayment, all reasonable attorney's fees, prejudgment interest as required under the civil practice law and rules, and, unless the employer proves a good faith basis to believe that its underpayment of wages was in compliance with the law, an additional amount as liquidated damages equal to one hundred percent of the total amount of the wages found to be due, EXCEPT SUCH LIQUIDATED DAMAGES MAY BE UP TO THREE HUNDRED PERCENT OF THE TOTAL AMOUNT OF THE WAGES FOUND TO BE DUE FOR A WILLFUL VIOLATION OF SECTION ONE HUNDRED NINETY-FOUR OF THIS ARTICLE.

S 3. The department of labor and the division of human rights shall make training available to assist employers in developing training, policies and procedures to address discrimination and harassment in the workplace including, but not limited to issues relating to pregnancy, familial status, pay equity and sexual harassment. Such training shall take into account the needs of employers of various sizes. The department and division shall make such training available through, including but not limited to, online means. In developing such training materials, the department and division consult with affected parties representing the interests of both employers and employees in order to allow such parties to comment on the content of such training.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the commissioner of labor may take actions necessary to allow the promulgation of standards pursuant to subdivision 4 of section 194 of the labor law, as added by section one of this act no later than ninety days after this act shall become law; and provided further, however, that section three of this act shall take effect immediately.

PART B

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

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

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

PART C

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

10. With respect to ALL cases of HOUSING DISCRIMINATION AND housing RELATED CREDIT discrimination only in an action or proceeding at law under this section or section two hundred ninety-eight of this article, the commissioner or the court may in its discretion award reasonable attorney's fees to any prevailing or substantially prevailing party[; provided]. WITH RESPECT TO A CLAIM OF EMPLOYMENT OR CREDIT DISCRIMINATION WHERE SEX IS A BASIS OF SUCH DISCRIMINATION ONLY, IN AN ACTION OR PROCEEDING AT LAW UNDER THIS SECTION, OR SECTION TWO HUNDRED NINETY-EIGHT OF THIS ARTICLE, THE COMMISSIONER OR THE COURT MAY IN ITS DISCRETION AWARD REASONABLE ATTORNEY'S FEES ATTRIBUTABLE TO SUCH CLAIM TO ANY PREVAILING PARTY, however, [that] a prevailing respondent or defendant in order to recover such reasonable attorney's fees must make a motion requesting such fees and show that the action or proceeding brought was frivolous; and further [provided that] in a proceeding brought in the division of human rights, the commissioner may only award attorney's fees as part of a final order after a public hearing held pursuant to subdivision four of this section. In no case shall attor-

ney's fees be awarded to the division, nor shall the division be liable to a prevailing or substantially prevailing party for attorney's fees, except in a case in which the division is a party to the action or the proceeding in the division's capacity as an employer. In order to find the action or proceeding to be frivolous, the court or the commissioner must find in writing one or more of the following:

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

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

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

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

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

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

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

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

(B) THE ACTION OR PROCEEDING WAS COMMENCED OR CONTINUED IN BAD FAITH WITHOUT ANY REASONABLE BASIS AND COULD NOT BE SUPPORTED BY A GOOD FAITH ARGUMENT FOR AN EXTENSION, MODIFICATION OR REVERSAL OF EXISTING LAW. IF THE ACTION OR PROCEEDING WAS PROMPTLY DISCONTINUED WHEN THE PARTY OR ATTORNEY LEARNED OR SHOULD HAVE LEARNED THAT THE ACTION OR PROCEEDING LACKED SUCH A REASONABLE BASIS, THE COURT MAY FIND THAT THE PARTY OR THE 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 one hundred eightieth 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 problems 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, national origin, sexual orientation, military status, sex [or], marital status, OR FAMILIAL STATUS, of such individual.

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

13. It shall be an unlawful discriminatory practice (i) for any person to boycott or blacklist, or to refuse to buy from, sell to or trade with, or otherwise discriminate against any person, because of the race, creed, color, national origin, sexual orientation, military status, sex, [or] disability, OR FAMILIAL STATUS, of such person, or of such person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers or custom-

ers, or (ii) for any person wilfully to do any act or refrain from doing any act which enables any such person to take such action. This subdivision shall not apply to:

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

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

PART E

Section 1. On or before January 1, 2015, the division of housing and community renewal, as the public housing authority for all local Section 8 housing choice voucher programs under its purview, shall review the Section 8 Housing Choice Voucher Administrative Plan and implement modifications to increase the participation of landlords and property owners. Such modifications, which shall comply with all applicable federal requirements, may include, but shall not be limited to: expanding the portability of Section 8 vouchers 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.

S 2. This act shall take effect immediately.

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

S 6. Section 551 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 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR VIOLATING SUCH ORDER.

S 7. Section 656 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 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR VIOLATING SUCH ORDER.

S 8. Section 759 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 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR VIOLATING SUCH ORDER.

S 9. Section 842 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 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR VIOLATING SUCH ORDER.

S 10. Section 846 of the family court act is amended by adding a new subdivision (a-1) to read as follows: (A-1) 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 11. Section 1056 of the family court act is amended by adding a new subdivision 7 to read as follows:

7. 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 12. Subdivision 4 of section 140.10 of the criminal procedure law is amended by adding a new second undesignated 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 ISSUED IN HIS OR HER FAVOR NOR MAY SUCH PROTECTED PARTY BE ARRESTED FOR VIOLATING SUCH ORDER.

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

6. An order of protection or a temporary order of protection issued pursuant to subdivision one, two, three, four or five of this section shall bear in a conspicuous manner the term "order of protection" or "temporary order of protection" as the case may be and a copy shall be filed by the clerk of the court with the sheriff's office in the county in which the complainant resides, or, if the complainant resides within a city, with the police department of such city. 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. A copy of such order of protection or temporary order of protection may from time to time be filed by the clerk of the court with any other police department or sheriff's office having jurisdiction of the residence, work place, and school of anyone intended to be protected by such order. A copy of the order may also be filed by the complainant at the appropriate police department or sher-

iff's office having jurisdiction. Any subsequent amendment or revocation of such order shall be filed in the same manner as herein provided.

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

8. In any proceeding in which an order of protection or temporary order of protection or a warrant has been issued under this section, the clerk of the court shall issue to the complainant and defendant and defense counsel and to any other person affected by the order a copy of the order of protection or temporary order of protection and ensure that a copy of the order of protection or temporary order of protection be transmitted to the local correctional facility where the individual is or will be detained, the state or local correctional facility where the individual is or will be imprisoned, and the supervising probation department or department of corrections and community supervision where the individual is under probation or parole supervision. The presentation of a copy of such order or a warrant to any peace officer acting pursuant to his or her special duties or police officer shall constitute authority for him or her to arrest a person who has violated the terms of such order and bring such person before the court and, otherwise, so far as lies within his or her power, to aid in securing the protection such order was intended to afford. 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 14. This act shall take effect immediately and shall apply to all orders of protection regardless of when such orders were issued, except that:

(a) the amendments to paragraph b of subdivision 3 of section 240 of the domestic relations law made by section one of this act, the amendments to subdivision 2 of section 252 of the domestic relations law made by section two of this act, the amendments to subdivision 3 of section 168 of the family court act made by section four of this act, and the amendments to subdivision 6 of section 530.12 of the criminal procedure law made by section thirteen of this act shall take effect on the ninetieth day after this act shall have become a law, and shall apply to orders of protection issued on or after such effective date; and

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

PART G

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

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

(B) AS PROVIDED IN THIS SECTION, THE CHIEF ADMINISTRATOR OF THE COURTS, WITH THE APPROVAL OF THE ADMINISTRATIVE BOARD OF THE COURTS, MAY PROMULGATE RULES TO ESTABLISH AND IMPLEMENT A PILOT PROGRAM FOR THE FILING OF PETITIONS FOR TEMPORARY ORDERS OF PROTECTION BY ELECTRONIC MEANS AND FOR THE ISSUANCE OF SUCH ORDERS EX PARTE BY AUDIO-VISUAL MEANS

IN ORDER TO ACCOMMODATE LITIGANTS FOR WHOM ATTENDANCE AT COURT TO FILE FOR, AND OBTAIN, EMERGENCY RELIEF WOULD CONSTITUTE AN UNDUE HARDSHIP OR TO ACCOMMODATE LITIGANTS, FOR WHOM TRAVELING TO AND APPEARING IN THE COURTHOUSE TO OBTAIN EMERGENCY RELIEF, CREATES A RISK OF HARM TO SUCH LITIGANT.

(1) DEFINITIONS. AS USED IN THIS SECTION:

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

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

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

(2) DEVELOPMENT OF A PILOT PROGRAM. A PLAN FOR A PILOT PROGRAM PURSUANT TO THIS SECTION SHALL BE DEVELOPED BY THE CHIEF ADMINISTRATOR OF THE COURTS OR HIS OR HER DELEGATE IN CONSULTATION WITH ONE OR MORE LOCAL PROGRAMS PROVIDING ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE, AND ATTORNEYS WHO REPRESENT FAMILY OFFENSE PETITIONS. THE PLAN SHALL INCLUDE, BUT IS NOT LIMITED TO:

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

(II) IDENTIFICATION OF ONE OR MORE LICENSED AND CERTIFIED ORGANIZATIONS, AGENCIES OR ENTITIES WITH ADVOCATES FOR VICTIMS OF DOMESTIC VIOLENCE WHO ARE TRAINED, AND AVAILABLE TO ASSIST PETITIONERS IN PREPARING AND FILING PETITIONS FOR TEMPORARY ORDERS OF PROTECTION AND IN THEIR ELECTRONIC APPEARANCES BEFORE THE FAMILY COURT TO OBTAIN SUCH ORDERS; AND

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

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

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

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

(3) FILING BY ELECTRONIC MEANS. IN CONJUNCTION WITH AN ELECTRONIC APPEARANCE UNDER THIS SECTION, PETITIONERS FOR EX PARTE TEMPORARY ORDERS

OF PROTECTION MAY, WITH THE ASSISTANCE OF TRAINED ADVOCATES, COMMENCE THE PROCEEDINGS BY FILING PETITIONS BY ELECTRONIC MEANS.

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

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

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

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

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

(S) HAVE THE POWER TO ESTABLISH PILOT PROGRAMS FOR THE FILING OF PETITIONS FOR TEMPORARY ORDERS OF PROTECTION BY ELECTRONIC MEANS AND FOR THE ISSUANCE OF SUCH ORDERS BY AUDIO-VISUAL MEANS PURSUANT TO SUBDIVISION (B) OF SECTION ONE HUNDRED FIFTY-THREE-C OF THE FAMILY COURT ACT. THE CHIEF ADMINISTRATOR SHALL MAINTAIN AN UP-TO-DATE AND PUBLICLY-AVAILABLE LISTING OF THE SITES, IF ANY, AT WHICH SUCH APPLICATIONS FOR EX PARTE TEMPORARY ORDERS OF PROTECTION MAY BE FILED, AND AT WHICH ELECTRONIC APPEARANCES IN SUPPORT OF SUCH APPLICATIONS MAY BE SOUGHT, IN ACCORDANCE WITH SUCH SECTION ONE HUNDRED FIFTY-THREE-C OF THE FAMILY COURT ACT. IN DEVELOPING SUCH PILOT PROGRAM, THE CHIEF ADMINISTRATOR SHALL STRIVE FOR A PROGRAM THAT IS REGIONALLY DIVERSE, AND TAKES INTO CONSIDERATION, AMONG OTHER THINGS, THE AVAILABILITY OF PUBLIC TRANSPORTATION, POPULATION DENSITY AND THE AVAILABILITY OF FACILITIES FOR CONDUCTING SUCH PROGRAM.

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

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

2. After the review, and not later than two hundred seventy days after the effective date of this section, AND NO LATER THAN TWO HUNDRED SEVENTY DAYS AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS SECTION, AND EVERY FIVE YEARS THEREAFTER, the chief administrator of the unified court system shall submit a report to the governor and the legislature, setting forth the findings of the review, including a description of the services provided by the components of the unified court system and recommendations for changes in its procedures, services, regulations and laws to improve its services to crime victims and to establish and implement fair treatment standards for crime victims.

3. Subject to the direction of the chief administrator, the components of the unified court system shall expeditiously implement the recommendations of its report.

S 4. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect April 1, 2014.

PART H

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

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

S 60.13 Authorized dispositions; felony sex offenses.

When a person is to be sentenced upon a conviction for any felony defined in article one hundred thirty of this chapter, including a sexually motivated felony, or patronizing a [prostitute] PERSON FOR PROSTITUTION in the first degree as defined in section 230.06 of this chapter, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST DEGREE AS DEFINED IN SECTION 230.13 OF THIS CHAPTER, incest in the second degree as defined in section 255.26 of this chapter, or incest in the first degree as defined in section 255.27 of this chapter, or a felony attempt or conspiracy to commit any of these crimes, the court must sentence the defendant in accordance with the provisions of section 70.80 of this title.

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

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, criminal sexual act in the first degree as defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in

section 160.15, SEX TRAFFICKING AS DEFINED IN PARAGRAPHS (A) AND (B) OF SUBDIVISION FIVE OF SECTION 230.34, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

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

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

(a) For the purposes of this section, a "felony sex offense" means a conviction of any felony defined in article one hundred thirty of this chapter, including a sexually motivated felony, or patronizing a [prostitute] PERSON FOR PROSTITUTION in the first degree as defined in section 230.06 of this chapter, PATRONIZING A PERSON FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.05 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE AS DEFINED IN SECTION 230.11 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE SECOND DEGREE AS DEFINED IN SECTION 230.12 OF THIS CHAPTER, AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN FIRST DEGREE AS DEFINED IN SECTION 230.13 OF THIS CHAPTER, incest in the second degree as defined in section 255.26 of this chapter, or incest in

the first degree as defined in section 255.27 of this chapter, or a felony attempt or conspiracy to commit any of the above.

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

S 135.35 Labor trafficking.

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

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

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

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

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

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

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

(c) engage in other conduct constituting a felony or unlawful imprisonment in the second degree in violation of section 135.05 of this [chapter] ARTICLE; or

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

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

(f) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

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

Labor trafficking is a class D felony.

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

S 135.37 AGGRAVATED LABOR TRAFFICKING.

A PERSON IS GUILTY OF AGGRAVATED LABOR TRAFFICKING IF HE OR SHE COMPELS OR INDUCES ANOTHER TO ENGAGE IN LABOR OR RECRUITS, ENTICES, HARBORS, OR TRANSPORTS SUCH OTHER PERSON TO ENGAGE IN LABOR BY MEANS OF

INTENTIONALLY: UNLAWFULLY PROVIDING A CONTROLLED SUBSTANCE TO SUCH PERSON WITH INTENT TO IMPAIR SAID PERSON'S JUDGMENT.

AGGRAVATED LABOR TRAFFICKING IS A CLASS C FELONY.

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

(a) Any of the felonies set forth in this chapter: sections 120.05, 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relating to strangulation; sections 125.10 to 125.27 relating to homicide; sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and 135.25 relating to kidnapping; [section] SECTIONS 135.35 AND 135.37 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health care fraud; article one hundred sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating to criminal diversion of prescription medications and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage fraud, sections 190.40 and 190.42 relating to criminal usury; section 190.65 relating to schemes to defraud; sections 205.60 and 205.65 relating to hindering prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and contempt; section 215.40 relating to tampering with physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and 220.77 relating to controlled substances; sections 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and 230.32 relating to promoting prostitution; section 230.34 relating to sex trafficking; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10 and 263.15 relating to promoting a sexual performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10 which constitute a felony relating to firearms and other dangerous weapons; and sections 265.14 and 265.16 relating to criminal sale of a firearm; and section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

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

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law, strangulation in the first degree as defined in section

121.13 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, manslaughter in the first degree as defined in section 125.20 of the penal law, murder in the second degree as defined in section 125.25 of the penal law, murder in the first degree as defined in section 125.27 of the penal law, abortion in the second degree as defined in section 125.40 of the penal law, abortion in the first degree as defined in section 125.45 of the penal law, rape in the third degree as defined in section 130.25 of the penal law, rape in the second degree as defined in section 130.30 of the penal law, rape in the first degree as defined in section 130.35 of the penal law, criminal sexual act in the third degree as defined in section 130.40 of the penal law, criminal sexual act in the second degree as defined in section 130.45 of the penal law, criminal sexual act in the first degree as defined in section 130.50 of the penal law, sexual abuse in the first degree as defined in section 130.65 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, kidnapping in the second degree as defined in section 135.20 of the penal law, kidnapping in the first degree as defined in section 135.25 of the penal law, labor trafficking as defined in section 135.35 of the penal law, AGGRAVATED LABOR TRAFFICKING AS DEFINED IN SECTION 135.37 OF THE PENAL LAW, custodial interference in the first degree as defined in section 135.50 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, criminal trespass in the first degree as defined in section 140.17 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, burglary in the second degree as defined in section 140.25 of the penal law, burglary in the first degree as defined in section 140.30 of the penal law, criminal mischief in the third degree as defined in section 145.05 of the penal law, criminal mischief in the second degree as defined in section 145.10 of the penal law, criminal mischief in the first degree as defined in section 145.12 of the penal law, criminal tampering in the first degree as defined in section 145.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, arson in the third degree as defined in section 150.10 of the penal law, arson in the second degree as defined in section 150.15 of the penal law, arson in the first degree as defined in section 150.20 of the penal law, grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, grand larceny in the second degree as defined in section 155.40 of the penal law, grand larceny in the first degree as defined in section 155.42 of the penal law, health care fraud in the fourth degree as defined in section 177.10 of the penal law, health care fraud in the third degree as defined in section 177.15 of the penal law, health care fraud in the second degree as defined in section 177.20 of the penal law, health care fraud in the first degree as defined in section 177.25 of the penal law, robbery in the third degree as defined in section 160.05 of the penal law, robbery in the second degree as defined in section 160.10 of the penal law, robbery in the first degree as defined in section 160.15 of the penal law, unlawful use of secret scientific material as defined in section 165.07 of the penal law, criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined by section 165.52 of the penal law, criminal possession of

stolen property in the first degree as defined by section 165.54 of the penal law, trademark counterfeiting in the second degree as defined in section 165.72 of the penal law, trademark counterfeiting in the first degree as defined in section 165.73 of the penal law, forgery in the second degree as defined in section 170.10 of the penal law, forgery in the first degree as defined in section 170.15 of the penal law, criminal possession of a forged instrument in the second degree as defined in section 170.25 of the penal law, criminal possession of a forged instrument in the first degree as defined in section 170.30 of the penal law, criminal possession of forgery devices as defined in section 170.40 of the penal law, falsifying business records in the first degree as defined in section 175.10 of the penal law, tampering with public records in the first degree as defined in section 175.25 of the penal law, offering a false instrument for filing in the first degree as defined in section 175.35 of the penal law, issuing a false certificate as defined in section 175.40 of the penal law, criminal diversion of prescription medications and prescriptions in the second degree as defined in section 178.20 of the penal law, criminal diversion of prescription medications and prescriptions in the first degree as defined in section 178.25 of the penal law, residential mortgage fraud in the fourth degree as defined in section 187.10 of the penal law, residential mortgage fraud in the third degree as defined in section 187.15 of the penal law, residential mortgage fraud in the second degree as defined in section 187.20 of the penal law, residential mortgage fraud in the first degree as defined in section 187.25 of the penal law, escape in the second degree as defined in section 205.10 of the penal law, escape in the first degree as defined in section 205.15 of the penal law, absconding from temporary release in the first degree as defined in section 205.17 of the penal law, promoting prison contraband in the first degree as defined in section 205.25 of the penal law, hindering prosecution in the second degree as defined in section 205.60 of the penal law, hindering prosecution in the first degree as defined in section 205.65 of the penal law, sex trafficking as defined in section 230.34 of the penal law, criminal possession of a weapon in the third degree as defined in subdivisions two, three and five of section 265.02 of the penal law, criminal possession of a weapon in the second degree as defined in section 265.03 of the penal law, criminal possession of a weapon in the first degree as defined in section 265.04 of the penal law, manufacture, transport, disposition and defacement of 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:

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

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

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

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

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

A person is guilty of patronizing a [prostitute] PERSON FOR PROSTITUTION in the first degree when [he]:

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

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

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

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

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

In any prosecution for patronizing a [prostitute] PERSON FOR PROSTITUTION in the first or second degrees OR PATRONIZING A PERSON FOR PROSTITUTION IN A SCHOOL ZONE, it is a defense that the defendant did not have reasonable grounds to believe that the person was less than the age specified.

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

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

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

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

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

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

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

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

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

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

A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE THIRD DEGREE WHEN, BEING TWENTY-ONE YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN SEVENTEEN YEARS OLD AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRAVATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF THIS PART.

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

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

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

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

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

A PERSON IS GUILTY OF AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION IN THE FIRST DEGREE WHEN HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN ELEVEN YEARS OLD, OR BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE PATRONIZES A PERSON FOR PROSTITUTION AND THE PERSON PATRONIZED IS LESS THAN THIRTEEN YEARS OLD, AND THE PERSON GUILTY OF PATRONIZING ENGAGES IN SEXUAL INTERCOURSE, ORAL SEXUAL CONDUCT, ANAL SEXUAL CONDUCT, OR AGGRAVATED SEXUAL CONDUCT AS THOSE TERMS ARE DEFINED IN SECTION 130.00 OF THIS PART.

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

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

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

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

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

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

S 17. The opening paragraph and subdivision 1 of section 230.25 of the penal law, the opening paragraph as amended by chapter 627 of the laws of 1978 and subdivision 1 as amended by chapter 74 of the laws of 2007, are amended to read as follows:

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

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

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

S 230.30 Promoting prostitution in the second degree.

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

1. Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; or

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

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

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

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

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

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

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

S 230.33 Compelling prostitution.

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

Compelling prostitution is a class B felony.

S 21. Intentionally omitted.

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

S 230.35 Promoting or compelling prostitution; accomplice.

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

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

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

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

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

3. ANY PERSON WHO REMAINS OR WANDERS ABOUT IN A PUBLIC PLACE AND REPEATEDLY BECKONS TO, OR REPEATEDLY STOPS, OR REPEATEDLY ATTEMPTS TO STOP, OR REPEATEDLY ATTEMPTS TO ENGAGE PASSERS-BY IN CONVERSATION, OR REPEATEDLY STOPS OR ATTEMPTS TO STOP MOTOR VEHICLES, OR REPEATEDLY

INTERFERES WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF PATRONIZING A PERSON FOR PROSTITUTION AS DEFINED IN SECTION 230.02 OF THIS PART, SHALL BE GUILTY OF A VIOLATION AND IS GUILTY OF A CLASS B MISDEMEANOR IF SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS SECTION OR OF SECTION 230.04, 230.05, 230.06 OR 230.08 OF THIS PART.

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

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

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

(i) The judgment is a conviction where the arresting charge was under section 240.37 (loitering for the purpose of engaging in a prostitution offense, provided that the defendant was not alleged to be loitering for the purpose of patronizing a prostitute or promoting prostitution) or 230.00 (prostitution) OR 230.03 of the penal law, and the defendant's participation in the offense was a result of having been a victim of sex trafficking under section 230.34 of the penal law, LABOR TRAFFICKING UNDER SECTION 135.35 OF THE PENAL LAW, AGGRAVATED LABOR TRAFFICKING 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 DISABILITY ASSISTANCE OR THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE OR THE OFFICE OF VICTIMS 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. Intentionally omitted.

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

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

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

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

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

(b) Where a defendant stands convicted of an offense defined in paragraph (b) of subdivision two of section one hundred sixty-eight-a of this article or where the defendant was convicted of patronizing a [prostitute] PERSON FOR PROSTITUTION in the third degree under section 230.04 of the penal law and the defendant controverts an allegation that the victim of such offense was less than eighteen years of age or, in the case of a conviction under section 230.04 of the penal law, less than seventeen years of age, the court, without a jury, shall, prior to sentencing, conduct a hearing, and the people may prove by clear and convincing evidence that the victim was less than eighteen years [of age] OLD or less than seventeen years [of age] OLD, as applicable, by any evidence admissible under the rules applicable to a trial of the issue of guilt. The court in addition to such admissible evidence may also consider reliable hearsay evidence submitted by either party provided that it is relevant to the determination of the age of the victim. Facts concerning the age of the victim proven at trial or ascertained at the time of entry of a plea of guilty shall be deemed established by clear and convincing evidence and shall not be relitigated. At the conclusion of the hearing, or if the defendant does not controvert an allegation that the victim of the offense was less than eighteen years [of age] OLD or less than seventeen years [of age] OLD, as applicable, the court must make a finding and enter an order setting forth the age of the victim. If the court finds that the victim of such offense was under eighteen years [of age] OLD or under seventeen years [of age] OLD, as applicable, the court shall certify the defendant as a sex offender, the provisions of paragraph (a) of this subdivision shall apply and the defendant shall register with the division in accordance with the provisions of this article.

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

(c) The offenses referred to in subparagraph (i) of paragraph (b) of subdivision one and subparagraph (i) of paragraph (c) of subdivision two of this section that result in disqualification for a period of five years shall include a conviction under sections 100.10, 105.13, 115.05, 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13, 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17, 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,

220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55, 230.00, 230.05, 230.06, 230.11, 230.12, 230.13, 230.19, 230.20, 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of section 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10, 265.12, 265.35 of the penal law or an attempt to commit any of the aforesaid offenses under section 110.00 of the penal law, or any similar offenses committed under a former section of the penal law, or any offenses committed under a former section of the penal law which would constitute violations of the aforesaid sections of the penal law, or any offenses committed outside this state which would constitute violations of the aforesaid sections of the penal law.

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

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

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

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

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

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

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

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

2. For purposes of this section, two or more convictions of any person or persons had, within a period of one year, for any of the offenses described in section 230.00, 230.05, 230.06, 230.11, 230.12, 230.13, 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal law arising out of conduct engaged in at the same real property consisting of a dwelling as that term is defined in subdivision four of section four of the multiple

dwelling law shall be presumptive evidence of conduct constituting use of the premises for purposes of prostitution.

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

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

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

(F-1) DEVELOP, MAINTAIN AND DISSEMINATE, IN CONSULTATION WITH THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND THE DIVISION OF CRIMINAL JUSTICE SERVICES, WRITTEN POLICIES AND PROCEDURES REGARDING HUMAN TRAFFICKING VICTIMS. SUCH POLICIES AND PROCEDURES SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING: (1) THE IDENTIFICATION OF POTENTIAL VICTIMS OF HUMAN TRAFFICKING, AS DEFINED UNDER SECTION FOUR HUNDRED EIGHTY-THREE-AA OF THE SOCIAL SERVICES LAW; AND (2) INFORMATION AND/OR 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. Section 120.90 of the criminal procedure law is amended by adding a new subdivision 9 to read as follows:

9. UPON TAKING A PERSON INTO CUSTODY PURSUANT TO A WARRANT OF ARREST FOR AN ACT WHICH WOULD CONSTITUTE A VIOLATION OF SECTION 230.00 OR SUBDIVISION TWO OF SECTION 240.37 OF THE PENAL LAW, A POLICE OFFICER, AFTER PERFORMING WITHOUT UNNECESSARY DELAY ALL RECORDING, FINGERPRINTING AND OTHER PRELIMINARY POLICE DUTIES REQUIRED IN THE PARTICULAR CASE SHALL BRING THE ARRESTED PERSON OR CAUSE SUCH PERSON TO BE BROUGHT BEFORE A LOCAL CRIMINAL COURT. IF THE LOCAL CRIMINAL COURT IS NOT IN SESSION, THEN THE ARRESTING OFFICER MAY TAKE SUCH PERSON, IF SUCH PERSON IS OTHERWISE ELIGIBLE, TO AN AVAILABLE SHORT-TERM SAFE HOUSE, AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW.

S 43. Section 140.20 of the criminal procedure law is amended by adding a new subdivision 8 to read as follows:

8. UPON TAKING A PERSON INTO CUSTODY FOR AN ACT WHICH WOULD CONSTITUTE A VIOLATION OF SECTION 230.00 OR SUBDIVISION TWO OF SECTION 240.37 OF THE PENAL LAW, A POLICE OFFICER, AFTER PERFORMING WITHOUT UNNECESSARY DELAY ALL RECORDING, FINGERPRINTING AND OTHER PRELIMINARY POLICE DUTIES REQUIRED IN THE PARTICULAR CASE SHALL BRING THE ARRESTED PERSON OR CAUSE SUCH PERSON TO BE BROUGHT BEFORE A LOCAL CRIMINAL COURT AND FILE THEREWITH AN APPROPRIATE ACCUSATORY INSTRUMENT. IF THE LOCAL CRIMINAL COURT IS NOT IN SESSION, THEN THE ARRESTING OFFICER MAY TAKE SUCH PERSON, IF SUCH PERSON IS OTHERWISE ELIGIBLE, TO AN AVAILABLE SHORT-TERM SAFE HOUSE, AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW.

S 44. Section 170.10 of the criminal procedure law is amended by adding three new subdivisions 10, 11 and 12 to read as follows:

10. UPON ARRAIGNMENT OF A PERSON WHO IS CHARGED WITH PROSTITUTION AS DEFINED IN SECTION 230.00 OF THE PENAL LAW, OR LOITERING FOR THE PURPOSES OF PROSTITUTION AS DEFINED IN SUBDIVISION TWO OF SECTION 240.37 OF THE PENAL LAW, IF A PERSON SO ARRESTED MAY BE TREATED AS A SEXUALLY EXPLOITED CHILD PURSUANT TO SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, AND IF THE COURT SO DETERMINES, IT MAY ORDER SPECIALIZED SERVICES ENUMERATED IN SUBDIVISIONS TWO, THREE, FOUR AND FIVE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW FOR A PERIOD TO BE DETERMINED BY THE COURT, UPON THE CONSENT OF SUCH PERSON.

11. UPON ARRAIGNMENT OF A PERSON WHO IS CHARGED WITH PROSTITUTION AS DEFINED IN SECTION 230.00 OF THE PENAL LAW, OR LOITERING FOR THE PURPOSES OF PROSTITUTION AS DEFINED IN SUBDIVISION TWO OF SECTION 240.37 OF THE PENAL LAW A PERSON TWENTY-FIVE YEARS OF AGE OR YOUNGER MAY BE TREATED AS A HUMAN TRAFFICKING VICTIM AS DEFINED IN SUBDIVISION (A) OF SECTION FOUR HUNDRED EIGHTY-THREE-AA OF THE SOCIAL SERVICES LAW IF SUCH PERSON IS SO CERTIFIED PURSUANT TO SECTION FOUR HUNDRED EIGHTY-THREE-CC OF THE SOCIAL SERVICES LAW. IF THE COURT SO DETERMINES, IT MAY ORDER SERVICES AS MAY BE AVAILABLE PURSUANT TO ARTICLE TEN-D OF THE SOCIAL SERVICES LAW, UPON THE CONSENT OF SUCH PERSON.

12. NOTHING IN SUBDIVISION TEN OR ELEVEN OF THIS SECTION SHALL PRECLUDE THE COURT FROM DISMISSING SUCH A CASE IN THE INTEREST OF JUSTICE PURSUANT TO PARAGRAPH (G) OF SUBDIVISION ONE OF SECTION 170.30 OF THIS ARTICLE WITHOUT ORDERING SPECIALIZED SERVICES AS AFORESAID.

S 45. Section 170.30 of the criminal procedure law is amended by adding a new subdivision 4 to read as follows:

4. AFTER ARRAIGNMENT UPON AN INFORMATION, A SIMPLIFIED INFORMATION, A PROSECUTOR'S INFORMATION OR A MISDEMEANOR COMPLAINT, THE LOCAL CRIMINAL COURT SHALL DISMISS SUCH INSTRUMENT ON THE GROUNDS THAT A SEXUALLY EXPLOITED CHILD OR HUMAN TRAFFICKING VICTIM ACCUSED OF PROSTITUTION AS DEFINED IN SECTION 230.00 OF THE PENAL LAW OR LOITERING FOR THE PURPOSES OF PROSTITUTION AS DEFINED IN SUBDIVISION TWO OF SECTION 240.37 OF THE PENAL LAW COOPERATED WITH SERVICES ORDERED BY THE COURT PURSUANT TO SUBDIVISION TEN OR ELEVEN OF SECTION 170.10 OF THIS ARTICLE, PROVIDED THAT SUCH SEXUALLY EXPLOITED CHILD OR HUMAN TRAFFICKING VICTIM DOES NOT STAND CONVICTED OF A VIOLENT FELONY OFFENSE AS DEFINED IN SECTION 70.02, AN OFFENSE DEFINED IN ARTICLE ONE HUNDRED THIRTY, LABOR TRAFFICKING AS DEFINED IN SECTION 135.35, AGGRAVATED LABOR TRAFFICKING AS DEFINED IN SECTION 135.37, ANY DEGREE OF PROMOTING PROSTITUTION OR AGGRAVATED PATRONIZING A MINOR FOR PROSTITUTION DEFINED IN ARTICLE TWO HUNDRED THIRTY, COMPELLING PROSTITUTION AS DEFINED IN SECTION 230.33 OR SEX TRAFFICKING AS DEFINED IN SECTION 230.34 OF THE PENAL LAW.

S 46. 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 one hundred eightieth day after it shall have become a law.

PART J

Section 1. The civil service law is amended by adding a new section 153 to read as follows:

S 153. WAGE DISCRIMINATION BY SEX PROHIBITED. 1. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR ANY PUBLIC EMPLOYER IN THIS STATE TO DISCRIMINATE BETWEEN EMPLOYEES IN ITS EMPLOY ON THE BASIS OF SEX, BY COMPENSATING ANY EMPLOYEE IN ANY OCCUPATION AT A SALARY OR RATE LESS THAN THE SALARY OR RATE AT WHICH OTHER EMPLOYEES OF THE OPPOSITE SEX ARE COMPENSATED FOR POSITIONS OR TITLES WHICH HAVE COMPARABLE WORTH AS MEASURED BY THE SKILL, EFFORT AND RESPONSIBILITY NORMALLY REQUIRED IN THE PERFORMANCE OF WORK AND THE CONDITIONS UNDER WHICH THE WORK IS NORMALLY PERFORMED.

2. NOTHING IN SUBDIVISION ONE OF THIS SECTION SHALL PROHIBIT DIFFERING COMPENSATION TO EMPLOYEES WHERE SUCH COMPENSATION IS CALCULATED PURSUANT TO A BONA FIDE SENIORITY SYSTEM.

3. A PUBLIC EMPLOYER WHO IS IN VIOLATION OF THIS SECTION SHALL NOT, IN ORDER TO COMPLY WITH THIS SECTION, REDUCE THE COMPENSATION OF ANY EMPLOYEE OR REDUCE THE RATE OF COMPENSATION FOR ANY POSITION.

4. AN AGREEMENT BY ANY EMPLOYEE TO WORK FOR LESS THAN THE COMPENSATION TO WHICH THE EMPLOYEE IS ENTITLED UNDER THIS SECTION SHALL NOT BE A BAR TO ANY ACTION TO WHICH THE EMPLOYEE WOULD OTHERWISE BE ENTITLED TO ENFORCE THE PROVISIONS OF THIS SECTION.

5. NOTHING SET FORTH IN THIS SECTION SHALL BE CONSTRUED TO IMPEDE, INFRINGE OR DIMINISH THE RIGHTS AND BENEFITS WHICH ACCRUE TO EMPLOYEES THROUGH BONA FIDE COLLECTIVE BARGAINING AGREEMENTS, OR OTHERWISE DIMINISH THE INTEGRITY OF THE EXISTING COLLECTIVE BARGAINING RELATIONSHIP.

6. NO PUBLIC EMPLOYER SHALL BE FOUND TO BE IN VIOLATION OF THIS SECTION FOR COMPENSATING EMPLOYEES OF DIFFERENT SEXES DIFFERENTLY FOR WORK THAT IS OF COMPARABLE WORTH DURING THE THREE YEAR PERIOD BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, PROVIDED SUCH EMPLOYER HAS INSTITUTED A PLAN THAT WILL LEAD TO COMPLIANCE WITH THIS SECTION AFTER SUCH THREE YEAR PERIOD EXPIRES.

7. AS USED IN THIS SECTION, THE TERM PUBLIC OFFICER OR EMPLOYEE SHALL NOT INCLUDE THOSE EMPLOYEES IN THE UNCLASSIFIED SERVICE PURSUANT TO SECTION THIRTY-FIVE OF THIS CHAPTER, EMPLOYEES DEEMED MANAGERIAL OR CONFIDENTIAL UNDER ARTICLE FOURTEEN OF THIS CHAPTER AND THE OFFICERS OR EMPLOYEES OF MUNICIPALITIES OR OTHER POLITICAL SUBDIVISIONS OF THE STATE.

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

PART K

Section 1. Subdivision 9 of section 201 of the workers' compensation law is amended by adding a new paragraph C to read as follows:

C. "DISABILITY" ALSO INCLUDES CHILD CARE, AS DEFINED IN SUBDIVISION FIFTEEN OF THIS SECTION.

S 2. Subdivision 14 of section 201 of the workers' compensation law, as added by chapter 600 of the laws of 1949 and as renumbered by chapter 438 of the laws of 1964, is amended to read as follows:

14. "A day of disability" means any day on which the employee was prevented from performing work because of disability, INCLUDING ANY DAY WHICH THE EMPLOYEE USES FOR CHILD CARE, and for which [he] THE EMPLOYEE has not received his OR HER regular remuneration.

S 3. Section 201 of the workers' compensation law is amended by adding two new subdivisions 15 and 16 to read as follows:

15. "CHILD CARE" SHALL MEAN ANY LEAVE TAKEN BY AN EMPLOYEE FROM WORK TO BOND WITH THE EMPLOYEE'S CHILD DURING THE FIRST TWELVE MONTHS AFTER

THE CHILD'S BIRTH, OR THE FIRST TWELVE MONTHS AFTER THE PLACEMENT OF THE CHILD FOR ADOPTION OR FOSTER CARE WITH THE EMPLOYEE.

16. "CHILD" MEANS A BIOLOGICAL, ADOPTED OR FOSTER CHILD WHO IS:

A. LESS THAN EIGHTEEN YEARS OF AGE; OR

B. EIGHTEEN YEARS OF AGE OR OLDER AND INCAPABLE OF SELF-CARE BECAUSE OF A MENTAL OR PHYSICAL DISABILITY.

S 4. Section 202 of the workers' compensation law is amended by adding a new subdivision 1-a to read as follows:

1-A. SOLELY FOR THE PURPOSES OF THE PROVISIONS OF THIS ARTICLE RELATING TO THE PROVISION OF BENEFITS, RIGHTS AND PRIVILEGES RELATING TO CHILD CARE LEAVE, "COVERED EMPLOYER" SHALL INCLUDE THE STATE OR ANY POLITICAL OR CIVIL SUBDIVISION THEREOF.

S 5. Section 204 of the workers' compensation law is amended by adding a new subdivision 3 to read as follows:

3. THE WEEKLY BENEFIT WHICH AN EMPLOYEE ON CHILD CARE LEAVE IS ENTITLED TO RECEIVE SHALL BE FIFTY PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED FOUR HUNDRED TWENTY DOLLARS FOR EACH WEEK DURING SUCH CHILD CARE LEAVE.

S 6. Subdivisions 1, 2, 3, 4 and 8 of section 205 of the workers' compensation law, subdivision 1 as amended by chapter 651 of the laws of 1958, subdivision 2 as amended by chapter 270 of the laws of 1990 and subdivisions 3, 4 and 8 as added by chapter 600 of the laws of 1949 and as renumbered by chapter 352 of the laws of 1981, are amended and a new subdivision 9 is added to read as follows:

1. (A) For DISABILITY RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF AN EMPLOYEE, FOR more than twenty-six weeks during a period of fifty-two consecutive calendar weeks or during any one period of disability; OR

(B) FOR CHILD CARE, FOR MORE THAN SIX WEEKS DURING A PERIOD OF FIFTY-TWO CONSECUTIVE CALENDAR WEEKS OR DURING ANY ONE PERIOD OF FAMILY CARE;

2. for any period of disability RESULTING FROM THE INJURY, SICKNESS OR PREGNANCY OF AN EMPLOYEE during which an employee is not under the care of a duly licensed physician or with respect to disability resulting from a condition of the foot which may lawfully be treated by a duly registered and licensed podiatrist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed chiropractor of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly licensed dentist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed psychologist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly certified nurse midwife, for any period of such disability during which an employee is neither under the care of a physician nor a podiatrist, nor a chiropractor, nor a dentist, nor a psychologist, nor a certified nurse midwife; and for any period of disability during which an employee who adheres to the faith or teachings of any church or denomination and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, is not under the care of a practitioner duly accredited by the church or denomination, and provided such employee shall submit to all physical examinations as required by this chapter[.];

3. for any disability RESULTING FROM INJURY OR SICKNESS OF AN EMPLOYEE occasioned by the wilful intention of the employee to bring about injury to or the sickness of himself or another, or resulting from any injury

or sickness sustained in the perpetration by the employee of an illegal act;

4. for any day of disability during which the employee performed work for remuneration or profit; BUT NOT INCLUDING ANY REMUNERATION RECEIVED FOR CARING FOR A FOSTER OR ADOPTED CHILD OR OTHER INDIVIDUAL RESIDING IN THE EMPLOYEE'S PLACE OF RESIDENCE;

8. for any disability RESULTING FROM AN INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE commencing before the employee becomes eligible to benefits hereunder [or commencing prior to July first, nineteen hundred fifty, but this shall not preclude benefits for recurrence after July first, nineteen hundred fifty, of a disability commencing prior thereto.];

9. FOR ANY DAY OF ABSENCE FROM WORK REQUIRED PURSUANT TO ANY DISCIPLINARY PROCESS; OR, IN REGARD TO CHILD CARE BENEFITS, ANY DAY OF ABSENCE FROM WORK RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE, INCLUDING ANY LEAVE TAKEN UNDER SECTION SEVENTY-THREE OR SEVENTY-FIVE OF THE CIVIL SERVICE LAW.

S 7. The workers' compensation law is amended by adding a new section 205-a to read as follows:

S 205-A. RELATIONSHIP BETWEEN DISABILITY BENEFITS FOR CHILD CARE AND FOR THE EMPLOYEE'S OWN INJURY, SICKNESS OR PREGNANCY. THE RECEIPT OF BENEFITS FOR DISABILITY RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE, SHALL NOT COUNT TOWARD ANY TIME LIMITATION UNDER SUBDIVISION ONE OF SECTION TWO HUNDRED FIVE OF THIS ARTICLE ON THE RECEIPT OF BENEFITS FOR CHILD CARE, AND THE RECEIPT OF BENEFITS FOR CHILD CARE SHALL NOT COUNT TOWARD ANY TIME LIMITATION UNDER SUBDIVISION ONE OF SECTION TWO HUNDRED FIVE OF THIS ARTICLE ON THE RECEIPT OF BENEFITS FOR DISABILITY RESULTING FROM INJURY, SICKNESS OR PREGNANCY TO THE EMPLOYEE, EXCEPT THAT AN EMPLOYEE MAY RECEIVE DISABILITY BENEFITS ON ONLY ONE CLAIM AT ANY TIME.

S 8. Subdivision 3 of section 209 of the workers' compensation law, as amended by chapter 415 of the laws of 1983, is amended to read as follows:

3. The contribution of each such employee to the cost of disability benefits provided by this article shall be one-half of one per centum of the employee's wages paid to him on and after July first, nineteen hundred fifty, but not in excess of sixty cents per week FOR THE COST OF DISABILITY BENEFITS FOR INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE. EFFECTIVE JULY FIRST, TWO THOUSAND FOURTEEN CHILD CARE BENEFITS SHALL BE PROVIDED AT NO COST TO AN ELIGIBLE EMPLOYEE THROUGH THE NEW YORK STATE INSURANCE FUND.

S 9. Section 211 of the workers' compensation law is amended by adding two new subdivisions 7 and 8 to read as follows:

7. SUCH FAMILY CARE BENEFITS AS ARE PROVIDED FOR IN THIS ARTICLE SHALL BE IN ADDITION TO, AND SHALL NOT AMEND, REPEAL OR REPLACE, THE TERMS OF ANY AGREEMENT THAT IS COLLECTIVELY NEGOTIATED BETWEEN AN EMPLOYER AND AN EMPLOYEE ORGANIZATION, INCLUDING AGREEMENT OR INTEREST ARBITRATION AWARDS MADE PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

8. NOTHING IN THIS ARTICLE SHALL REQUIRE AN EMPLOYER TO USE THE SAME CARRIER TO PROVIDE BENEFITS REQUIRED BY OR PERMISSIBLE UNDER THIS ARTICLE FOR DISABILITY RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE AS IT USES TO PROVIDE BENEFITS REQUIRED BY OR PERMISSIBLE UNDER THIS ARTICLE FOR CHILD CARE. AN EMPLOYER MAY USE A DIFFERENT MEANS, AMONG THOSE SET FORTH IN SUBDIVISIONS ONE THROUGH FIVE OF THIS SECTION, TO PROVIDE BENEFITS REQUIRED BY THIS ARTICLE FOR DISABILITY RESULTING

FROM INJURY OR SICKNESS TO OR PREGNANCY OF THE EMPLOYEE, FROM THE MEANS USED TO PROVIDE BENEFITS REQUIRED BY THIS ARTICLE FOR CHILD CARE.

S 10. Subdivisions 1, 2, 3 and 4 of section 217 of the workers' compensation law, subdivision 1 as amended by chapter 167 of the laws of 1999, subdivisions 2 and 3 as amended by chapter 270 of the laws of 1990 and subdivision 4 as added by chapter 600 of the laws of 1949, are amended to read as follows:

1. Written notice and proof of disability shall be furnished to the employer by or on behalf of the employee claiming benefits or, in the case of a claimant under section two hundred seven of this article, to the chair, within thirty days after commencement of the period of disability. Additional proof shall be furnished thereafter from time to time as the employer or carrier or chair may require but not more often than once each week. Such proof shall include:

(A) IN THE CASE OF DISABILITY RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE, a statement of disability by the employee's attending physician or attending podiatrist or attending chiropractor or attending dentist or attending psychologist or attending certified nurse midwife, or in the case of an employee who adheres to the faith or teachings of any church or denomination, and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, by an accredited practitioner, containing facts and opinions as to such disability in compliance with regulations of the chair[.] ; AND

(B) IN THE CASE OF CHILD CARE FOR BONDING WITH A NEW CHILD, A BIRTH CERTIFICATE, CERTIFICATE OF ADOPTION, OR OTHER COMPETENT EVIDENCE SHOWING THAT THE EMPLOYEE IS THE PARENT OF A CHILD WITHIN TWELVE MONTHS OF THAT CHILD'S BIRTH OR PLACEMENT FOR ADOPTION OR FOSTER CARE WITH THE EMPLOYEE.

Failure to furnish notice or proof within the time and in the manner above provided shall not invalidate the claim but no benefits shall be required to be paid for any period more than two weeks prior to the date on which the required proof is furnished unless it shall be shown to the satisfaction of the chair not to have been reasonably possible to furnish such notice or proof and that such notice or proof was furnished as soon as possible; provided, however, that no benefits shall be paid unless the required proof of disability is furnished within twenty-six weeks after commencement of the period of disability. No limitation of time provided in this section shall run as against any person who is mentally incompetent, or physically incapable of providing such notice as a result of a serious medical condition, or a minor so long as such person has no guardian of the person and/or property.

2. An employee claiming benefits FOR THE EMPLOYEE'S INJURY, SICKNESS OR PREGNANCY shall, as requested by the employer or carrier, submit himself or herself at intervals, but not more than once a week, for examination by a physician or podiatrist or chiropractor or dentist or psychologist or certified nurse midwife designated by the employer or carrier. All such examinations shall be without cost to the employee OR FAMILY MEMBER and shall be held at a reasonable time and place.

3. The chair may direct the claimant WHO SEEKS DISABILITY BENEFITS FOR HIS OR HER INJURY, SICKNESS OR PREGNANCY to submit to examination by a physician or podiatrist or chiropractor or dentist or psychologist designated by him or her in any case in which the claim to disability benefits is contested and in claims arising under section two hundred seven OF THIS ARTICLE, and in other cases as the chair or board may require.

4. Refusal of the claimant without good cause to submit to any such examination shall disqualify [him] THE CLAIMANT from all benefits hereunder for the period of such refusal, except as to benefits already paid.

S 11. Subdivision 2 of section 229 of the workers' compensation law, as added by chapter 271 of the laws of 1985, is amended to read as follows:

2. Whenever an employee of a covered employer who is eligible for benefits under section two hundred four of this article shall be absent from work due to a disability as defined in subdivision nine of section two hundred one of this article for more than seven consecutive days, the employer shall provide the employee with a written statement of the employee's rights under this article in a form prescribed by the [chairman] CHAIR. The statement shall be provided to the employee within five business days after the employee's seventh consecutive day of absence due to disability or within five business days after the employer knows or should know that the employee's absence is due to disability, whichever is later. EACH COVERED EMPLOYER SHALL PROVIDE EACH EMPLOYEE WITH A TYPEWRITTEN, PRINTED OR ELECTRONIC NOTICE IN A FORM PRESCRIBED BY THE CHAIR, STATING THAT THE EMPLOYER HAS PROVIDED FOR THE PAYMENT OF DISABILITY BENEFITS AS REQUIRED BY THIS ARTICLE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS SUBDIVISION. EACH COVERED EMPLOYER SHALL PROVIDE SUCH NOTICE TO ALL NEW EMPLOYEES WITHIN THIRTY DAYS OF THEIR FIRST DAY OF WORK.

S 12. Paragraph 3 of subsection (a) of section 1113 of the insurance law is amended to read as follows:

(3) "Accident and health insurance," means (i) insurance against death or personal injury by accident or by any specified kind or kinds of accident and insurance against sickness, ailment or bodily injury, including insurance providing disability benefits pursuant to article nine of the workers' compensation law, INCLUDING ANY INSURANCE UNDER THAT ARTICLE FOR CHILD CARE BENEFITS, DISABILITY BENEFITS RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF AN EMPLOYEE, OR ALL, except as specified in item (ii) [hereof] OF THIS PARAGRAPH; and (ii) non-cancellable disability insurance, meaning insurance against disability resulting from sickness, ailment or bodily injury (but excluding insurance solely against accidental injury) under any contract which does not give the insurer the option to cancel or otherwise terminate the contract at or after one year from its effective date or renewal date.

S 13. This act shall take effect July 1, 2014; provided, that the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART L

Section 1. Paragraphs 2, 3, 4 and 5 of subsection (c) of section 606 of the tax law are renumbered paragraphs 3, 4, 5 and 6, and a new paragraph 2 is added to read as follows:

(2) ADDITIONAL CREDIT. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, A TAXPAYER SHALL BE ALLOWED A CREDIT IN ADDITION TO THE CREDIT ALLOWED UNDER PARAGRAPH ONE OF THIS SUBSECTION EQUAL TO THE CREDIT CALCULATED UNDER SUCH PARAGRAPH ONE MULTIPLIED BY ONE AND FIVE-TENTHS. PROVIDED, HOWEVER, THE ADDITIONAL CREDIT PROVIDED FOR IN THIS PARAGRAPH SHALL NOT BE AVAILABLE TO TAXPAYERS WITH ADJUSTED

GROSS INCOMES IN EXCESS OF THREE HUNDRED FIFTY THOUSAND DOLLARS AND WHO FILE PURSUANT TO SUBSECTION (A) OF SECTION SIX HUNDRED ONE OF THIS ARTICLE, TO TAXPAYERS WITH ADJUSTED GROSS INCOMES IN EXCESS OF THREE HUNDRED THOUSAND DOLLARS AND WHO FILE PURSUANT TO SUBSECTION (B) OF SECTION SIX HUNDRED ONE OF THIS ARTICLE, AND TO TAXPAYERS WITH ADJUSTED GROSS INCOMES IN EXCESS OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS AND WHO FILE PURSUANT TO SUBSECTION (C) OF SIX HUNDRED ONE OF THIS ARTICLE.

S 2. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2013.

PART M

Section 1. Subdivisions 2, 3, 4, 5 and 6 of section 410-w of the social services law, are renumbered subdivisions 3, 4, 5, 6 and 7 and a new subdivision 2 is added to read as follows:

2. FOR PURPOSES OF DETERMINING FINANCIAL ELIGIBILITY UNDER THIS TITLE, THE EARNED INCOME OF A DEPENDENT CHILD UNDER THE AGE OF EIGHTEEN, WHO IS NOT LEGALLY RESPONSIBLE FOR THE CHILD OR CHILDREN FOR WHICH CHILD CARE ASSISTANCE IS SOUGHT, SHALL BE DISREGARDED WHEN DETERMINING THE ELIGIBILITY OF A HOUSEHOLD FOR A CHILD CARE SUBSIDY. THE INCOME OF A DEPENDENT EIGHTEEN, NINETEEN, OR TWENTY YEAR OLD HOUSEHOLD MEMBER, WHO IS NOT LEGALLY RESPONSIBLE FOR THE CHILD OR CHILDREN FOR WHICH CHILD CARE ASSISTANCE IS SOUGHT, SHALL BE DISREGARDED IF THE INCOME DOES NOT EXCEED TEN PERCENT OF THE DISTRICT'S ESTABLISHED CHILD CARE INCOME ELIGIBILITY STANDARD, PURSUANT TO THE LOCAL SOCIAL SERVICES DISTRICT CONSOLIDATED SERVICES PLAN OR INTEGRATED COUNTY PLAN.

S 2. This act shall take effect immediately.

PART N

Section 1. The opening paragraph of subdivision 1 of section 410-x of the social services law is designated paragraph (a) and a new paragraph (b) is added to read as follows:

(B) THE CHILD CARE SERVICES PROVIDED MUST BE REASONABLY RELATED TO THE HOURS OF EMPLOYMENT, EDUCATION OR TRAINING OF A CHILD'S CARETAKER, AS APPLICABLE, AND PERMIT TIME FOR DELIVERY AND PICK-UP OF THE CHILD, AND MAY PROVIDE UP TO EIGHT HOURS OF CHILD CARE SERVICES, IF NEEDED, TO ENABLE AN EMPLOYED CARETAKER WHO WORKS A SECOND OR THIRD SHIFT TO SLEEP. SUCH SERVICES MUST BE ADDRESSED IN THE SOCIAL SERVICES DISTRICT CHILD CARE SERVICES PLAN AS PART OF ITS CONSOLIDATED SERVICES PLAN OR INTEGRATED COUNTY PLAN.

S 2. This act shall take effect immediately.

PART O

Section 1. The office of children and family services shall examine, evaluate and make recommendations concerning the availability of day care for children in the state. Such office shall pay particular attention to the impact of the lack of necessary child day care upon the ability of women in poverty and those in working families to enter the labor force. The office of children and family services shall direct its attention to:

(a) establishing an inventory of child day care for working families and those at or near poverty;

(b) geographically identifying child day care shortage areas on a regional basis and projections of the future demand for child day care

based on the regional birth rates, employment and population growth rates;

(c) comparing on a statewide and regional basis, the demand for child day care services over the succeeding five years, including whether the projected growth rate in the child day care industry will be sufficient to meet such future needs;

(d) assessing the cost to parents and guardians of day care for children on a regional basis, including the availability of government funds for parents and guardians toward child care costs;

(e) identifying nontraditional child care needs within the state and regionally for parents who work other than a 9:00 A.M. to 5:00 P.M. shift or part-time, including those who work night shifts or swing shifts, and those parents who require early drop off and/or late pick up services from their child care provider;

(f) identifying policies that would encourage the establishment and operation of more child day care center providers and increasing the capacity of existing child day care providers;

(g) identifying policies that would encourage and facilitate expansion of quality child day care services by neighbors and in communities where the working poor live and/or work; and

(h) identifying and quantifying those factors that contribute to quality child day care, are used to identify child day care providers who are committing violations, how such violations are addressed or prevented, and procedures for establishing quality child day care in those communities with the greatest needs.

S 2. The office of children and family services may request and shall receive any available information from state agencies that is relevant and material to the study required by section one of this act.

S 3. Within twelve months of the effective date of this act, the commissioner of children and family services shall submit a report, to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and the minority leader of the assembly, on the office's findings, conclusions and recommendations, and shall submit therewith such legislative proposals as the office of children and family services shall deem necessary to implement its recommendations. In addition, such office shall make such report available to the public and post it on the internet website operated by the office.

S 4. This act shall take effect immediately, and shall expire and be deemed repealed one year after it shall take effect.

PART P

Section 1. The social services law is amended by adding a new section 390-i to read as follows:

S 390-I. NOTICE OF INSPECTION REPORT. 1. EACH CHILD DAY CARE PROVIDER THAT OPERATES A RESIDENTIAL OR NON-RESIDENTIAL CHILD DAY CARE FACILITY, WHERE CHILD DAY CARE IS PROVIDED SHALL POST A COPY OF ITS MOST RECENT INSPECTION REPORT IN A PROMINENT PLACE, AND IF POSSIBLE ON THE WEBSITE OF SUCH PROVIDER.

2. ALL SUCH RESIDENTIAL AND NON-RESIDENTIAL CHILD DAY CARE FACILITIES REGULATED PURSUANT TO THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, OR THE DEPARTMENT OF HEALTH AND MENTAL HEALTH OF THE CITY OF NEW YORK, SHALL COMPLY WITH THE POSTING REQUIREMENTS OF THIS SECTION TO BE ENFORCED BY THE APPLICABLE STATE OR CITY AGENCY PURSUANT TO ITS RULES OR REGULATIONS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Provided, however, that effective immediately any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

PART Q

Section 1. Subdivision 1 of section 213 of the economic development law, as added by chapter 839 of the laws of 1987, is amended to read as follows:

1. monitor the performance of each development center and each entrepreneurship support center and require periodic and annual reports from each development center and each entrepreneurship support center at such time and in such a manner as prescribed by the commissioner, PROVIDED THAT SUCH PERIODIC AND ANNUAL REPORTS SHALL PROVIDE INFORMATION ON OUTCOMES, WHETHER SUCCESSFUL OR NOT, FOR ALL INDIVIDUAL PROGRAM PARTICIPANTS OF EACH DEVELOPMENT CENTER OR ENTREPRENEURSHIP SUPPORT CENTER, AND TRACK SUCH OUTCOMES ON A STATISTICAL BASIS FOR A PERIOD OF UP TO FIVE YEARS SO AS TO HELP ASCERTAIN, TRACK AND DOCUMENT THE SUCCESS RATE FOR SUCH PARTICIPANTS;

S 2. Paragraph (b) of subdivision 2 of section 213 of the economic development law, as amended by chapter 227 of the laws of 1993, is amended to read as follows:

(b) in the case of entrepreneurship support centers, the extent to which the program serves minorities, women, individuals with a disability and dislocated workers; the extent to which the program is coordinated with other assistance programs targeted to small and new businesses; the ability of the program to leverage other sources of funding and support; the success of the training programs in aiding entrepreneurs to start up new businesses, including the number of new business start-ups resulting from the program, and the quality of supplemental technical assistance offered to graduates of the training programs; A REGIONAL ANALYSIS OF THE EFFECTIVENESS OF A SELF-EMPLOYMENT ASSISTANCE PROGRAM, AS ESTABLISHED IN SECTION FIVE HUNDRED NINETY-ONE-A OF THE LABOR LAW, SPONSORED BUSINESSES AND BUSINESS ACTIVITY, INCLUDING ANY REGIONAL DISPARITIES IN THE PARTICIPATION RATES OF SUCH CENTERS AND CONDUCTED AT SUCH CENTERS AND THE NEED FOR MECHANISMS TO ALLEVIATE SUCH DISPARITIES; such report shall recommend changes and improvements in the program;

S 3. Subparagraph (iii) of paragraph (c) of subdivision 2 of section 591-a of the labor law, as amended by section 1 of part Z of chapter 57 of the laws of 2013, is amended to read as follows:

(iii) are participating in self-employment assistance activities approved by the department and by the department of economic development which include but need not be limited to entrepreneurial training, business counseling, and technical assistance, including financing assistance for qualified individuals as appropriate, offered by entrepreneurship support centers established pursuant to section two hundred twelve of the economic development law, state university of New York small business development centers, programs offered by community-based organizations, local development corporations, and boards of cooperative educational services (BOCES) as established pursuant to section one thousand nine hundred fifty of the education law; and, unless otherwise required by federal law or regulation, no individual shall be prohibited from or disqualified from eligibility for the program if prior to apply-

ing for the program, an individual has printed business cards or has a website that is designed but not active, and neither are being used to solicit or conduct business. SELF-EMPLOYMENT ASSISTANCE ACTIVITIES MAY INCLUDE CLASSROOM TRAINING FOR UP TO FORTY HOURS AND ONE-ON-ONE COUNSELING FOR UP TO TWENTY HOURS FOR EACH PARTICIPANT, INSTRUCTION ON START-UP BUSINESS FINANCIAL MANAGEMENT, CAPITAL ACQUISITION AND THE DEVELOPMENT OF BUSINESS PLANS TO ESTABLISH A SUCCESSFUL BUSINESS, THE PROVISION OF INFORMATION ON THE EXISTENCE OF LOCAL PROFESSIONAL ORGANIZATIONS OR CHAMBERS OF COMMERCE THAT CAN HELP TO PROVIDE A SUPPORT NETWORK FOR THE SUCCESSFUL ESTABLISHMENT AND OPERATION OF A NEWLY FORMED BUSINESS, AND OFFER THE PROVISION OF FOLLOW-UP ADVICE AND COUNSELING TO PARTICIPANTS TO HELP ENSURE THE SUCCESS OF SUCH BUSINESS VENTURE;

S 4. Section 10 of chapter 413 of the laws of 2003, amending the labor law relating to the self-employment assistance program and other matters, as amended by section 2 of part Z of chapter 57 of the laws of 2013, is amended to read as follows:

S 10. This act shall take effect immediately; provided, however, that sections eight and nine of this act shall expire December 7, [2015] 2017 when upon such date the provisions of such sections shall be deemed repealed.

S 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however that the amendments to section 591-a of the labor law made by section three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART R

Section 1. Paragraph (f) of subdivision 1 of section 336 of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, is amended and a new paragraph (j-l) is added to read as follows:

(f) job search and job readiness assistance, provided that job search is an active and continuing effort to secure employment configured by the local social services official; AND SUCH SOCIAL SERVICES DISTRICT MAY WORK IN COOPERATION WITH THE DEPARTMENT OF LABOR TO PROVIDE WORKFORCE GUIDANCE AND INFORMATION IN ACCORDANCE WITH SECTION TEN-C OF THE LABOR LAW;

(J-L) EDUCATION OR A COURSE OF INSTRUCTION IN FINANCIAL LITERACY AND PERSONAL FINANCE THAT INCLUDES INSTRUCTION ON HOUSEHOLD CASH MANAGEMENT TECHNIQUES, CAREER ADVICE TO OBTAIN A WELL PAYING AND SECURE JOB, USING CHECKING AND SAVINGS ACCOUNTS, OBTAINING AND UTILIZING SHORT AND LONG TERM CREDIT, SECURING A LOAN OR OTHER LONG TERM FINANCING ARRANGEMENT FOR HIGH COST ITEMS SUCH AS A MOTOR VEHICLE, HOME OR PARTICIPATION IN A HIGHER EDUCATION COURSE OF INSTRUCTION OR TRADE SCHOOL, OBTAINING AND USING CREDIT AND DEBIT CARDS, INVESTING AND SAVING MONEY, AND PLANNING FOR RETIREMENT.

S 2. Subdivision 1 of section 336-a of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

1. Social services districts shall make available vocational educational training and educational activities. Such activities may include but need not be limited to, high school education or education designed to prepare a participant for a high school equivalency certificate, basic and remedial education, education in English proficiency, EDUCATION IN FINANCIAL LITERACY AND PERSONAL FINANCE PURSUANT TO PARAGRAPH

(J-1) OF SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-SIX OF THIS TITLE, and no more than a total of two years of post-secondary education (or the part-time equivalent if full-time study would constitute an undue hardship) in any of the following providers which meet the performance or assessment standards established in regulations by the commissioner for such providers: a community college, licensed trade school, registered business school, or a two-year college; provided, however, that such post-secondary education must be necessary to the attainment of the participant's individual employment goal as set forth in the employability plan and such goal must relate directly to obtaining useful employment in a recognized occupation.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the commissioner of temporary and disability assistance is immediately authorized and directed to promulgate, amend and/or repeal any rules and regulations that may be necessary to implement the provisions of this act on its effective date.

PART S

Section 1. Section 483-ee of the social services law, as added by chapter 74 of the laws of 2007, subdivision (a) as amended by section 5 of part A-1 of chapter 56 of the laws of 2010, is amended to read as follows:

S 483-ee. Establishment of interagency task force on human trafficking. (a) There is established an interagency task force on trafficking in persons, which shall consist of the following members or their designees: (1) the commissioner of the division of criminal justice services; (2) the commissioner of the office of temporary and disability assistance; (3) the commissioner of health; (4) the commissioner of the office of mental health; (5) the commissioner of labor; (6) the commissioner of the office of children and family services; (7) the commissioner of the office of alcoholism and substance abuse services; (8) the director of the office of victim services; (9) the executive director of the office for the prevention of domestic violence; [and] (10) the superintendent of the division of state police; AND THE FOLLOWING ADDITIONAL MEMBERS, WHO SHALL BE PROMPTLY APPOINTED BY THE GOVERNOR, EACH FOR A TERM OF TWO YEARS, PROVIDED THAT SUCH PERSON'S MEMBERSHIP SHALL CONTINUE AFTER SUCH TWO YEAR TERM UNTIL A SUCCESSOR IS APPOINTED AND PROVIDED, FURTHER, THAT A MEMBER MAY BE REAPPOINTED IF AGAIN RECOMMENDED IN THE MANNER SPECIFIED IN THIS SUBDIVISION: (11) THREE MEMBERS, WHO SHALL BE APPOINTED ON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE ONE OF WHICH SHALL HAVE EXPERIENCE PROVIDING SERVICES TO VICTIMS OF HUMAN TRAFFICKING; AND (12) THREE MEMBERS, WHO SHALL BE APPOINTED ON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY ONE OF WHICH SHALL HAVE EXPERIENCE PROVIDING SERVICES TO VICTIMS OF HUMAN TRAFFICKING; and others as may be necessary to carry out the duties and responsibilities under this section. The task force will be co-chaired by the commissioners of the division of criminal justice services and the office of temporary and disability assistance, or their designees. It shall meet as often as is necessary, BUT NO LESS THAN THREE TIMES PER YEAR, and under circumstances as are appropriate to fulfilling its duties under this section. ALL MEMBERS SHALL BE PROVIDED WITH WRITTEN NOTICE REASONABLY IN ADVANCE OF EACH MEETING WITH DATE, TIME AND LOCATION OF SUCH MEETING.

(b) The task force shall: (1) collect and organize data on the nature and extent of trafficking in persons in the state; (2) identify avail-

able federal, state and local programs that provide services to victims of trafficking, including but not limited to case management, housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training and placement assistance, post-employment services for job retention, and services to assist the individual and any of his or her family members to establish a permanent residence in New York state or the United States; (3) consult with governmental and non-governmental organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking and prosecute traffickers; (4) establish interagency protocols and collaboration between federal, state, and local law enforcement, state and governmental agencies, child welfare agencies, and non-governmental organizations; (5) evaluate approaches to increase public awareness about trafficking and make recommendations on such approaches; (6) evaluate the effectiveness of training programs on human trafficking that have been designed for law enforcement personnel, criminal defense attorneys, social service providers and non-governmental organizations, and make recommendations for improving the quality and effectiveness of such programs; [and] (7) measure and evaluate the progress of the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking; AND (8) CONVENE ANY SUBCOMMITTEE NECESSARY, PROVIDED SUCH SUBCOMMITTEE HAS AT LEAST ONE OF THE MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY, TEMPORARY PRESIDENT OF THE SENATE OR GOVERNOR, TO CONSIDER SPECIFIC ISSUES, INCLUDING, BUT NOT LIMITED TO: FEDERAL, STATE AND/OR LOCAL COOPERATION; JUVENILES AND HUMAN TRAFFICKING; THE IMPORTANCE OF TRAINING AND WHO SHOULD RECEIVE SUCH TRAINING; HOW DATA IS COMPILED AND SHARED; SERVICES FOR AND TREATMENT OF DOMESTIC VERSUS FOREIGN BORN VICTIMS.

(c) [One year from the effective date of this section, or earlier if deemed appropriate, the task force shall report to the governor and the legislature on these issues,] THE TASK FORCE SHALL REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF THE SENATE NO LESS THAN ANNUALLY, and it shall [thereafter] ADDITIONALLY issue such reports and recommendations as it deems necessary to carry out its duties and responsibilities.

(D) THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO SALARY OR OTHER COMPENSATION FOR THEIR SERVICES BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES WITHIN AMOUNTS MADE AVAILABLE BY APPROPRIATION THEREFOR SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. THE INTERAGENCY MEMBERS OF THE TASK FORCE SHALL RECEIVE NO ADDITIONAL COMPENSATION FOR THEIR SERVICES ON THE TASK FORCE ABOVE THE SALARY THEY RECEIVE FROM THE RESPECTIVE DEPARTMENTS OR DIVISIONS THAT EMPLOY THEM.

S 2. Section 14 of 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, as amended by chapter 24 of the laws of 2011, is amended to read as follows:

S 14. This act shall take effect on the first of November next succeeding the date on which it shall have become a law; provided that section 483-ee of the social services law, as added by section eleven of this act, shall take effect immediately and shall remain in full force and effect until September 1, [2013] 2017 when upon such date the provisions of such section shall expire and be deemed repealed.

Provided, effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the timely implementation of the provisions of article 10-D of the social services law, as added by section eleven of this act, on its effective date are authorized to be made on or before such effective date.

S 3. This act shall take effect immediately; provided that the amendments to section 483-ee of the social services law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART T

Section 1. Subdivision 1 of section 207 of the public health law is amended by adding a new paragraph (i) to read as follows:

(I) THE AVAILABILITY OF INDIVIDUAL, FAMILY AND GROUP COUNSELING PROGRAMS, EDUCATION PROGRAMS, AND ADVOCACY SERVICES PROVIDED AT NO COST BY GOVERNMENTAL AGENCIES AND NOT-FOR-PROFIT ORGANIZATIONS FOR VICTIMS OF ANY SEXUAL OFFENSE WHICH CONSTITUTES A CRIME AND FOR VICTIMS OF CHILD PORNOGRAPHY PROMOTION OR POSSESSION.

S 2. This act shall take effect immediately.

PART U

Section 1. Subdivision 1 of section 5-508 of the election law is amended by adding a new paragraph (c) to read as follows:

(C) "VICTIM OF SEXUAL VIOLENCE" MEANS ANY PERSON WHO IS A VICTIM OF ANY OFFENSE UNDER ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW.

S 2. Section 5-508 of the election law is amended by adding a new subdivision 3 to read as follows:

3. UPON APPLICATION MADE TO THE SUPREME COURT, IN THE COUNTY WHEREIN A VICTIM OF SEXUAL VIOLENCE IS REGISTERED PURSUANT TO THIS ARTICLE, THE COURT MAY ISSUE AN ORDER REQUIRING THAT ANY REGISTRATION RECORD KEPT OR MAINTAINED IN ACCORDANCE WITH THIS ARTICLE WITH RESPECT TO SUCH AN INDIVIDUAL BE KEPT SEPARATE AND APART FROM OTHER REGISTRATION RECORDS AND NOT BE MADE AVAILABLE FOR INSPECTION OR COPYING BY THE PUBLIC OR ANY OTHER PERSON, EXCEPT ELECTION OFFICIALS ACTING WITHIN THE COURSE AND SCOPE OF THEIR OFFICIAL DUTIES AND ONLY AS PERTINENT AND NECESSARY IN CONNECTION THEREWITH.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.

PART V

Section 1. Subdivision 1-c of section 240 of the domestic relations law, as added by chapter 150 of the laws of 1998, paragraph (a) as amended by chapter 378 of the laws of 1999 and paragraph (c) as amended by chapter 41 of the laws of 2010, is amended to read as follows:

1-c. (a) Notwithstanding any other provision of this chapter to the contrary, no court shall make an order providing for visitation or custody to a person who has been convicted of murder in the first or second degree in this state, or convicted of an offense in another jurisdiction which, if committed in this state, would constitute either murder in the first or second degree, of a parent, legal custodian,

legal guardian, sibling, half-sibling or step-sibling of any child who is the subject of the proceeding. Pending determination of a petition for visitation or custody, such child shall not visit and no person shall visit with such child present, such person who has been convicted of murder in the first or second degree in this state, or convicted of and offense in another jurisdiction which, if committed in this state, would constitute either murder in the first or second degree, of a parent, legal custodian, legal guardian, sibling, half-sibling or step-sibling of a child who is the subject of the proceeding without the consent of such child's custodian or legal guardian.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER TO THE CONTRARY, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT IT IS NOT IN THE BEST INTERESTS OF THE CHILD TO BE PLACED IN THE CUSTODY OF OR TO VISIT WITH A PERSON WHO HAS BEEN CONVICTED OF ONE OR MORE OF THE FOLLOWING SEXUAL OFFENSES IN THIS STATE OR CONVICTED OF ONE OR MORE OFFENSES IN ANOTHER JURISDICTION WHICH, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OR MORE OF THE FOLLOWING OFFENSES, WHEN A CHILD WHO IS THE SUBJECT OF THE PROCEEDING WAS CONCEIVED AS A RESULT: (A) RAPE IN THE FIRST OR SECOND DEGREE; (B) COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE; (C) PREDATORY SEXUAL ASSAULT; OR (D) PREDATORY SEXUAL ASSAULT AGAINST A CHILD.

(C) Notwithstanding paragraph (a) OR (B) of this subdivision a court may order visitation or custody where:

(i) (A) such child is of suitable age to signify assent and such child assents to such visitation or custody; or

(B) if such child is not of suitable age to signify assent, the child's custodian or legal guardian assents to such order; or

(C) the person who has been convicted of murder in the first or second degree, or an offense in another jurisdiction which if committed in this state, would constitute either murder in the first or second degree, can prove by a preponderance of the evidence that:

(1) he or she, or a family or household member of either party, was a victim of domestic violence by the victim of such murder; and

(2) the domestic violence was causally related to the commission of such murder; [and]

(ii) AND the court finds that such visitation or custody is in the best interests of the child.

[(c)] (D) For the purpose of making a determination pursuant to clause (C) of subparagraph (i) of paragraph [(b)] (C) of this subdivision, the court shall not be bound by the findings of fact, conclusions of law or ultimate conclusion as determined by the proceedings leading to the conviction of murder in the first or second degree in this state or of an offense in another jurisdiction which, if committed in this state, would constitute murder in either the first or second degree, of a parent, legal guardian, legal custodian, sibling, half-sibling or step-sibling of a child who is the subject of the proceeding. In all proceedings under this section, an attorney shall be appointed for the child.

S 2. Subdivision 1 of section 111-a of the domestic relations law, as amended by chapter 353 of the laws of 1993, is amended to read as follows:

1. Notwithstanding any inconsistent provisions of this or any other law, and in addition to the notice requirements of any law pertaining to persons other than those specified in subdivision two of this section, notice as provided herein shall be given to the persons specified in subdivision two of this section of any adoption proceeding initiated

pursuant to this article or of any proceeding initiated pursuant to section one hundred fifteen-b OF THIS ARTICLE relating to the revocation of an adoption consent, when such proceeding involves a child born out-of-wedlock provided, however, that such notice shall not be required to be given to any person who previously has been given notice of any proceeding involving the child, pursuant to section three hundred eighty-four-c of the social services law, and provided further that notice in an adoption proceeding, pursuant to this section shall not be required to be given to any person who has previously received notice of any proceeding pursuant to section one hundred fifteen-b OF THIS ARTICLE. In addition to such other requirements as may be applicable to the petition in any proceeding in which notice must be given pursuant to this section, the petition shall set forth the names and last known addresses of all persons required to be given notice of the proceeding, pursuant to this section, and there shall be shown by the petition or by affidavit or other proof satisfactory to the court that there are no persons other than those set forth in the petition who are entitled to notice. For the purpose of determining persons entitled to notice of adoption proceedings initiated pursuant to this article, persons specified in subdivision two of this section shall not include any person who has been convicted of [rape in the first degree involving forcible compulsion, under subdivision one of section 130.35 of the penal law, when the child who is the subject of the proceeding was conceived as a result of such rape] ONE OR MORE OF THE FOLLOWING SEXUAL OFFENSES IN THIS STATE OR CONVICTED OF ONE OR MORE OFFENSES IN ANOTHER JURISDICTION WHICH, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OR MORE OF THE FOLLOWING OFFENSES, WHEN THE CHILD WHO IS THE SUBJECT OF THE PROCEEDING WAS CONCEIVED AS A RESULT: (A) RAPE IN FIRST OR SECOND DEGREE; (B) COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE; (C) PREDATORY SEXUAL ASSAULT; OR (D) PREDATORY SEXUAL ASSAULT AGAINST A CHILD.

S 3. Subdivision 1 of section 384-c of the social services law, as amended by chapter 18 of the laws of 1979, is amended to read as follows:

1. Notwithstanding any inconsistent provision of this or any other law, and in addition to the notice requirements of any law pertaining to persons other than those specified in subdivision two of this section, notice as provided herein shall be given to the persons specified in subdivision two of this section of any proceeding initiated pursuant to sections three hundred fifty-eight-a, three hundred eighty-four, and three hundred eighty-four-b of this chapter, involving a child born out-of-wedlock. Persons specified in subdivision two of this section shall not include any person who has been convicted of [rape in the first degree involving forcible compulsion, under subdivision one of section 130.35 of the penal law, when the child who is the subject of the proceeding was conceived as a result of such rape] ONE OR MORE OF THE FOLLOWING SEXUAL OFFENSES IN THIS STATE OR CONVICTED OF ONE OR MORE OFFENSES IN ANOTHER JURISDICTION WHICH, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OR MORE OF THE FOLLOWING OFFENSES, WHEN THE CHILD WHO IS THE SUBJECT OF THE PROCEEDING WAS CONCEIVED AS A RESULT: (A) RAPE IN FIRST OR SECOND DEGREE; (B) COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE; (C) PREDATORY SEXUAL ASSAULT; OR (D) PREDATORY SEXUAL ASSAULT AGAINST A CHILD.

S 4. This act shall take effect immediately.

PART W

Section 1. Subdivision 1 of section 130.00 of the penal law is amended to read as follows:

1. "Sexual intercourse" [has its ordinary meaning and occurs upon any penetration, however slight] MEANS CONDUCT BETWEEN PERSONS CONSISTING OF CONTACT BETWEEN THE PENIS AND THE VAGINA OR VULVA.

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

PART X

Section 1. This act shall be known and may be cited as "Brittany's Law".

S 2. The penal law is amended by adding two new sections 195.03 and 195.04 to read as follows:

S 195.03 FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE WHEN, BEING A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER OR VERIFY PURSUANT TO ARTICLE SIX-B OF THE CORRECTION LAW, HE OR SHE FAILS TO REGISTER OR VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN SUCH ARTICLE.

FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE IS A CLASS E FELONY.

S 195.04 FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE FIRST DEGREE.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE AND HAS PREVIOUSLY BEEN CONVICTED OF FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE AS DEFINED IN SECTION 195.03 OF THIS ARTICLE.

FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE FIRST DEGREE IS A CLASS D FELONY.

S 3. The correction law is amended by adding a new article 6-B to read as follows:

ARTICLE 6-B
VIOLENT FELONY OFFENDER REGISTRATION

SECTION 162. DEFINITIONS.
163. DUTIES OF THE DIVISION; REGISTRATION INFORMATION.
164. VIOLENT FELONY OFFENDER; RELOCATION; NOTIFICATION.
165. DUTIES OF THE COURT.
166. DISCHARGE OF VIOLENT FELONY OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE.
167. DUTY TO REGISTER.
167-A. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.
167-B. DURATION OF REGISTRATION.
167-C. REGISTRATION REQUIREMENTS.
167-D. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS.
167-E. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE.
167-F. BOARD OF EXAMINERS OF VIOLENT FELONY OFFENDERS.
167-G. REVIEW.
167-H. JUDICIAL DETERMINATION.
167-I. PETITION FOR RELIEF.
167-J. SPECIAL TELEPHONE NUMBER.
167-K. VIOLENT PREDATOR SUBDIRECTORY.

167-L. IMMUNITY FROM LIABILITY.
167-M. ANNUAL REPORT.
167-N. FAILURE TO REGISTER; PENALTY.
167-O. UNAUTHORIZED RELEASE OF INFORMATION.
167-P. SEVERABILITY.
167-Q. SUBDIRECTORY; INTERNET POSTING.

S 162. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS APPLY:

1. "VIOLENT FELONY OFFENDER" INCLUDES ANY PERSON WHO IS CONVICTED OF A VIOLENT FELONY OFFENSE AS DEFINED UNDER SECTION 70.02 OF THE PENAL LAW OR A CLASS A FELONY OFFENSE DEFINED IN THE PENAL LAW OTHER THAN A CLASS A FELONY OFFENSE DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW. CONVICTIONS THAT RESULT FROM OR ARE CONNECTED WITH THE SAME ACT, OR RESULT FROM OFFENSES COMMITTED AT THE SAME TIME, SHALL BE COUNTED FOR THE PURPOSE OF THIS ARTICLE AS ONE CONVICTION. ANY CONVICTION SET ASIDE PURSUANT TO LAW IS NOT A CONVICTION FOR PURPOSES OF THIS ARTICLE.

2. "VIOLENT FELONY OFFENSE" MEANS A CONVICTION FOR AN OFFENSE AS DEFINED UNDER SECTION 70.02 OF THE PENAL LAW OR A CLASS A FELONY OFFENSE DEFINED IN THE PENAL LAW OTHER THAN A CLASS A OFFENSE DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW.

3. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PROBATION, PAROLE OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE.

4. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES ESTABLISHED UNDER ARTICLE THIRTY-FIVE OF THE EXECUTIVE LAW.

5. "HOSPITAL" MEANS A HOSPITAL AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR HUNDRED OF THIS CHAPTER AND APPLIES TO PERSONS COMMITTED TO SUCH HOSPITAL BY ORDER OF COMMITMENT MADE PURSUANT TO ARTICLE SIXTEEN OF THIS CHAPTER.

6. "VIOLENT PREDATOR" MEANS A PERSON WHO HAS BEEN CONVICTED OF A VIOLENT FELONY OFFENSE AS DEFINED IN THIS ARTICLE, OR A VIOLENT FELONY OFFENDER AS DEFINED IN THIS ARTICLE WHO SUFFERS FROM A MENTAL ABNORMALITY THAT MAKES SUCH PERSON LIKELY TO ENGAGE IN VIOLENT CONDUCT.

7. "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION OF A PERSON THAT AFFECTS THE EMOTIONAL OR VOLITIONAL CAPACITY OF THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE COMMISSION OF CRIMINAL VIOLENT ACTS TO A DEGREE THAT MAKES THE PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

8. "BOARD" MEANS THE BOARD OF EXAMINERS OF VIOLENT FELONY OFFENDERS ESTABLISHED PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE.

9. "LOCAL CORRECTIONAL FACILITY" MEANS A LOCAL CORRECTIONAL FACILITY AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS CHAPTER.

S 163. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE DIVISION SHALL ESTABLISH AND MAINTAIN A FILE OF INDIVIDUALS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHICH SHALL INCLUDE THE FOLLOWING INFORMATION OF EACH REGISTRANT:

(A) THE VIOLENT FELONY OFFENDER'S NAME, ALL ALIASES USED, DATE OF BIRTH, SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER, HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE.

(B) A PHOTOGRAPH AND SET OF FINGERPRINTS.

(C) A DESCRIPTION OF THE OFFENSE FOR WHICH THE VIOLENT FELONY OFFENDER WAS CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED.

(D) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

2. THE DIVISION IS AUTHORIZED TO MAKE THE REGISTRY AVAILABLE TO ANY REGIONAL OR NATIONAL REGISTRY OF VIOLENT FELONY OFFENDERS FOR THE PURPOSE OF SHARING INFORMATION. THE DIVISION SHALL ACCEPT FILES FROM ANY REGIONAL OR NATIONAL REGISTRY OF VIOLENT FELONY OFFENDERS AND SHALL MAKE SUCH FILES AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE. THE DIVISION SHALL REQUIRE THAT NO INFORMATION INCLUDED IN THE REGISTRY SHALL BE MADE AVAILABLE EXCEPT IN THE FURTHERANCE OF THE PROVISIONS OF THIS ARTICLE.

3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE MADE AVAILABLE TO THE APPROPRIATE AUTHORITIES AND PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE LAST REPORTED ADDRESS OF THE PERSON FOR ANNUAL VERIFICATION REQUIREMENTS.

5. THE DIVISION SHALL ALSO ESTABLISH AND OPERATE A TELEPHONE NUMBER AS PROVIDED FOR IN SECTION ONE HUNDRED SIXTY-SEVEN-J OF THIS ARTICLE.

6. THE DIVISION SHALL ALSO ESTABLISH A VIOLENT PREDATOR SUBDIRECTORY PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-K OF THIS ARTICLE.

7. THE DIVISION SHALL ALSO ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO ADVISE THE PUBLIC OF THE PROVISIONS OF THIS ARTICLE.

S 164. VIOLENT FELONY OFFENDER; RELOCATION; NOTIFICATION. 1. IN THE CASE OF ANY VIOLENT FELONY OFFENDER, IT SHALL BE THE DUTY OF THE DEPARTMENT, HOSPITAL OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALENDAR DAYS PRIOR TO THE RELEASE OR DISCHARGE OF ANY VIOLENT FELONY OFFENDER FROM A CORRECTIONAL FACILITY, HOSPITAL OR LOCAL CORRECTIONAL FACILITY TO NOTIFY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE APPROPRIATE, AND LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH VIOLENT FELONY OFFENDER, INFORMING SUCH LAW ENFORCEMENT AGENCIES OF THE NAME AND ALIASES OF THE VIOLENT FELONY OFFENDER, THE ADDRESS AT WHICH HE OR SHE PROPOSES TO RESIDE, THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED, IF ANY, ON THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH VIOLENT FELONY OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD. IF SUCH VIOLENT FELONY OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE VIOLENT FELONY OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE LAW ENFORCEMENT AGENCY IN WHICH THE NEW PLACE OF RESIDENCE IS LOCATED.

2. IN THE CASE OF ANY VIOLENT FELONY OFFENDER CONVICTED AND SENTENCED TO PROBATION, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, IT SHALL BE THE DUTY OF THE COURT WITHIN TWENTY-FOUR HOURS AFTER SUCH SENTENCE TO NOTIFY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHERE APPROPRIATE, AND OF THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, IF DIFFERENT FROM WHERE HE OR SHE CURRENTLY RESIDES, AND/OR WHERE HE OR SHE CURRENTLY RESIDES, OF THE SENTENCE OF PROBATION, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, INFORMING SUCH LAW ENFORCEMENT AGENCIES OF THE NAME AND ALIASES OF THE PERSON, THE ADDRESS AT WHICH HE OR SHE PROPOSES TO RESIDE, RESIDED AT AND/OR AT WHICH HE OR SHE CURRENTLY RESIDES, THE AMOUNT OF TIME TO BE SERVED ON PROBATION, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH VIOLENT FELONY OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD. IF SUCH PERSON CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PROBATION, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT

BY THE VIOLENT FELONY OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT HOURS TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN WHICH THE NEW PLACE OF RESIDENCE IS LOCATED.

3. IN THE CASE OF ANY VIOLENT FELONY OFFENDER, WHO ON THE EFFECTIVE DATE OF THIS SUBDIVISION IS ON PAROLE OR PROBATION, IT SHALL BE THE DUTY OF SUCH VIOLENT FELONY OFFENDER'S PAROLE OR PROBATION OFFICER WITHIN FORTY-FIVE CALENDAR DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION TO NOTIFY THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION IN WHICH SUCH PERSON RESIDED AT THE TIME OF HIS OR HER CONVICTION, IF DIFFERENT FROM WHERE HE OR SHE CURRENTLY RESIDES AND/OR WHERE HE OR SHE CURRENTLY RESIDES, OF THE NAME AND ALIASES OF SUCH VIOLENT FELONY OFFENDER, THE ADDRESS AT WHICH HE OR SHE RESIDED AND/OR AT WHICH HE OR SHE CURRENTLY RESIDES, THE AMOUNT OF TIME TO BE SERVED ON PAROLE OR PROBATION, THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH VIOLENT FELONY OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD. IF SUCH VIOLENT FELONY OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE OR PROBATION, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE VIOLENT FELONY OFFENDER'S PAROLE OR PROBATION OFFICER WITHIN FORTY-EIGHT HOURS TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN WHICH THE NEW PLACE OF RESIDENCE IS LOCATED.

4. IN THE CASE IN WHICH ANY VIOLENT FELONY OFFENDER ESCAPES FROM A STATE OR LOCAL CORRECTIONAL FACILITY OR HOSPITAL, THE DESIGNATED OFFICIAL OF THE FACILITY OR HOSPITAL WHERE THE PERSON WAS CONFINED SHALL NOTIFY WITHIN TWENTY-FOUR HOURS THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, INFORMING SUCH LAW ENFORCEMENT AGENCY OF THE NAME AND ALIASES OF THE PERSON, AND THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED IF ANY, ON THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH VIOLENT FELONY OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD.

S 165. DUTIES OF THE COURT. 1. UPON CONVICTION THE COURT SHALL CERTIFY THAT THE PERSON IS A VIOLENT FELONY OFFENDER AND SHALL INCLUDE THE CERTIFICATION IN THE ORDER OF COMMITMENT. THE COURT SHALL ALSO ADVISE THE VIOLENT FELONY OFFENDER OF THE DUTIES OF THIS ARTICLE.

2. ANY VIOLENT FELONY OFFENDER, WHO IS RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED. WHERE THE COURT ORDERS A VIOLENT FELONY OFFENDER RELEASED ON PROBATION, SUCH ORDER MUST INCLUDE A PROVISION REQUIRING THAT HE OR SHE COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. WHERE SUCH VIOLENT FELONY OFFENDER VIOLATES SUCH PROVISION, PROBATION MAY BE IMMEDIATELY REVOKED IN THE MANNER PROVIDED BY ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW. THE COURT SHALL REQUIRE THE VIOLENT FELONY OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER. THE COURT SHALL ON SUCH FORM OBTAIN THE ADDRESS WHERE THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND SHALL REPORT THE ADDRESS TO THE DIVISION. THE COURT SHALL GIVE ONE COPY OF THE FORM TO THE VIOLENT FELONY OFFENDER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD ONE COPY TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE. WITHIN TEN CALENDAR DAYS OF BEING RELEASED ON PROBATION OR DISCHARGED

UPON PAYMENT OF A FINE, SUCH VIOLENT FELONY OFFENDER SHALL REGISTER WITH THE DIVISION FOR PURPOSES OF VERIFYING SUCH VIOLENT FELONY OFFENDER'S INTENDED PLACE OF RESIDENCE. ON EACH ANNIVERSARY OF THE VIOLENT FELONY OFFENDER'S ORIGINAL REGISTRATION DATE, THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN OF THIS ARTICLE SHALL APPLY. THE DIVISION SHALL ALSO IMMEDIATELY FORWARD THE CONVICTION DATA AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION IF NOT ALREADY OBTAINED.

3. FOR VIOLENT FELONY OFFENDERS UNDER THIS SECTION, IT SHALL BE THE DUTY OF THE COURT APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE TO DETERMINE THE DURATION OF REGISTRATION PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-B OF THIS ARTICLE AND NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE. IN MAKING THE DETERMINATION, THE COURT SHALL REVIEW ANY VICTIM'S STATEMENT AND ANY MATERIALS SUBMITTED BY THE VIOLENT FELONY OFFENDER. THE COURT SHALL ALSO ALLOW THE VIOLENT FELONY OFFENDER TO APPEAR AND BE HEARD, AND INFORM THE VIOLENT FELONY OFFENDER OF HIS OR HER RIGHT TO HAVE COUNSEL APPOINTED, IF NECESSARY.

S 166. DISCHARGE OF VIOLENT FELONY OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE. 1. ANY VIOLENT FELONY OFFENDER, TO BE DISCHARGED, PAROLED OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS CONFINED OR COMMITTED, SHALL WITHIN FORTY-FIVE CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE, BY THE FACILITY IN WHICH HE OR SHE WAS CONFINED OR COMMITTED. THE FACILITY SHALL REQUIRE THE VIOLENT FELONY OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER. THE FACILITY SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE AND SHALL REPORT THE ADDRESS TO THE DIVISION. THE FACILITY SHALL GIVE ONE COPY OF THE FORM TO THE VIOLENT FELONY OFFENDER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD ONE COPY TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE. IN ADDITION, THE FACILITY SHALL GIVE THE VIOLENT FELONY OFFENDER A FORM TO REGISTER WITH THE DIVISION WITHIN TEN CALENDAR DAYS FOR PURPOSES OF VERIFYING SUCH VIOLENT FELONY OFFENDER'S INTENDED PLACE OF RESIDENCE.

2. THE DIVISION SHALL ALSO IMMEDIATELY TRANSMIT THE CONVICTION DATA AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION, IF NOT ALREADY OBTAINED.

S 167. DUTY TO REGISTER. 1. ANY VIOLENT FELONY OFFENDER, WHO IS DISCHARGED, PAROLED OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS CONFINED OR COMMITTED, SHALL REGISTER WITH THE DIVISION WITHIN TEN CALENDAR DAYS FOR PURPOSES OF VERIFYING SUCH VIOLENT FELONY OFFENDER'S INTENDED PLACE OF RESIDENCE.

2. FOR A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE ON EACH ANNIVERSARY OF THE VIOLENT FELONY OFFENDER'S INITIAL REGISTRATION DATE DURING THE PERIOD ON WHICH HE OR SHE IS REQUIRED TO REGISTER UNDER THIS SECTION THE FOLLOWING APPLIES:

(A) THE VIOLENT FELONY OFFENDER SHALL MAIL THE VERIFICATION FORM TO THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE FORM.

(B) THE VERIFICATION FORM SHALL BE SIGNED BY THE VIOLENT FELONY OFFENDER, AND STATE THAT HE OR SHE STILL RESIDES AT THE ADDRESS LAST REPORTED TO THE DIVISION.

(C) IF THE VIOLENT FELONY OFFENDER FAILS TO MAIL THE VERIFICATION FORM TO THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE FORM, HE OR SHE SHALL BE IN VIOLATION OF THIS SECTION.

3. THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL BE APPLIED TO A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE EXCEPT THAT SUCH VIOLENT FELONY OFFENDER DESIGNATED AS A VIOLENT PREDATOR MUST PERSONALLY VERIFY WITH THE LOCAL LAW ENFORCEMENT AGENCY, THE REGISTRATION EVERY NINETY CALENDAR DAYS AFTER THE DATE OF THE INITIAL RELEASE OR COMMENCEMENT OF PAROLE.

4. ANY VIOLENT FELONY OFFENDER SHALL REGISTER WITH THE DIVISION WITHIN TEN CALENDAR DAYS PRIOR TO ANY CHANGE OF ADDRESS. THE DIVISION SHALL, IF THE VIOLENT FELONY OFFENDER CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY THE APPROPRIATE STATE LAW ENFORCEMENT AGENCY WITH WHICH THE VIOLENT FELONY OFFENDER MUST REGISTER IN THE NEW STATE. IF ANY PERSON REQUIRED TO REGISTER AS PROVIDED IN THIS ARTICLE CHANGES THE ADDRESS OF HIS OR HER RESIDENCE, THE VIOLENT FELONY OFFENDER SHALL WITHIN TEN CALENDAR DAYS, INFORM IN WRITING THE LAW ENFORCEMENT AGENCY WHERE LAST REGISTERED OF THE NEW ADDRESS. THE LAW ENFORCEMENT AGENCY SHALL, WITHIN THREE CALENDAR DAYS OF RECEIPT OF THE NEW ADDRESS, FORWARD THIS INFORMATION TO THE DIVISION AND TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN THE NEW PLACE OF RESIDENCE.

5. THE DUTY TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO ANY VIOLENT FELONY OFFENDER WHOSE CONVICTION WAS REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR.

S 167-A. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. IT SHALL BE THE DUTY OF THE SENTENCING COURT APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE TO DETERMINE THE DURATION OF REGISTRATION PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-B OF THIS ARTICLE AND NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE AND NOTIFICATION FOR EVERY VIOLENT FELONY OFFENDER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS THEN ON PAROLE OR PROBATION FOR COMMITTING A VIOLENT FELONY OFFENSE OR A CLASS A OFFENSE DEFINED IN THE PENAL LAW EXCEPT FOR A CLASS A OFFENSE DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW.

2. EVERY VIOLENT FELONY OFFENDER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS THEN ON PAROLE OR PROBATION FOR A VIOLENT FELONY OFFENSE SHALL WITHIN TEN CALENDAR DAYS OF SUCH DETERMINATION REGISTER WITH HIS OR HER PAROLE OR PROBATION OFFICER. ON EACH ANNIVERSARY OF THE VIOLENT FELONY OFFENDER'S INITIAL REGISTRATION DATE THEREAFTER, THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN OF THIS ARTICLE SHALL APPLY. ANY VIOLENT FELONY OFFENDER WHO FAILS OR REFUSES TO SO COMPLY SHALL BE SUBJECT TO THE SAME PENALTIES AS OTHERWISE PROVIDED FOR IN THIS ARTICLE WHICH WOULD BE IMPOSED UPON A VIOLENT FELONY OFFENDER WHO FAILS OR REFUSES TO SO COMPLY WITH THE PROVISIONS OF THIS ARTICLE ON OR AFTER SUCH EFFECTIVE DATE.

3. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM AND REGISTER SUCH VIOLENT FELONY OFFENDER ACCORDING TO THE REQUIREMENTS IMPOSED BY THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE ONE COPY OF THE FORM TO THE VIOLENT FELONY OFFENDER AND SHALL, WITHIN THREE CALENDAR DAYS, SEND TWO COPIES ELECTRONICALLY OR OTHERWISE TO THE DIVISION WHICH SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER RESIDES UPON HIS OR HER PAROLE, PROBATION, OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE.

4. A PETITION FOR RELIEF FROM THIS SECTION IS PERMITTED TO ANY VIOLENT FELONY OFFENDER REQUIRED TO REGISTER WHILE RELEASED ON PAROLE OR PROBATION PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-I OF THIS ARTICLE.

S 167-B. DURATION OF REGISTRATION. THE DURATION OF REGISTRATION FOR A VIOLENT FELONY OFFENDER SHALL BE ANNUALLY FOR A PERIOD OF TEN YEARS FROM THE INITIAL DATE OF REGISTRATION, PROVIDED, HOWEVER, THAT FOR A VIOLENT PREDATOR, SHALL ANNUALLY REGISTER AND VERIFY QUARTERLY FOR A MINIMUM OF TEN YEARS UNLESS THE COURT DETERMINES IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-SEVEN-I OF THIS ARTICLE, THAT THE PERSON NO LONGER SUFFERS FROM A MENTAL ABNORMALITY THAT WOULD MAKE HIM OR HER LIKELY TO ENGAGE IN A PREDATORY VIOLENT OFFENSE.

S 167-C. REGISTRATION REQUIREMENTS. REGISTRATION AS REQUIRED BY THIS ARTICLE SHALL CONSIST OF A STATEMENT IN WRITING SIGNED BY THE VIOLENT FELONY OFFENDER GIVING THE INFORMATION THAT IS REQUIRED BY THE DIVISION AND THE DIVISION SHALL ENTER THE INFORMATION INTO AN APPROPRIATE ELECTRONIC DATABASE OR FILE.

S 167-D. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE LOCAL LAW ENFORCEMENT AGENCY WHERE THE VIOLENT FELONY OFFENDER LAST REGISTERED SHALL WITHIN THREE CALENDAR DAYS OF RECEIPT OF THE NEW ADDRESS, FORWARD THIS INFORMATION TO THE DIVISION AND TO THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE.

2. A CHANGE OF ADDRESS BY A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE SHALL BE IMMEDIATELY REPORTED BY THE DIVISION TO THE APPROPRIATE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER IS RESIDING.

3. UPON RECEIPT OF CHANGE OF ADDRESS INFORMATION, THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE SHALL ADHERE TO THE NOTIFICATION PROVISIONS SET FORTH IN SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE.

S 167-E. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE. 1. A VIOLENT FELONY OFFENDER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH REQUIRES REGISTRATION UNDER SECTION ONE HUNDRED SIXTY-SEVEN-C OF THIS ARTICLE SHALL REGISTER THE NEW ADDRESS WITH THE DIVISION NO LATER THAN TEN CALENDAR DAYS AFTER SUCH VIOLENT FELONY OFFENDER ESTABLISHES RESIDENCE IN THIS STATE. THE DIVISION SHALL COORDINATE WITH THE DESIGNATED LAW ENFORCEMENT AGENCY OF THE STATE OF WHICH THE INDIVIDUAL DEPARTED ON INFORMATION RELEVANT TO THE DURATION OF REGISTRATION.

2. THE DIVISION SHALL ADVISE THE BOARD THAT THE OFFENDER HAS ESTABLISHED RESIDENCE IN THIS STATE. THE BOARD SHALL DETERMINE WHETHER THE OFFENDER IS REQUIRED TO REGISTER WITH THE DIVISION. IF IT IS DETERMINED THAT THE OFFENDER IS REQUIRED TO REGISTER, THE DIVISION SHALL NOTIFY THE OFFENDER OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE AND SHALL REQUIRE THE OFFENDER TO SIGN A FORM AS MAY BE REQUIRED BY THE DIVISION ACKNOWLEDGING THAT THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO THE OFFENDER. THE DIVISION SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE OFFENDER EXPECTS TO RESIDE WITHIN THE STATE AND THE OFFENDER SHALL RETAIN ONE COPY OF THE FORM AND SEND TWO COPIES TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE OFFENDER EXPECTS TO RESIDE WITHIN THIS STATE. NO LATER THAN THIRTY DAYS PRIOR TO THE BOARD MAKING A RECOMMENDATION, THE OFFENDER SHALL BE NOTIFIED THAT HIS OR HER CASE IS UNDER REVIEW AND THAT HE OR SHE IS PERMITTED TO SUBMIT TO THE BOARD ANY INFORMATION RELEVANT TO THE REVIEW. AFTER REVIEWING ANY INFORMATION OBTAINED, AND APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION

FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE, THE BOARD SHALL WITHIN SIXTY CALENDAR DAYS MAKE A RECOMMENDATION REGARDING THE LEVEL OF NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE AND WHETHER SUCH OFFENDER SHALL BE DESIGNATED A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR. THIS RECOMMENDATION SHALL BE CONFIDENTIAL AND SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION. IT SHALL BE SUBMITTED BY THE BOARD TO THE COUNTY COURT OR SUPREME COURT AND TO THE DISTRICT ATTORNEY IN THE COUNTY OF RESIDENCE OF THE OFFENDER AND TO THE OFFENDER. IT SHALL BE THE DUTY OF THE COUNTY COURT OR SUPREME COURT IN THE COUNTY OF RESIDENCE OF THE OFFENDER, APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE, TO DETERMINE THE LEVEL OF NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE AND WHETHER SUCH OFFENDER SHALL BE DESIGNATED A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR. AT LEAST THIRTY DAYS PRIOR TO THE DETERMINATION PROCEEDING, SUCH COURT SHALL NOTIFY THE DISTRICT ATTORNEY AND THE OFFENDER, IN WRITING, OF THE DATE OF THE DETERMINATION PROCEEDING AND THE COURT SHALL ALSO PROVIDE THE DISTRICT ATTORNEY AND OFFENDER WITH A COPY OF THE RECOMMENDATION RECEIVED FROM THE BOARD AND ANY STATEMENT OF THE REASONS FOR THE RECOMMENDATION RECEIVED FROM THE BOARD. THIS NOTICE SHALL INCLUDE THE FOLLOWING STATEMENT OR A SUBSTANTIALLY SIMILAR STATEMENT: "THIS PROCEEDING IS BEING HELD TO DETERMINE WHETHER YOU WILL BE CLASSIFIED AS A LEVEL 3 OFFENDER (RISK OF REPEAT OFFENSE IS HIGH), A LEVEL 2 OFFENDER (RISK OF REPEAT OFFENSE IS MODERATE), OR A LEVEL 1 OFFENDER (RISK OF REPEAT OFFENSE IS LOW), OR WHETHER YOU WILL BE DESIGNATED AS A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR, WHICH WILL DETERMINE HOW LONG YOU MUST REGISTER AS AN OFFENDER AND HOW MUCH INFORMATION CAN BE PROVIDED TO THE PUBLIC CONCERNING YOUR REGISTRATION. IF YOU FAIL TO APPEAR AT THIS PROCEEDING, WITHOUT SUFFICIENT EXCUSE, IT SHALL BE HELD IN YOUR ABSENCE. FAILURE TO APPEAR MAY RESULT IN A LONGER PERIOD OF REGISTRATION OR A HIGHER LEVEL OF COMMUNITY NOTIFICATION BECAUSE YOU ARE NOT PRESENT TO OFFER EVIDENCE OR CONTEST EVIDENCE OFFERED BY THE DISTRICT ATTORNEY." THE COURT SHALL ALSO ADVISE THE OFFENDER THAT HE OR SHE HAS A RIGHT TO A HEARING PRIOR TO THE COURT'S DETERMINATION, THAT HE OR SHE HAS THE RIGHT TO BE REPRESENTED BY COUNSEL AT THE HEARING AND THAT COUNSEL WILL BE APPOINTED IF HE OR SHE IS FINANCIALLY UNABLE TO RETAIN COUNSEL. A RETURNABLE FORM SHALL BE ENCLOSED IN THE COURT'S NOTICE TO THE OFFENDER ON WHICH THE OFFENDER MAY APPLY FOR ASSIGNMENT OF COUNSEL. IF THE OFFENDER APPLIES FOR ASSIGNMENT OF COUNSEL AND THE COURT FINDS THAT THE OFFENDER IS FINANCIALLY UNABLE TO RETAIN COUNSEL, THE COURT SHALL ASSIGN COUNSEL TO REPRESENT THE OFFENDER PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW. IF THE DISTRICT ATTORNEY SEEKS A DETERMINATION THAT DIFFERS FROM THE RECOMMENDATION SUBMITTED BY THE BOARD, AT LEAST TEN DAYS PRIOR TO THE DETERMINATION PROCEEDING THE DISTRICT ATTORNEY SHALL PROVIDE TO THE COURT AND THE OFFENDER A STATEMENT SETTING FORTH THE DETERMINATIONS SOUGHT BY THE DISTRICT ATTORNEY TOGETHER WITH THE REASONS FOR SEEKING SUCH DETERMINATIONS. THE COURT SHALL ALLOW THE OFFENDER TO APPEAR AND BE HEARD. THE STATE SHALL APPEAR BY THE DISTRICT ATTORNEY, OR HIS OR HER DESIGNEE, WHO SHALL BEAR THE BURDEN OF PROVING THE FACTS SUPPORTING THE DETERMINATIONS SOUGHT BY CLEAR AND CONVINCING EVIDENCE. IT SHALL BE THE DUTY OF THE COURT APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE TO DETERMINE THE LEVEL OF NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE AND WHETHER SUCH OFFENDER SHALL BE DESIGNATED A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR. WHERE THERE IS A

DISPUTE BETWEEN THE PARTIES CONCERNING THE DETERMINATIONS, THE COURT SHALL ADJOURN THE HEARING AS NECESSARY TO PERMIT THE OFFENDER OR THE DISTRICT ATTORNEY TO OBTAIN MATERIALS RELEVANT TO THE DETERMINATIONS FROM THE STATE BOARD OF EXAMINERS OF OFFENDERS OR ANY STATE OR LOCAL FACILITY, HOSPITAL, INSTITUTION, OFFICE, AGENCY, DEPARTMENT OR DIVISION. SUCH MATERIALS MAY BE OBTAINED BY SUBPOENA IF NOT VOLUNTARILY PROVIDED TO THE REQUESTING PARTY. IN MAKING THE DETERMINATIONS THE COURT SHALL REVIEW ANY VICTIM'S STATEMENT AND ANY RELEVANT MATERIALS AND EVIDENCE SUBMITTED BY THE OFFENDER AND THE DISTRICT ATTORNEY AND THE RECOMMENDATION AND ANY MATERIAL SUBMITTED BY THE BOARD, AND MAY CONSIDER RELIABLE HEARSAY EVIDENCE SUBMITTED BY EITHER PARTY, PROVIDED THAT IT IS RELEVANT TO THE DETERMINATIONS. IF AVAILABLE, FACTS PROVEN AT TRIAL OR ELICITED AT THE TIME OF A PLEA OF GUILTY SHALL BE DEEMED ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE AND SHALL NOT BE RELITIGATED. THE COURT SHALL RENDER AN ORDER SETTING FORTH ITS DETERMINATIONS AND THE FINDINGS OF FACT AND CONCLUSIONS OF LAW ON WHICH THE DETERMINATIONS ARE BASED. A COPY OF THE ORDER SHALL BE SUBMITTED BY THE COURT TO THE DIVISION. UPON APPLICATION OF EITHER PARTY, THE COURT SHALL SEAL ANY PORTION OF THE COURT FILE OR RECORD WHICH CONTAINS MATERIAL THAT IS CONFIDENTIAL UNDER ANY STATE OR FEDERAL STATUTE. EITHER PARTY MAY APPEAL AS OF RIGHT FROM THE ORDER PURSUANT TO THE PROVISIONS OF ARTICLES FIFTY-FIVE, FIFTY-SIX AND FIFTY-SEVEN OF THE CIVIL PRACTICE LAW AND RULES. WHERE COUNSEL HAS BEEN ASSIGNED TO REPRESENT THE OFFENDER UPON THE GROUND THAT THE OFFENDER IS FINANCIALLY UNABLE TO RETAIN COUNSEL, THAT ASSIGNMENT SHALL BE CONTINUED THROUGHOUT THE PENDENCY OF THE APPEAL, AND THE PERSON MAY APPEAL AS A POOR PERSON PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

3. IF AN OFFENDER, HAVING BEEN GIVEN NOTICE, INCLUDING THE TIME AND PLACE OF THE DETERMINATION PROCEEDING IN ACCORDANCE WITH THIS SECTION, FAILS TO APPEAR AT THIS PROCEEDING, WITHOUT SUFFICIENT EXCUSE, THE COURT SHALL CONDUCT THE HEARING AND MAKE THE DETERMINATIONS IN THE MANNER SET FORTH IN SUBDIVISION TWO OF THIS SECTION.

S 167-F. BOARD OF EXAMINERS OF VIOLENT FELONY OFFENDERS. 1. THERE SHALL BE A BOARD OF EXAMINERS OF VIOLENT FELONY OFFENDERS WHICH SHALL POSSESS THE POWERS AND DUTIES SPECIFIED IN THIS SECTION. SUCH BOARD SHALL CONSIST OF FIVE MEMBERS OF THE DEPARTMENT WHO SHALL BE APPOINTED BY THE GOVERNOR, THREE OF WHOM SHALL BE EXPERTS IN THE FIELD OF THE BEHAVIOR AND TREATMENT OF VIOLENT FELONY OFFENDERS. THE TERM OF OFFICE OF EACH MEMBER OF SUCH BOARD SHALL BE FOR SIX YEARS; PROVIDED, HOWEVER, THAT ANY MEMBER CHOSEN TO FILL A VACANCY OCCURRING OTHERWISE THAN BY EXPIRATION OF TERM SHALL BE APPOINTED FOR THE REMAINDER OF THE UNEXPIRED TERM OF THE MEMBER WHOM HE OR SHE IS TO SUCCEED. IN THE EVENT OF THE INABILITY TO ACT OF ANY MEMBER, THE GOVERNOR MAY APPOINT SOME COMPETENT INFORMED PERSON TO ACT IN HIS OR HER STEAD DURING THE CONTINUANCE OF SUCH DISABILITY.

2. THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS OF THE BOARD AS CHAIRMAN TO SERVE IN SUCH CAPACITY AT THE PLEASURE OF THE GOVERNOR OR UNTIL THE MEMBER'S TERM OF OFFICE EXPIRES AND A SUCCESSOR IS DESIGNATED IN ACCORDANCE WITH LAW, WHICHEVER FIRST OCCURS.

3. ANY MEMBER OF THE BOARD MAY BE REMOVED BY THE GOVERNOR FOR CAUSE AFTER AN OPPORTUNITY TO BE HEARD.

4. EXCEPT AS OTHERWISE PROVIDED BY LAW, A MAJORITY OF THE BOARD SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ALL BUSINESS OF THE BOARD.

5. THE BOARD SHALL DEVELOP GUIDELINES AND PROCEDURES TO ASSESS THE RISK OF A REPEAT OFFENSE BY SUCH VIOLENT FELONY OFFENDER AND THE THREAT POSED TO THE PUBLIC SAFETY. SUCH GUIDELINES SHALL BE BASED UPON, BUT NOT LIMITED TO, THE FOLLOWING:

(A) CRIMINAL HISTORY FACTORS INDICATIVE OF HIGH RISK OF REPEAT OFFENSE, INCLUDING: (I) WHETHER THE VIOLENT FELONY OFFENDER HAS A MENTAL ABNORMALITY;

(II) WHETHER THE VIOLENT FELONY OFFENDER'S CONDUCT WAS FOUND TO BE CHARACTERIZED BY REPETITIVE AND COMPULSIVE BEHAVIOR, ASSOCIATED WITH DRUGS OR ALCOHOL;

(III) WHETHER THE VIOLENT FELONY OFFENDER SERVED THE MAXIMUM TERM;

(IV) WHETHER THE VIOLENT FELONY OFFENDER COMMITTED THE VIOLENT FELONY OFFENSE AGAINST A CHILD;

(V) THE AGE OF THE VIOLENT FELONY OFFENDER AT THE TIME OF THE COMMISSION OF THE FIRST VIOLENT OFFENSE;

(B) OTHER CRIMINAL HISTORY FACTORS TO BE CONSIDERED IN DETERMINING RISK, INCLUDING:

(I) THE RELATIONSHIP BETWEEN SUCH VIOLENT FELONY OFFENDER AND THE VICTIM;

(II) WHETHER THE OFFENSE INVOLVED THE USE OF A WEAPON, VIOLENCE OR INFLICTION OF SERIOUS BODILY INJURY;

(III) THE NUMBER, DATE AND NATURE OF PRIOR OFFENSES;

(C) CONDITIONS OF RELEASE THAT MINIMIZE RISK OF RE-OFFENSE, INCLUDING BUT NOT LIMITED TO WHETHER THE VIOLENT FELONY OFFENDER IS UNDER SUPERVISION; RECEIVING COUNSELING, THERAPY OR TREATMENT; OR RESIDING IN A HOME SITUATION THAT PROVIDES GUIDANCE AND SUPERVISION;

(D) PHYSICAL CONDITIONS THAT MINIMIZE RISK OF RE-OFFENSE, INCLUDING BUT NOT LIMITED TO ADVANCED AGE OR DEBILITATING ILLNESS;

(E) WHETHER PSYCHOLOGICAL OR PSYCHIATRIC PROFILES INDICATE A RISK OF RECIDIVISM;

(F) THE VIOLENT FELONY OFFENDER'S RESPONSE TO TREATMENT;

(G) RECENT BEHAVIOR, INCLUDING BEHAVIOR WHILE CONFINED;

(H) RECENT THREATS OR GESTURES AGAINST PERSONS OR EXPRESSIONS OF INTENT TO COMMIT ADDITIONAL OFFENSES; AND

(I) REVIEW OF ANY VICTIM IMPACT STATEMENT.

6. APPLYING THESE GUIDELINES, THE BOARD SHALL WITHIN SIXTY CALENDAR DAYS PRIOR TO THE DISCHARGE, PAROLE OR RELEASE OF A VIOLENT FELONY OFFENDER MAKE A RECOMMENDATION WHICH SHALL BE CONFIDENTIAL AND SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION, TO THE SENTENCING COURT AS TO WHETHER SUCH VIOLENT FELONY OFFENDER WARRANTS THE DESIGNATION OF VIOLENT PREDATOR. IN ADDITION, THE GUIDELINES SHALL BE APPLIED BY THE BOARD TO MAKE A RECOMMENDATION TO THE SENTENCING COURT, PROVIDING FOR ONE OF THE FOLLOWING THREE LEVELS OF NOTIFICATION NOTWITHSTANDING ANY OTHER PROVISION OF LAW DEPENDING UPON THE DEGREE OF THE RISK OF RE-OFFENSE BY THE VIOLENT FELONY OFFENDER.

(A) IF THE RISK OF REPEAT OFFENSE IS LOW, A LEVEL ONE DESIGNATION SHALL BE GIVEN TO SUCH VIOLENT FELONY OFFENDER. IN SUCH CASE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION AND THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION SHALL BE NOTIFIED PURSUANT TO THIS ARTICLE.

(B) IF THE RISK OF REPEAT OFFENSE IS MODERATE, A LEVEL TWO DESIGNATION SHALL BE GIVEN TO SUCH VIOLENT FELONY OFFENDER. IN SUCH CASE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION AND THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION SHALL BE NOTIFIED AND MAY DISSEMINATE RELEVANT INFORMATION WHICH MAY INCLUDE APPROXIMATE ADDRESS BASED ON VIOLENT FELONY OFFENDER'S ZIP CODE, A PHOTOGRAPH OF THE OFFENDER, BACKGROUND INFORMATION INCLUDING THE OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE OF VICTIM TARGETED AND THE DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON THE OFFENDER TO ANY ENTITY WITH VULNERABLE POPULATIONS RELATED TO THE NATURE OF

THE OFFENSE COMMITTED BY SUCH VIOLENT FELONY OFFENDER. ANY ENTITY RECEIVING INFORMATION ON A VIOLENT FELONY OFFENDER MAY DISCLOSE OR FURTHER DISSEMINATE SUCH INFORMATION AT THEIR DISCRETION.

(C) IF THE RISK OF REPEAT OFFENSE IS HIGH AND THERE EXISTS A THREAT TO THE PUBLIC SAFETY, SUCH VIOLENT FELONY OFFENDER SHALL BE DEEMED A "VIOLENT PREDATOR" AND A LEVEL THREE DESIGNATION SHALL BE GIVEN TO SUCH VIOLENT FELONY OFFENDER. IN SUCH CASE, THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION AND THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION SHALL BE NOTIFIED AND MAY DISSEMINATE RELEVANT INFORMATION WHICH MAY INCLUDE THE VIOLENT FELONY OFFENDER'S EXACT ADDRESS, A PHOTOGRAPH OF THE OFFENDER, BACKGROUND INFORMATION INCLUDING THE OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE OF VICTIM TARGETED, AND THE DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON THE OFFENDER TO ANY ENTITY WITH VULNERABLE POPULATIONS RELATED TO THE NATURE OF THE OFFENSE COMMITTED BY SUCH VIOLENT FELONY OFFENDERS.

ANY ENTITY RECEIVING INFORMATION ON A VIOLENT FELONY OFFENDER MAY DISCLOSE OR FURTHER DISSEMINATE SUCH INFORMATION AT THEIR DISCRETION. IN ADDITION, IN SUCH CASE, THE INFORMATION DESCRIBED IN THIS SECTION SHALL ALSO BE PROVIDED IN THE SUBDIRECTORY ESTABLISHED IN THIS ARTICLE AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SUCH INFORMATION SHALL, UPON REQUEST, BE MADE AVAILABLE TO THE PUBLIC.

7. UPON REQUEST BY THE COURT, PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-I OF THIS ARTICLE, THE BOARD SHALL PROVIDE AN UPDATED REPORT PERTAINING TO THE VIOLENT FELONY OFFENDER PETITIONING RELIEF OF DUTY TO REGISTER.

S 167-G. REVIEW. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION SHALL FORWARD RELEVANT INFORMATION PERTAINING TO A VIOLENT FELONY OFFENDER TO BE DISCHARGED, PAROLED OR RELEASED TO THE BOARD FOR REVIEW NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO THE RELEASE OR DISCHARGE AND THE BOARD SHALL MAKE RECOMMENDATIONS AS PROVIDED IN SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE WITHIN SIXTY DAYS OF RECEIPT OF THE INFORMATION. INFORMATION MAY INCLUDE BUT MAY NOT BE LIMITED TO THE COMMITMENT FILE, MEDICAL FILE AND TREATMENT FILE PERTAINING TO SUCH PERSON. SUCH PERSON SHALL BE PERMITTED TO SUBMIT TO THE BOARD ANY INFORMATION RELEVANT TO THE REVIEW.

S 167-H. JUDICIAL DETERMINATION. 1. A DETERMINATION THAT AN OFFENDER IS A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR SHALL BE MADE PRIOR TO THE DISCHARGE, PAROLE OR RELEASE OF SUCH OFFENDER BY THE SENTENCING COURT AFTER RECEIVING A RECOMMENDATION FROM THE BOARD PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE.

2. IN ADDITION, THE SENTENCING COURT SHALL ALSO MAKE A DETERMINATION WITH RESPECT TO THE LEVEL OF NOTIFICATION, AFTER RECEIVING A RECOMMENDATION FROM THE BOARD PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE. BOTH DETERMINATIONS OF THE SENTENCING COURT SHALL BE MADE THIRTY CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE.

3. IN MAKING THE DETERMINATION, THE COURT SHALL REVIEW ANY VICTIM'S STATEMENT AND ANY MATERIALS SUBMITTED BY THE VIOLENT FELONY OFFENDER. THE COURT SHALL ALSO ALLOW THE VIOLENT FELONY OFFENDER TO APPEAR AND BE HEARD, AND INFORM THE VIOLENT FELONY OFFENDER OF HIS OR HER RIGHT TO HAVE COUNSEL APPOINTED, IF NECESSARY.

4. UPON DETERMINATION THAT THE RISK OF REPEAT OFFENSE AND THREAT TO PUBLIC SAFETY IS HIGH, THE SENTENCING COURT SHALL ALSO NOTIFY THE DIVISION OF SUCH FACT FOR THE PURPOSES OF SECTION ONE HUNDRED SIXTY-SEVEN-K OF THIS ARTICLE.

5. UPON THE REVERSAL OF A CONVICTION OF THE VIOLENT FELONY OFFENSE, THE COURT SHALL ORDER THE EXPUNGEMENT OF ANY RECORDS REQUIRED TO BE KEPT PURSUANT TO THIS SECTION.

S 167-I. PETITION FOR RELIEF. ANY VIOLENT FELONY OFFENDER REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE MAY BE RELIEVED OF ANY FURTHER DUTY TO REGISTER UPON THE GRANTING OF A PETITION FOR RELIEF BY THE SENTENCING COURT. UPON RECEIPT OF THE PETITION FOR RELIEF, THE COURT SHALL NOTIFY THE BOARD AND REQUEST AN UPDATED REPORT PERTAINING TO THE VIOLENT FELONY OFFENDER. AFTER RECEIVING THE REPORT FROM THE BOARD, THE COURT MAY GRANT OR DENY THE RELIEF SOUGHT. THE COURT MAY CONSULT WITH THE VICTIM PRIOR TO MAKING A DETERMINATION ON THE PETITION. SUCH PETITION, IF GRANTED, SHALL NOT RELIEVE THE PETITIONER OF THE DUTY TO REGISTER PURSUANT TO THIS ARTICLE UPON CONVICTION OF ANY OFFENSE REQUIRING REGISTRATION IN THE FUTURE.

S 167-J. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THIS ARTICLE, THE DIVISION SHALL ALSO OPERATE A TELEPHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL AND INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE IS LISTED. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASONABLY APPEARS TO BE A PERSON SO LISTED AND PROVIDE THE CALLER WITH THE RELEVANT INFORMATION ACCORDING TO RISK AS DESCRIBED IN SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE. THE DIVISION SHALL DECIDE WHETHER THE NAMED PERSON REASONABLY APPEARS TO BE A PERSON LISTED, BASED UPON INFORMATION FROM THE CALLER PROVIDING INFORMATION THAT SHALL INCLUDE (A) AN EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, DRIVER'S LICENSE NUMBER OR BIRTH DATE, ALONG WITH ADDITIONAL INFORMATION THAT MAY INCLUDE SOCIAL SECURITY NUMBER, HAIR COLOR, EYE COLOR, HEIGHT, WEIGHT, DISTINCTIVE MARKINGS, ETHNICITY; OR (B) ANY COMBINATION OF THE ABOVE LISTED CHARACTERISTICS IF AN EXACT BIRTH DATE OR ADDRESS IS NOT AVAILABLE. IF THREE OF THE CHARACTERISTICS PROVIDED INCLUDE ETHNICITY, HAIR COLOR, AND EYE COLOR, OTHER IDENTIFYING CHARACTERISTICS SHALL BE PROVIDED. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE PERSON LISTED BY THE DIVISION SHALL BE EXCLUDED BY THE DIVISION.

2. WHENEVER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OF MISUSE OF THE TELEPHONE NUMBER, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY PERSON AGGRIEVED BY THE MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR THE PATTERN OR PRACTICE OF MISUSE. THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW. SUCH PERSON OR GROUP OF PERSONS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS.

4. THE DIVISION SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT ON THE OPERATION OF THE TELEPHONE NUMBER. THE ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

(A) NUMBER OF CALLS RECEIVED;

(B) A DETAILED OUTLINE OF THE AMOUNT OF MONEY EXPENDED AND THE MANNER IN WHICH IT WAS EXPENDED FOR PURPOSES OF THIS SECTION;

(C) NUMBER OF CALLS THAT RESULTED IN AN AFFIRMATIVE RESPONSE AND THE NUMBER OF CALLS THAT RESULTED IN A NEGATIVE RESPONSE WITH REGARD TO WHETHER A NAMED INDIVIDUAL WAS LISTED;

(D) NUMBER OF PERSONS LISTED; AND

(E) A SUMMARY OF THE SUCCESS OF THE TELEPHONE NUMBER PROGRAM BASED UPON SELECTED FACTORS.

S 167-K. VIOLENT PREDATOR SUBDIRECTORY. 1. THE DIVISION SHALL MAINTAIN A SUBDIRECTORY OF VIOLENT PREDATORS. THE SUBDIRECTORY SHALL INCLUDE THE EXACT ADDRESS AND PHOTOGRAPH OF THE VIOLENT FELONY OFFENDER ALONG WITH THE FOLLOWING INFORMATION, IF AVAILABLE: NAME, PHYSICAL DESCRIPTION, AGE AND DISTINCTIVE MARKINGS. BACKGROUND INFORMATION INCLUDING THE VIOLENT FELONY OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE OF VICTIM TARGETED, AND A DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON THE VIOLENT FELONY OFFENDER SHALL ALSO BE INCLUDED. THE SUBDIRECTORY SHALL HAVE VIOLENT FELONY OFFENDER LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE. A COPY OF THE SUBDIRECTORY SHALL ANNUALLY BE DISTRIBUTED TO THE OFFICES OF LOCAL VILLAGE, TOWN OR CITY POLICE DEPARTMENTS FOR PURPOSES OF PUBLIC ACCESS. SUCH DEPARTMENTS SHALL REQUIRE THAT A PERSON IN WRITING EXPRESS A PURPOSE IN ORDER TO HAVE ACCESS TO THE SUBDIRECTORY AND SUCH DEPARTMENT SHALL MAINTAIN THESE REQUESTS. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE VIOLENT FELONY OFFENDER SHALL BE EXCLUDED FROM THE SUBDIRECTORY DISTRIBUTED FOR PURPOSES OF PUBLIC ACCESS. THE SUBDIRECTORY PROVIDED FOR IN THIS SECTION SHALL BE UPDATED PERIODICALLY TO MAINTAIN ITS EFFICIENCY AND USEFULNESS AND MAY BE COMPUTER ACCESSIBLE.

2. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO THIS SECTION IN VIOLATION OF THE LAW SHALL IN ADDITION TO ANY OTHER PENALTY OR FINE IMPOSED, BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS. UNAUTHORIZED REMOVAL OR DUPLICATION OF THE SUBDIRECTORY FROM THE OFFICES OF LOCAL, VILLAGE OR CITY POLICE DEPARTMENT SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS. IN ADDITION, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY, OR ANY PERSON AGGRIEVED IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR SUCH ACTION. THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW.

S 167-L. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT AND NECESSARY INFORMATION PURSUANT TO THIS SECTION, PROVIDED THAT IT IS SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED REASONABLY AND IN GOOD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE RELEASE OF RELEVANT INFORMATION TO OTHER EMPLOYEES OR OFFICIALS OR TO THE GENERAL PUBLIC.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION PROVIDED THAT IT IS SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED REASONABLY AND IN GOOD FAITH.

S 167-M. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE FEBRUARY FIRST IN EACH YEAR FILE A REPORT WITH THE GOVERNOR, AND THE LEGISLATURE DETAILING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND EFFECTIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY RECOMMENDATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

S 167-N. FAILURE TO REGISTER; PENALTY. ANY PERSON REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER IN THE

MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE SHALL BE GUILTY OF A CLASS E FELONY FOR THE FIRST OFFENSE, AND FOR A SECOND OR SUBSEQUENT OFFENSE SHALL BE GUILTY OF A CLASS D FELONY RESPECTIVELY IN ACCORDANCE WITH SECTIONS 195.03 AND 195.04 OF THE PENAL LAW. ANY SUCH FAILURE TO REGISTER MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW WHICH SHALL BE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

S 167-O. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEANOR.

S 167-P. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ACT SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID AND AFTER EXHAUSTION OF ALL FURTHER JUDICIAL REVIEW, THE JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ACT DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH THE JUDGMENT SHALL HAVE BEEN RENDERED.

S 167-Q. SUBDIRECTORY; INTERNET POSTING. 1. THE DIVISION SHALL MAINTAIN A SUBDIRECTORY OF LEVEL TWO AND THREE VIOLENT FELONY OFFENDERS. THE SUBDIRECTORY SHALL INCLUDE THE EXACT ADDRESS, ADDRESS OF THE OFFENDER'S PLACE OF EMPLOYMENT AND PHOTOGRAPH OF THE VIOLENT FELONY OFFENDER ALONG WITH THE FOLLOWING INFORMATION, IF AVAILABLE: NAME, PHYSICAL DESCRIPTION, AGE AND DISTINCTIVE MARKINGS. BACKGROUND INFORMATION INCLUDING THE VIOLENT FELONY OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE OF VICTIM TARGETED, THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT WHICH THE VIOLENT FELONY OFFENDER IS ENROLLED, ATTENDS, IS EMPLOYED OR RESIDES AND A DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON THE VIOLENT FELONY OFFENDER SHALL ALSO BE INCLUDED. THE SUBDIRECTORY SHALL HAVE VIOLENT FELONY OFFENDER LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE. A COPY OF THE SUBDIRECTORY SHALL ANNUALLY BE DISTRIBUTED TO THE OFFICES OF LOCAL VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. THE DIVISION SHALL DISTRIBUTE MONTHLY UPDATES TO THE OFFICES OF LOCAL VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. SUCH DEPARTMENTS SHALL REQUIRE THAT A PERSON IN WRITING PROVIDE THEIR NAME AND ADDRESS PRIOR TO VIEWING THE SUBDIRECTORY. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE VIOLENT FELONY OFFENDER SHALL BE EXCLUDED FROM THE SUBDIRECTORY DISTRIBUTED FOR PURPOSES OF PUBLIC ACCESS. THE SUBDIRECTORY PROVIDED FOR HEREIN SHALL BE UPDATED MONTHLY TO MAINTAIN ITS EFFICIENCY AND USEFULNESS AND SHALL BE COMPUTER ACCESSIBLE. SUCH SUBDIRECTORY SHALL BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION HOMEPAGE. ANY PERSON MAY APPLY TO THE DIVISION TO RECEIVE AUTOMATED E-MAIL NOTIFICATIONS WHENEVER A NEW OR UPDATED SUBDIRECTORY REGISTRATION OCCURS IN A GEOGRAPHIC AREA SPECIFIED BY SUCH PERSON. THE DIVISION SHALL FURNISH SUCH SERVICE AT NO CHARGE TO SUCH PERSON, WHO SHALL REQUEST E-MAIL NOTIFICATION BY COUNTY AND/OR ZIP CODE ON FORMS DEVELOPED AND PROVIDED BY THE DIVISION. E-MAIL NOTIFICATION IS LIMITED TO THREE GEOGRAPHIC AREAS PER E-MAIL ACCOUNT.

2. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO THIS SECTION IN VIOLATION OF THE LAW SHALL IN ADDITION TO ANY OTHER PENALTY OR FINE IMPOSED, BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS. UNAUTHORIZED REMOVAL OR DUPLICATION OF THE SUBDIRECTORY FROM THE OFFICES OF LOCAL, VILLAGE OR CITY POLICE DEPARTMENT SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS. IN ADDITION, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY, OR

ANY PERSON AGGRIEVED IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR SUCH ACTION. THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART Y

Section 1. Subdivisions 2 and 4 of section 645 of the retirement and social security law, subdivision 2 as amended by chapter 322 of the laws of 2002 and subdivision 4 as added by chapter 640 of the laws of 1998 and as renumbered by chapter 646 of the laws of 1999, are amended to read as follows:

2. Notwithstanding any other provision of law, any person [other than a retiree of a public retirement system,] who previously was a member of a public retirement system and whose membership in such public retirement system ceased by reason of (i) insufficient service credit, (ii) withdrawal of accumulated contributions, or (iii) withdrawal of membership, upon rejoining such public retirement system or another public retirement system, shall be deemed to have been a member of his or her current retirement system during the entire period of time commencing with and subsequent to the original date of such previous ceased membership, provided that such person (a) makes application therefor to the administrative head of his or her current public retirement system, and (b) repays the amount refunded, if any, at the time such previous membership ceased, together with interest at the rate of five percent per annum compounded annually from the date of such refund through the date of repayment. Upon such reinstatement of date of membership, such member shall be entitled to all the rights, benefits and privileges to which he or she would have been entitled had his or her current membership begun on such original date of membership except that, solely for the purposes of granting retirement credit to members of a public retirement system other than the New York city teachers' retirement system for service credited during such previous ceased membership where such was in a public retirement system other than the member's current retirement system, such previously credited service shall be deemed to be prior service, not subsequent service. Furthermore, any such member whose original date of membership was prior to July first, nineteen hundred seventy-three shall be entitled to all the rights, benefits and privileges to which he or she would have been entitled had he or she been in active service on June thirtieth, nineteen hundred seventy-three. Any contribution made to the public retirement system pursuant to article fourteen or fifteen of this chapter by a member who rejoined his or her current system on or after July twenty-seventh, nineteen hundred seventy-six shall not be refunded.

4. The provisions of this article shall be applicable to a person who [is, on the date this article becomes effective] WAS A MEMBER ON OR

BEFORE JANUARY FIRST, NINETEEN HUNDRED EIGHTY-NINE, or who subsequent to such date becomes, a member of a public retirement system.

S 2. This act shall take effect immediately and shall only apply to all persons who are alive as of the effective date of this act and shall apply to payments made on or after the effective date of this act; and provided further, that any retirees qualifying under this act shall have their retirement allowance recalculated from July 1, 2013 or the date of reinstatement, whichever is later.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would amend subdivisions 2 and 4 of Section 645 of the Retirement and Social Security Law to extend the tier reinstatement provisions to any retiree of a public retirement system. The retiree must be alive as of the effective date of the bill in order to be eligible. This bill only applies to payments made on or after the effective date of this act.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be $6.0 million or .04% of payroll if this bill is enacted.

The source of this estimate is Fiscal Note 2013-30 dated May 9, 2013 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2013 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would allow certain living retirees of New York public retirement systems who retired prior to December 16, 1999 and who previously were members of a New York public retirement system to be deemed to have become members of the systems from which they retired as of the original date of such previous ceased membership. Tier 3 and 4 retirees of the New York State and Local Employees' Retirement System or the New York State Teachers' Retirement System who become Tier 1 or 2 retirees and who have already purchased their previous service would receive a refund of these contributions. No benefits will be deemed to have accrued prior to the effective date of this act.

In addition, this bill would also affect retirees who had a previous ceased membership with a public employee retirement system other than the NYS&LERS or the NYS&LPFRS.

If this bill is enacted, insofar as this bill affects the New York State and Local Employees' Retirement System (ERS), approximately 1,434 retirees of the ERS will be affected. The estimated past service cost would be approximately $15.1 million.

Pursuant to section 25 of the Retirement and Social Security Law, this ERS past service cost would be borne by the State of New York and would require an itemized appropriation by the State of New York sufficient to pay the cost of the provision. The State may amortize this past service cost over a period of 5 years. The first year cost, including interest would be approximately $3.5 million.

Insofar as this bill would affect employers in the New York State and Local Police and Fire Retirement System (PFRS), the estimated additional costs would be negligible. These costs would be shared by the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2012 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 29, 2013 and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-53, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

PART Z

Section 1. The labor law is amended by adding a new article 19-D to read as follows:

ARTICLE 19-D
UNPAID LEAVE OF ABSENCE FOR
VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE

SECTION 696. DEFINITIONS.
696-A. ENTITLEMENT TO LEAVE.
696-B. LEAVE TAKEN INTERMITTENTLY OR ON REDUCED LEAVE SCHEDULE.
696-C. NOTICE OF INTENTION TO TAKE LEAVE.
696-D. CERTIFICATION.
696-E. CONFIDENTIALITY.
696-F. RESTORATION TO POSITION.
696-G. PROHIBITED ACTS.
696-H. CIVIL ACTION.
696-I. SAVINGS CLAUSE.

S 696. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "VICTIM OF DOMESTIC OR SEXUAL ABUSE" SHALL MEAN A VICTIM OF DOMESTIC VIOLENCE, A SEX OFFENSE, OR STALKING.

2. "VICTIM OF DOMESTIC VIOLENCE" SHALL MEAN AN INDIVIDUAL WHO IS A VICTIM OF AN ACT WHICH WOULD CONSTITUTE A FAMILY OFFENSE PURSUANT TO SUBDIVISION ONE OF SECTION EIGHT HUNDRED TWELVE OF THE FAMILY COURT ACT.

3. "VICTIM OF A SEX OFFENSE" SHALL MEAN A VICTIM OF AN ACT OR ACTS THAT WOULD CONSTITUTE A VIOLATION OF ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW.

4. "VICTIM OF STALKING" SHALL MEAN A VICTIM OF AN ACT OR ACTS THAT WOULD CONSTITUTE A VIOLATION OF SECTION 120.45, 120.50, 120.55 OR 120.60 OF THE PENAL LAW.

S 696-A. ENTITLEMENT TO LEAVE. ANY EMPLOYEE WHO IS A VICTIM OF DOMESTIC OR SEXUAL VIOLENCE SHALL BE ELIGIBLE FOR NINETY DAYS OF UNPAID LEAVE FROM THEIR EMPLOYMENT DURING ANY TWELVE MONTH PERIOD IN ORDER TO ADDRESS DOMESTIC OR SEXUAL VIOLENCE OR ONGOING EFFECTS OF SUCH DOMESTIC OR SEXUAL VIOLENCE, INCLUDING BUT NOT LIMITED TO:

1. SEEKING MEDICAL ATTENTION FOR, OR RECOVERING OR TAKING CARE OF THE VICTIM'S CHILD WHILE THE CHILD RECOVERS FROM, ANY PHYSICAL OR PSYCHOLOGICAL INJURIES CAUSED BY THE DOMESTIC OR SEXUAL VIOLENCE; OR

2. ATTENDING COUNSELING SESSIONS FOR THE VICTIM OF DOMESTIC OR SEXUAL VIOLENCE OR FOR SUCH VICTIM'S CHILD IN ORDER TO DEAL WITH THE EFFECTS OF THE DOMESTIC OR SEXUAL VIOLENCE; OR

3. SEEKING LEGAL ASSISTANCE INCLUDING ATTENDING COURT PROCEEDINGS OR MEETING OR COMMUNICATING WITH AN ATTORNEY OR A MEMBER OF LAW ENFORCEMENT; OR

4. SEEKING SERVICES FOR THE VICTIM OF DOMESTIC OR SEXUAL VIOLENCE OR FOR SUCH VICTIM'S CHILD FROM A RESIDENTIAL OR NON-RESIDENTIAL PROGRAM FOR VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE; OR

5. ENGAGING IN SAFETY PLANNING, INCLUDING ARRANGING TO RELOCATE AND RELOCATING TO A TEMPORARY OR PERMANENT NEW RESIDENCE, IN ORDER TO DECREASE THE RISK OF FUTURE DOMESTIC OR SEXUAL VIOLENCE.

S 696-B. LEAVE TAKEN INTERMITTENTLY OR ON REDUCED LEAVE SCHEDULE. THE LEAVE PURSUANT TO SECTION SIX HUNDRED NINETY-SIX-A OF THIS ARTICLE MAY BE TAKEN ON A REDUCED LEAVE SCHEDULE OR INTERMITTENTLY IF THE EMPLOYEE AND EMPLOYER AGREE ON THE SCHEDULE. TAKING LEAVE ON A REDUCED LEAVE OR INTERMITTENT SCHEDULE SHALL NOT RESULT IN A REDUCTION IN THE AMOUNT OF TOTAL LEAVE A VICTIM OF DOMESTIC OR SEXUAL VIOLENCE IS ENTITLED TO IN THE TWELVE MONTH PERIOD.

S 696-C. NOTICE OF INTENTION TO TAKE LEAVE. AN EMPLOYEE SHALL PROVIDE AN EMPLOYER WITH REASONABLE NOTICE OF THE EMPLOYEE'S INTENTION TO TAKE LEAVE PURSUANT TO SECTION SIX HUNDRED NINETY-SIX-A OF THIS ARTICLE UNLESS PROVIDING SUCH NOTICE IS NOT PRACTICABLE. WHEN AN UNSCHEDULED ABSENCE OCCURS, THE EMPLOYER MAY NOT TAKE ANY ACTION AGAINST THE EMPLOYEE IF THE EMPLOYEE, WITHIN A REASONABLE PERIOD OF TIME AFTER THE ABSENCE, PROVIDES CERTIFICATION AS SET FORTH IN SECTION SIX HUNDRED NINETY-SIX-D OF THIS ARTICLE.

S 696-D. CERTIFICATION. IN ORDER TO DETERMINE WHETHER THE EMPLOYEE IS A VICTIM OF DOMESTIC OR SEXUAL VIOLENCE, THE EMPLOYER MAY REQUIRE THAT THE REQUEST FOR LEAVE BE SUPPORTED BY ONE OF THE FOLLOWING:

1. A SWORN STATEMENT SUBMITTED BY THE VICTIM OF DOMESTIC OR SEXUAL VIOLENCE DESCRIBING SUCH VICTIM'S NEED FOR LEAVE TO ADDRESS THE ONGOING EFFECTS OF DOMESTIC OR SEXUAL VIOLENCE; OR

2. ANY DOCUMENTATION OF THE DOMESTIC OR SEXUAL VIOLENCE, INCLUDING POLICE REPORTS, COURT RECORDS, STATEMENTS FROM A SHELTER WORKER, LAW ENFORCEMENT OFFICER, MEDICAL WORKER, COUNSELOR, CLERGY MEMBER, ATTORNEY OR ANY OTHER PROFESSIONAL FROM WHOM THE EMPLOYEE HAS SOUGHT ASSISTANCE TO ADDRESS THE DOMESTIC OR SEXUAL VIOLENCE AND ITS EFFECTS; OR

3. ANY OTHER CORROBORATING EVIDENCE INCLUDING PHYSICAL EVIDENCE, PHOTOGRAPHS, OR STATEMENTS FROM OTHER INDIVIDUALS WHO ARE AWARE OF THE DOMESTIC OR SEXUAL VIOLENCE AND ITS EFFECTS.

S 696-E. CONFIDENTIALITY. ANY INFORMATION PROVIDED TO THE EMPLOYER, INCLUDING BUT NOT LIMITED TO INFORMATION UNDER SECTION SIX HUNDRED NINETY-SIX-D OF THIS ARTICLE, DESCRIBING THE DOMESTIC OR SEXUAL VIOLENCE IN THE EMPLOYEE'S LIFE AND THE REQUEST TO TAKE A LEAVE TO ADDRESS THE EFFECTS OF DOMESTIC OR SEXUAL VIOLENCE, SHALL BE KEPT CONFIDENTIAL BY THE EMPLOYER. DISCLOSURE SHALL ONLY BE ALLOWED IF THE EMPLOYEE, IN WRITING, CONSENTS TO OR REQUESTS DISCLOSURE.

S 696-F. RESTORATION TO POSITION. 1. ANY EMPLOYEE WHO TAKES LEAVE UNDER SECTION SIX HUNDRED NINETY-SIX-A OF THIS ARTICLE, SHALL BE ENTITLED TO RETURN FROM SUCH LEAVE AND BE RESTORED TO THE SAME POSITION HELD BY SUCH EMPLOYEE WHEN THE LEAVE BEGAN OR BE RESTORED TO AN EQUIVALENT

POSITION WITH EQUIVALENT BENEFITS, PAY AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

2. THE TAKING OF LEAVE UNDER SECTION SIX HUNDRED NINETY-SIX-A OF THIS ARTICLE SHALL NOT RESULT IN THE LOSS OF ANY EMPLOYMENT BENEFITS ACCRUED PRIOR TO THE DATE ON WHICH THE LEAVE BEGAN.

3. (A) EXCEPT AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION, ANY EMPLOYEE WHO TAKES LEAVE UNDER SECTION SIX HUNDRED NINETY-SIX-A OF THIS ARTICLE SHALL BE ENTITLED TO CONTINUED COVERAGE UNDER ANY HEALTH CARE BENEFITS PLAN PROVIDED BY SUCH PERSON'S EMPLOYER FOR THE DURATION OF THE LEAVE.

(B) THE EMPLOYER MAY RECOVER THE PREMIUM THAT THE EMPLOYER PAID FOR MAINTAINING COVERAGE UNDER A HEALTH BENEFITS PLAN FOR THE EMPLOYEE ENTITLED TO LEAVE UNDER SECTION SIX HUNDRED NINETY-SIX-A OF THIS ARTICLE, IF:

(I) THE EMPLOYEE FAILS TO RETURN TO SUCH PERSON'S EMPLOYMENT ONCE THE LEAVE HAS EXPIRED; AND

(II) THE EMPLOYEE FAILS TO RETURN TO WORK FOR A REASON OTHER THAN:

(A) THE CONTINUATION, RECURRENCE, OR ONSET OF DOMESTIC OR SEXUAL VIOLENCE THAT ENTITLES THE EMPLOYEE TO LEAVE PURSUANT TO THIS SECTION; OR

(B) OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE EMPLOYEE.

S 696-G. PROHIBITED ACTS. 1. INTERFERENCE WITH RIGHTS.

(A) EXERCISE OF RIGHTS. IT SHALL BE UNLAWFUL FOR ANY EMPLOYER TO INTERFERE WITH, RESTRAIN, OR DENY THE EXERCISE OF OR THE ATTEMPT TO EXERCISE ANY RIGHT PROVIDED UNDER THIS ARTICLE.

(B) EMPLOYER DISCRIMINATION. IT SHALL BE UNLAWFUL FOR ANY EMPLOYER TO DISCHARGE OR HARASS ANY INDIVIDUAL, OR OTHERWISE DISCRIMINATE AGAINST ANY INDIVIDUAL WITH RESPECT TO COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT OF THE INDIVIDUAL (INCLUDING RETALIATION IN ANY FORM OR MANNER) BECAUSE THE INDIVIDUAL EXERCISED ANY RIGHT PROVIDED UNDER THIS ARTICLE OR OPPOSED ANY PRACTICE MADE UNLAWFUL BY THIS ARTICLE.

2. INTERFERENCE WITH PROCEEDINGS OR INQUIRIES. IT SHALL BE UNLAWFUL FOR ANY PERSON TO DISCHARGE OR IN ANY OTHER MANNER DISCRIMINATE (AS DESCRIBED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION) AGAINST ANY INDIVIDUAL BECAUSE SUCH INDIVIDUAL:

(A) HAS FILED ANY CHARGE, OR HAS INSTITUTED OR CAUSED TO BE INSTITUTED ANY PROCEEDING, UNDER OR RELATED TO THIS ARTICLE;

(B) HAS GIVEN, OR IS ABOUT TO GIVE, ANY INFORMATION IN CONNECTION WITH ANY INQUIRY OR PROCEEDING RELATING TO ANY RIGHT PROVIDED UNDER THIS ARTICLE; OR

(C) HAS TESTIFIED, OR IS ABOUT TO TESTIFY, IN ANY INQUIRY OR PROCEEDING RELATING TO ANY RIGHT PROVIDED UNDER THIS ARTICLE.

S 696-H. CIVIL ACTION. 1. BY EMPLOYEE. ANY PERSON DENIED LEAVE OR BENEFITS DUE UNDER THIS ARTICLE OR AGGRIEVED BY AN ACTION MADE UNLAWFUL BY THIS ARTICLE SHALL HAVE A CAUSE OF ACTION IN ANY COURT OF APPROPRIATE JURISDICTION FOR DAMAGES, INCLUDING ANY WAGES, SALARY, EMPLOYMENT BENEFITS OR OTHER COMPENSATION DENIED OR LOST TO SUCH INDIVIDUAL BY REASONS OF THE VIOLATION AND/OR ANY ACTUAL MONETARY LOSSES SUSTAINED BY THE INDIVIDUAL AS A DIRECT RESULT OF THE VIOLATION, AS WELL AS INTEREST ON SUCH AMOUNT CALCULATED AT THE PREVAILING RATE, AND SUCH EQUITABLE RELIEF AS MAY BE APPROPRIATE, INCLUDING EMPLOYMENT, REINSTATEMENT, AND PROMOTION, TOGETHER WITH COSTS AND SUCH REASONABLE ATTORNEYS' FEES AS MAY BE ALLOWED BY THE COURT, AND IF THE VIOLATION WAS WILLFUL, AN ADDITIONAL AMOUNT AS LIQUIDATED DAMAGES EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL OF SUCH DAMAGES FOUND TO BE DUE.

2. BY COMMISSIONER. ON BEHALF OF ANY EMPLOYEE DENIED LEAVE OR BENEFITS DUE UNDER THIS ARTICLE OR AGGRIEVED BY AN ACTION MADE UNLAWFUL BY THIS ARTICLE, THE INDUSTRIAL COMMISSIONER MAY BRING A LEGAL ACTION NECESSARY TO COLLECT DAMAGES DUE TO THE VIOLATION, AND THE EMPLOYER SHALL BE REQUIRED TO PAY SUCH DAMAGES AND IF SUCH VIOLATION WAS WILLFUL, AN ADDITIONAL AMOUNT AS LIQUIDATED DAMAGES EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL OF SUCH DAMAGES FOUND TO BE DUE.

3. LIMITATION OF TIME. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ACTION TO RECOVER UPON LIABILITY IMPOSED BY THIS ARTICLE MUST BE COMMENCED WITHIN TWO YEARS.

S 696-I. SAVINGS CLAUSE. IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON, EMPLOYER, OCCUPATION OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THE ARTICLE AND THE APPLICATION OF SUCH PROVISION TO OTHER PERSONS, EMPLOYEES, OCCUPATIONS, OR CIRCUMSTANCES SHALL NOT BE AFFECTED THEREBY.

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

PART AA

Section 1. Paragraph (b) of subdivision 1 of section 312-a of the executive law, as amended by chapter 175 of the laws of 2010, is amended to read as follows:

(b) to determine whether there is a disparity between the number of qualified minorities and women ready, willing and able, with respect to labor markets, qualifications and other relevant factors, to participate in contractor employment, management level bodies, including boards of directors, and as senior executive officers within contracting entities and the number of such group members actually employed or affiliated with state contractors in the aforementioned capacities, and to determine what changes, if any, should be made to state policies affecting minority and women group populations with regard to state contractors' employment and appointment practices relative to diverse group members. Such study shall include, but not be limited to, an analysis of the history of minority and women-owned business enterprise programs and their effectiveness as a means of securing and ensuring participation by minorities and women, [and] a disparity analysis by market area and region of the state, THE EFFECTIVENESS OF THE CURRENT NET WORTH THRESHOLDS, A STATISTICAL ANALYSIS OF THE PARTICIPATION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES CORRELATED WITH SUCH BUSINESS ENTERPRISES' NET WORTH, WHETHER MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES' NET WORTH AT THE TIME OF CERTIFICATION HAS ANY EFFECT ON SUCH BUSINESS ENTERPRISE'S SUCCESS OR LACK THEREOF IN PARTICIPATION IN STATEWIDE PROCUREMENT, THE EFFECTIVENESS OF THE REGULATIONS ADOPTED SINCE THE TWO THOUSAND TEN DISPARITY STUDY, THE EXTENT OF COMPLIANCE BY STATE AGENCIES AND STATE AUTHORITIES WITH SUCH REGULATIONS, AN ANALYSIS OF THE NUMBER OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES SEEKING CERTIFICATION SINCE THE TWO THOUSAND TEN DISPARITY STUDY, AND THE REASONS, IF ANY, FOR ANY INCREASE OR DECREASE IN SUCH CERTIFICATIONS. Such study shall distinguish between minority males, minority females and non-minority females in the statistical analysis.

S 2. This act shall take effect immediately, provided, however, that the amendments to paragraph (b) of subdivision one of section 312-a of the executive law, made by section one of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

PART BB

Section 1. The commissioner of the department of labor shall study and issue a comprehensive report on the workforce guidance and information for women policy enacted pursuant to chapter 284 of the laws of 2012.

1. For the purposes of this section, the term "state agency" shall refer to any agency, department, bureau, commission, board, task force, committee, public benefit corporation, or public authority, where a member is appointed by the governor.

2. Such study and report carried out pursuant to this section shall address the following issues related to said policy:

(a) what information has been provided with respect to compensation for jobs and careers which offer higher earning potential including jobs that are traditionally dominated by men;

(b) how the counseling, skills development and training have been enhanced with respect to encouraging both women and men to seek employment in such jobs;

(c) have referrals to employers offering such jobs been made and, if available, provide statistics on the number of women who have been referred as a result of this policy;

(d) how information regarding the gender wage gap and specific self-sufficiency rates for families living and working in an applicable local labor market have enhanced the opportunities for women to obtain higher paying jobs and careers; and

(e) any other information the department deems pertinent to include in said report related to this policy.

3. Such report shall be made to the governor, the temporary president of the senate, the speaker of the assembly, the senate committees on labor and infrastructure and capital investment and the assembly committee on labor no later than July 1, 2014.

4. The commissioner of the department of labor may request any available information from any state or county agency that is relevant and material to the completion of this study and report.

S 2. This act shall take effect immediately and shall expire and be deemed repealed August 1, 2014.

PART CC

Section 1. Section 34-a of the social services law is amended by adding a new subdivision 9 to read as follows:

9. (A) IN ORDER TO ALLOW FAMILIES TIME TO PROPERLY PLAN FOR THEIR FINANCIAL NEEDS AND FOR THE SAFETY, SOCIAL AND EMOTIONAL NEEDS OF THEIR CHILDREN, IN THE EVENT THAT A SOCIAL SERVICES DISTRICT PROPOSES TO AMEND ITS CONSOLIDATED SERVICES PLAN, SUBMITS AN ANNUAL PLAN UPDATE, OR TAKES ANY OTHER ACTION THAT WOULD LOWER THE FINANCIAL ELIGIBILITY LEVEL FOR CHILD CARE ASSISTANCE SO THAT FAMILIES RECEIVING SUBSIDIES WOULD LOSE ELIGIBILITY THEREFORE, THE LOCAL SOCIAL SERVICES DISTRICT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES OF THAT FACT AT LEAST SIXTY DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED CHANGE IN ELIGIBILITY LEVEL. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL POST NOTICE OF THE PROPOSED CHANGE ON THE OFFICE'S WEBSITE WITHIN FIVE DAYS OF RECEIVING SAID NOTICE, AND WITHIN TWENTY DAYS OF RECEIVING SAID NOTICE SHALL NOTIFY ALL LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT, THE STATE CHILD CARE RESOURCE AND REFERRAL AGENCY, THE LOCAL CHILD CARE RESOURCE AND REFERRAL AGENCY, AS WELL AS ALL CERTIFIED EMPLOYEE ORGANIZATIONS REPRESENTING LICENSED, REGISTERED

AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT. SAID NOTICE MAY BE MADE BY E-MAIL OR REGULAR MAIL IN THE FORM OF A LETTER OR POSTCARD, AND SHALL INFORM THE RECIPIENT OF THE DATE OF THE PROPOSED CHANGE AND A DESCRIPTION OF THE PROPOSED CHANGE. THE NOTICE SHALL ALSO REQUEST THAT CHILD CARE PROVIDERS THAT RECEIVE THE NOTICE IMMEDIATELY POST THE NOTICE IN A PLACE WHICH IS LIKELY TO BE SEEN BY THE FAMILIES WHO HAVE CHILDREN IN THE PROVIDER'S CARE AND THAT CERTIFIED EMPLOYEE ORGANIZATIONS REPRESENTING LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT POST THE NOTICE ON THEIR OFFICIAL WEBSITE. THIS NOTICE SHALL NOT BE CONSIDERED AS A SUBSTITUTE FOR ANY NOTICE TO PARENTS WHICH IS REQUIRED BY LAW.

(B) IN ORDER TO ALLOW FAMILIES TIME TO PROPERLY PLAN FOR THEIR FINANCIAL NEEDS AND FOR THE SAFETY, SOCIAL AND EMOTIONAL NEEDS OF THEIR CHILDREN, IN THE EVENT THAT A SOCIAL SERVICES DISTRICT PROPOSES TO AMEND ITS CONSOLIDATED SERVICES PLAN OR TO SUBMIT AN ANNUAL PLAN UPDATE THAT INCREASES THE PARENTAL CO-PAYMENT MULTIPLIER FOR CHILD CARE ASSISTANCE SO THAT FAMILIES RECEIVING SUBSIDIES WOULD PAY AN INCREASED PERCENTAGE OF THEIR INCOME AS A CHILD CARE CO-PAYMENT, THE LOCAL SOCIAL SERVICES DISTRICT SHALL NOTIFY THE OFFICE OF CHILDREN AND FAMILY SERVICES OF THAT FACT AT LEAST SIXTY DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED CHANGE IN ELIGIBILITY LEVEL. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL POST NOTICE OF THE PROPOSED CHANGE ON THE OFFICE'S WEBSITE WITHIN FIVE DAYS OF RECEIVING SAID NOTICE, AND WITHIN TWENTY DAYS OF RECEIVING SAID NOTICE SHALL NOTIFY ALL LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT, THE STATE CHILD CARE RESOURCE AND REFERRAL AGENCY, THE LOCAL CHILD CARE RESOURCE AND REFERRAL AGENCY, AS WELL AS ALL CERTIFIED EMPLOYEE ORGANIZATIONS REPRESENTING LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT. SAID NOTICE MAY BE MADE BY E-MAIL OR REGULAR MAIL IN THE FORM OF A LETTER OR POSTCARD, AND SHALL INFORM THE RECIPIENT OF THE DATE OF THE PROPOSED CHANGE AND A DESCRIPTION OF THE PROPOSED CHANGE. THE NOTICE SHALL ALSO REQUEST THAT CHILD CARE PROVIDERS THAT RECEIVE THE NOTICE IMMEDIATELY POST THE NOTICE IN A PLACE WHICH IS LIKELY TO BE SEEN BY THE FAMILIES WHO HAVE CHILDREN IN THE PROVIDER'S CARE AND THAT CERTIFIED EMPLOYEE ORGANIZATIONS REPRESENTING LICENSED, REGISTERED AND LEGALLY-EXEMPT CHILD CARE PROVIDERS IN THE AFFECTED DISTRICT POST THE NOTICE ON THEIR OFFICIAL WEBSITE. THIS NOTICE SHALL NOT BE CONSIDERED AS A SUBSTITUTE FOR ANY NOTICE TO PARENTS WHICH IS REQUIRED BY LAW.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

PART DD

Section 1. Paragraph (e) of subdivision 1 of section 2411 of the public health law, as amended by chapter 219 of the laws of 1997, is amended to read as follows:

(e) Solicit, receive, and review applications from public and private agencies and organizations and qualified research institutions for grants from the breast cancer research and education fund, created pursuant to section ninety-seven-yy of the state finance law, to conduct research or educational programs which focus on the causes, prevention, screening, treatment and cure of breast cancer and may include, but are not limited to MAPPING OF BREAST CANCER, AND basic, behavioral, clinical, demographic, environmental, epidemiologic and psychosocial research. The board shall make recommendations to the commissioner, and the commissioner shall, in his or her discretion, grant approval of

applications for grants from those applications recommended by the board. The board shall consult with the Centers for Disease Control and Prevention, the National Institutes of Health, the Federal Agency For Health Care Policy and Research, the National Academy of Sciences, breast cancer advocacy groups, and other organizations or entities which may be involved in breast cancer research to solicit both information regarding breast cancer research projects that are currently being conducted and recommendations for future research projects. As used in this section, "qualified research institution" may include academic medical institutions, state or local government agencies, public or private organizations within this state, and any other institution approved by the department, which is conducting a breast cancer research project or educational program. If a board member submits an application for a grant from the breast cancer research and education fund, he or she shall be prohibited from reviewing and making a recommendation on the application;

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

PART EE

Section 1. Article 2 of the public health law is amended by adding a new title VI to read as follows:

TITLE VI

WOMEN'S HEALTH

SECTION 266. DEPARTMENT WEBSITE.

S 266. DEPARTMENT WEBSITE. 1. THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN AN INTERNET WEBSITE FOR THE PURPOSE OF ADVANCING WOMEN'S HEALTH INITIATIVES. THE WEBSITE SHALL PROVIDE INFORMATION FOR THE PURPOSES OF EDUCATING THE PUBLIC AND RAISING AWARENESS OF WOMEN'S HEALTH ISSUES, PROVIDE LINKS TO USEFUL RESOURCES AND ENCOURAGE THE USE OF SERVICES NOW MADE MORE WIDELY AVAILABLE TO THE WOMEN OF NEW YORK STATE. THE WEBSITE SHALL ALSO PROMOTE THE FOLLOWING PREVENTATIVE SERVICES NOW COVERED PURSUANT TO FEDERAL LAW AND REGULATION, AND EXPLAIN THAT SUCH SERVICES MUST BE COVERED WITH NO COST SHARING:

(A) ANEMIA SCREENING FOR PREGNANT WOMEN;

(B) BACTERIURIA URINARY TRACT OR OTHER INFECTION SCREENING FOR PREGNANT WOMEN;

(C) BRCA COUNSELING ABOUT GENETIC TESTING FOR WOMEN AT HIGHER RISK;

(D) BREAST CANCER MAMMOGRAPHY SCREENINGS EVERY ONE TO TWO YEARS FOR WOMEN OVER AGE FORTY;

(E) BREAST CANCER CHEMOPREVENTION COUNSELING FOR WOMEN AT HIGHER RISK;

(F) BREASTFEEDING COMPREHENSIVE SUPPORT AND COUNSELING FROM TRAINED PROVIDERS, AS WELL AS ACCESS TO BREASTFEEDING SUPPLIES, FOR PREGNANT AND NURSING WOMEN;

(G) CERVICAL CANCER SCREENING FOR SEXUALLY ACTIVE WOMEN;

(H) CHLAMYDIA INFECTION SCREENING FOR YOUNGER WOMEN AND OTHER WOMEN AT HIGHER RISK;

(I) CONTRACEPTION: FOOD AND DRUG ADMINISTRATION-APPROVED CONTRACEPTIVE METHODS, STERILIZATION PROCEDURES, AND PATIENT EDUCATION AND COUNSELING, NOT INCLUDING ABORTIFACIENT DRUGS;

(J) DOMESTIC AND INTERPERSONAL VIOLENCE SCREENING AND COUNSELING FOR ALL WOMEN;

(K) FOLIC ACID SUPPLEMENTS FOR WOMEN WHO MAY BECOME PREGNANT;

(L) GESTATIONAL DIABETES SCREENING FOR WOMEN TWENTY-FOUR TO TWENTY-EIGHT WEEKS PREGNANT AND THOSE AT HIGH RISK OF DEVELOPING GESTATIONAL DIABETES;
(M) GONORRHEA SCREENING FOR ALL WOMEN AT HIGHER RISK;
(N) HEPATITIS B SCREENING FOR PREGNANT WOMEN AT THEIR FIRST PRENATAL VISIT;
(O) HUMAN IMMUNODEFICIENCY VIRUS (HIV) SCREENING AND COUNSELING FOR SEXUALLY ACTIVE WOMEN;
(P) HUMAN PAPILLOMAVIRUS (HPV) DNA TEST: HIGH RISK HPV DNA TESTING EVERY THREE YEARS FOR WOMEN WITH NORMAL CYTOLOGY RESULTS WHO ARE THIRTY YEARS OF AGE OR OLDER;
(Q) OSTEOPOROSIS SCREENING FOR WOMEN OVER AGE SIXTY DEPENDING ON RISK FACTORS;
(R) RH INCOMPATIBILITY SCREENING FOR ALL PREGNANT WOMEN AND FOLLOW-UP TESTING FOR WOMEN AT HIGHER RISK;
(S) TOBACCO USE SCREENING AND INTERVENTIONS FOR ALL WOMEN, AND EXPANDED COUNSELING FOR PREGNANT TOBACCO USERS;
(T) SEXUALLY TRANSMITTED INFECTIONS (STI) COUNSELING FOR SEXUALLY ACTIVE WOMEN;
(U) SYPHILIS SCREENING FOR ALL PREGNANT WOMEN OR OTHER WOMEN AT INCREASED RISK; AND
(V) WELL-WOMAN VISITS TO OBTAIN RECOMMENDED PREVENTIVE SERVICES.
2. THE DEPARTMENT SHALL ALSO CONSIDER MAKING USE OF SOCIAL MEDIA NETWORKS FOR THE PURPOSES OF ADVANCING SUCH INITIATIVES.
S 2. This act shall take effect immediately.

PART FF

Section 1. Section 606 of the tax law is amended by adding a new subsection (t-2) to read as follows:
(T-2) ADOPTION CREDIT. (1) GENERAL. A RESIDENT TAXPAYER SHALL BE ALLOWED A CREDIT, NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR QUALIFIED ADOPTION EXPENSES FOR EACH CHILD ADOPTED.
(2) QUALIFIED ADOPTION EXPENSES. FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "QUALIFIED ADOPTION EXPENSES" SHALL MEAN THE EXPENSES REQUIRED FOR THE LEGAL ADOPTION OF A CHILD BY THE TAXPAYER OR THE TAXPAYER'S SPOUSE.
(3) REFUNDABILITY. THE CREDIT UNDER THIS SUBSECTION SHALL BE ALLOWED AGAINST THE TAXES IMPOSED BY THIS ARTICLE FOR THE TAXABLE YEAR REDUCED BY THE CREDITS PERMITTED BY THIS ARTICLE. IF THE CREDIT EXCEEDS THE TAX AS SO REDUCED, THE TAXPAYER MAY RECEIVE, AND THE COMPTROLLER, SUBJECT TO A CERTIFICATE OF THE COMMISSIONER, SHALL PAY AS AN OVERPAYMENT, WITHOUT INTEREST, THE AMOUNT OF SUCH EXCESS.
S 2. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2013.
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 date of Parts A through FF of this act shall be as specifically set forth in the last section of such Parts.