

4280

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. PERRY --
read once and referred to the Committee on Codes

AN ACT to amend the correction law, the executive law, the tax law, the vehicle and traffic law, the alcoholic beverage control law, the agriculture and markets law, the public health law, the general municipal law, the town law, the education law, the general business law, the insurance law, the banking law, the penal law, the civil rights law, the real property law and the administrative code of the city of New York, in relation to the issuance of certificates of restoration; and to repeal certain provisions of the correction law relating thereto

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

1 Section 1. Section 700 of the correction law, as amended by chapter
2 342 of the laws of 1972, is amended to read as follows:
3 S 700. Definitions [and rules of construction]. [1.] As used in this
4 article the following terms have the following meanings:
5 [(a)] 1. "Eligible offender" shall mean a person who has been
6 convicted of a crime or of an offense[, but who has not been convicted
7 more than once of a felony].
8 [(b)] 2. "Felony" means a conviction of a felony in this state, or of
9 an offense in any other jurisdiction for which a sentence to a term of
10 imprisonment in excess of one year, or a sentence of death, was author-
11 ized.
12 [(c)] 3. "Revocable sentence" means a suspended sentence or a sentence
13 upon which execution was suspended pursuant to the penal law in effect
14 prior to September first, nineteen hundred sixty-seven; or a sentence of
15 probation or of conditional discharge imposed pursuant to the penal law
16 in effect after September first, nineteen hundred sixty-seven.
17 [2. For the purposes of this article the following rules of
18 construction shall apply:

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

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1 (a) Two or more convictions of felonies charged in separate counts of
2 one indictment or information shall be deemed to be one conviction;

3 (b) Two or more convictions of felonies charged in two or more indict-
4 ments or informations, filed in the same court prior to entry of judg-
5 ment under any of them, shall be deemed to be one conviction; and

6 (c) A plea or a verdict of guilty upon which sentence or the execution
7 of sentence has been suspended or upon which a sentence of probation,
8 conditional discharge, or unconditional discharge has been imposed shall
9 be deemed to be a conviction.]

10 S 2. Section 701 of the correction law, as amended by chapter 342 of
11 the laws of 1972, subdivision 2 as amended by chapter 235 of the laws of
12 2007, is amended to read as follows:

13 S 701. Certificate of [relief from disabilities] RESTORATION. 1. A
14 certificate of [relief from disabilities] RESTORATION may be granted as
15 provided in this article to relieve an eligible offender of any forfei-
16 ture or disability, or to remove any bar to his OR HER employment, auto-
17 matically imposed by law by reason of his OR HER conviction of the crime
18 or of the offense specified therein. Such certificate may be limited to
19 one or more enumerated forfeitures, disabilities or bars, or may relieve
20 the eligible offender of all forfeitures, disabilities and bars.
21 Provided, however, that no such certificate shall apply, or be construed
22 so as to apply, to the right of such person to retain or to be eligible
23 for public office.

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

54 3. A certificate of [relief from disabilities] RESTORATION shall not,
55 however, in any way prevent any judicial, administrative, licensing or
56 other body, board or authority from [relying upon] CONSIDERING the

conviction specified therein as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or refuse to renew any license, permit or other authority or privilege IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE TWENTY-THREE-A OF THIS CHAPTER.

4. NOTWITHSTANDING ANY OTHER SECTION OF LAW, A CERTIFICATE OF GOOD CONDUCT OR A CERTIFICATE OF RELIEF FROM DISABILITIES SHALL BE CONSTRUED TO MEAN A CERTIFICATE OF RESTORATION. ANY CERTIFICATE OF RELIEF FROM DISABILITIES OR CERTIFICATE OF GOOD CONDUCT ISSUED PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION SHALL BE DEEMED THE EQUIVALENT OF A CERTIFICATE OF RESTORATION AND SHALL REMAIN IN FULL FORCE AND EFFECT ON AND AFTER SUCH EFFECTIVE DATE. NOTHING IN THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION SHALL BE READ TO INVALIDATE A CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT ISSUED PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION ON OR AFTER SUCH EFFECTIVE DATE.

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

S 702. Certificates of [relief from disabilities] RESTORATION issued by courts. 1. Any court of this state may, in its discretion, issue a certificate of [relief from disabilities] RESTORATION to an eligible offender for a conviction that occurred in such court, if the court either (a) imposed a revocable sentence or (b) imposed a sentence other than one executed by commitment to an institution under the jurisdiction of the state department of corrections and community supervision. Such certificate may be issued (i) at the time sentence is pronounced, in which case it may grant relief from forfeitures, as well as from disabilities[,] or (ii) at any time thereafter, in which case it shall apply only to disabilities. Where such court either imposes a revocable sentence or imposes a sentence other than one executed by commitment to an institution under the jurisdiction of the state department of corrections and community supervision, the court, upon application and in accordance with subdivision two of this section, shall initially determine the fitness of an eligible offender for such certificate prior to or at the time sentence is pronounced.

2. Such certificate shall [not] be issued by the court [unless] WHEN the court is satisfied that:

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

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

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

3. Where a certificate of [relief from disabilities] RESTORATION is not issued at the time sentence is pronounced it shall only be issued thereafter upon verified application to the court. The court may, for the purpose of determining whether such certificate shall be issued, request its probation service to conduct an investigation of the applicant, or if the court has no probation service it may request the probation service of the county court for the county in which the court

1 is located to conduct such investigation. Any probation officer
2 requested to make an investigation pursuant to this section shall
3 prepare and submit to the court a written report in accordance with such
4 request.

5 4. Where the court has imposed a revocable sentence and the certif-
6 icate of [relief from disabilities] RESTORATION is issued prior to the
7 expiration or termination of the time which the court may revoke such
8 sentence, the certificate shall be deemed to be a temporary certificate
9 until such time as the court's authority to revoke the sentence has
10 expired or is terminated. While temporary, such certificate (a) may be
11 revoked by the court for violation of the conditions of the sentence,
12 and (b) shall be revoked by the court if it revokes the sentence and
13 commits the person to an institution under the jurisdiction of the state
14 department of corrections and community supervision. Any such revocation
15 shall be upon notice and after an opportunity to be heard. If the
16 certificate is not so revoked, it shall become a permanent certificate
17 upon expiration or termination of the court's authority to revoke the
18 sentence.

19 5. Any court that has issued a certificate of [relief from disabili-
20 ties] RESTORATION may at any time issue a new certificate to enlarge the
21 relief previously granted, provided, however, that the provisions of
22 subdivisions one through four of this section shall apply to the issu-
23 ance of any such new certificate.

24 6. Any written report submitted to the court pursuant to this section
25 is confidential and may not be made available to any person or public or
26 private agency except where specifically required or permitted by stat-
27 ute or upon specific authorization of the court. However, upon the
28 court's receipt of such report, the court shall provide a copy of such
29 report, or direct that such report be provided to the applicant's attor-
30 ney, or the applicant himself OR HERSELF, if he or she has no attorney.
31 In its discretion, the court may except from disclosure a part or parts
32 of the report which are not relevant to the granting of a certificate,
33 or sources of information which have been obtained on a promise of
34 confidentiality, or any other portion thereof, disclosure of which would
35 not be in the interest of justice. The action of the court excepting
36 information from disclosure shall be subject to appellate review. The
37 court, in its discretion, may hold a conference in open court or in
38 chambers to afford an applicant an opportunity to controvert or to
39 comment upon any portions of the report. The court may also conduct a
40 summary hearing at the conference on any matter relevant to the granting
41 of the application and may take testimony under oath.

42 S 4. Section 703 of the correction law, as amended by section 34 of
43 subpart B of part C of chapter 62 of the laws of 2011, is amended to
44 read as follows:

45 S 703. Certificates of [relief from disabilities] RESTORATION issued
46 by the department of corrections and community supervision. 1. The
47 department of corrections and community supervision shall have the power
48 to issue a certificate of [relief from disabilities] RESTORATION to:

49 (a) any eligible offender who has been committed to an institution
50 under the jurisdiction of the state department of corrections and commu-
51 nity supervision. Such certificate may be issued by the department at
52 the time the offender is released from such institution under the
53 department's supervision or otherwise or at any time thereafter, UPON
54 APPLICATION OF THE OFFENDER;

(b) any eligible offender who resides within this state and whose judgment of conviction was rendered by a court in any other jurisdiction.

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

3. The department shall [not] issue [any] A certificate of [relief from disabilities pursuant to subdivisions one or two, unless] RESTORATION WHEN the department is satisfied that:

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

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

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

(D) TWO YEARS HAVE ELAPSED SINCE RELEASE FROM CUSTODY FOR PERSONS WITH A PRIOR FELONY CONVICTION SENTENCED PURSUANT TO SECTION 70.04, 70.06, 70.07, 70.08 OR 70.10 OF THE PENAL LAW.

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

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

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

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

S 5. Sections 703-a and 703-b of the correction law are REPEALED.

S 6. Section 704 of the correction law, as added by chapter 654 of the laws of 1966, is amended to read as follows:

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

2. A person who knowingly uses or attempts to use, a revoked certificate of [relief from disabilities] RESTORATION in order to obtain or to

1 exercise any right or privilege that he would not be entitled to obtain
2 or to exercise without a valid certificate shall be guilty of a misde-
3 meanor.

4 S 7. Section 705 of the correction law, as amended by section 36 of
5 subpart B of part C of chapter 62 of the laws of 2011, is amended to
6 read as follows:

7 S 705. Forms and filing. 1. All applications, certificates and orders
8 of revocation necessary for the purposes of this article shall be upon
9 forms prescribed pursuant to agreement among the state commissioner of
10 corrections and community supervision, the chairman of the state board
11 of parole and the administrator of the state judicial conference. Such
12 forms relating to [certificates of relief from disabilities] CERTIF-
13 ICATES OF RESTORATION shall be distributed by the office of probation
14 and correctional alternatives [and forms relating to certificates of
15 good conduct shall be distributed] AND by the [commissioner of the]
16 department of corrections and community supervision.

17 2. Any court or department issuing or revoking any certificate pursu-
18 ant to this article shall immediately file a copy of the certificate, or
19 of the order of revocation, with the New York state identification and
20 intelligence system.

21 S 8. Paragraph (h) of subdivision 1 of section 130 of the executive
22 law, as amended by section 1 of part LL of chapter 56 of the laws of
23 2010, is amended to read as follows:

24 (h) vagrancy or prostitution, and who has not subsequent to such
25 conviction received an executive pardon therefor or a CERTIFICATE OF
26 RESTORATION, A certificate of relief from disabilities or a certificate
27 of good conduct pursuant to article twenty-three of the correction law
28 to remove the disability under this section because of such conviction.

29 S 9. Subdivision 3 of section 175 of the executive law, as amended by
30 section 2 of part LL of chapter 56 of the laws of 2010, is amended to
31 read as follows:

32 3. Upon a showing by the attorney general in an application for an
33 injunction that any person engaged in solicitation has been convicted in
34 this state or elsewhere of a felony or of a misdemeanor involving the
35 misappropriation, misapplication or misuse of the money or property of
36 another, and who has not, subsequent to such conviction, received execu-
37 tive pardon therefor or a certificate of [relief from disabilities]
38 RESTORATION or a certificate of good conduct pursuant to article twen-
39 ty-three of the correction law, the supreme court, after a hearing, may
40 enjoin such person from engaging in any solicitation.

41 S 10. Clause 1 of paragraph (c) of subdivision 2 of section 435 of the
42 executive law, as amended by chapter 371 of the laws of 1974, is amended
43 to read as follows:

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

47 S 11. Paragraph (c) of subdivision 8 of section 283 of the tax law, as
48 amended by section 24 of part LL of chapter 56 of the laws of 2010, is
49 amended to read as follows:

50 (c) If a person convicted of a felony or crime deemed hereby to be a
51 felony is subsequently pardoned by the governor of the state where such
52 conviction was had, or by the president of the United States, or shall
53 receive a CERTIFICATE OF RESTORATION, A certificate of relief from disa-
54 bilities or a certificate of good conduct pursuant to article twenty-
55 three of the correction law for the purpose of removing the disability
56 under this section because of such conviction, the tax commission may,

1 in its discretion, on application of such person and compliance with
2 subdivision two of this section, and on the submission to it of satis-
3 factory evidence of good moral character and suitability, again register
4 such person as a distributor under this article.

5 S 12. Paragraph (a) of subdivision 1 of section 509-c of the vehicle
6 and traffic law, as amended by section 25 of part LL of chapter 56 of
7 the laws of 2010, is amended to read as follows:

8 (a) permanently, if that person has been convicted of or forfeited
9 bond or collateral which forfeiture order has not been vacated or the
10 subject of an order of remission upon a violation of section 130.30,
11 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
12 offense committed under a former section of the penal law which would
13 constitute a violation of the aforesaid sections of the penal law or any
14 offense committed outside of this state which would constitute a
15 violation of the aforesaid sections of the penal law, provided, however,
16 the provisions of this paragraph shall not apply to convictions, suspen-
17 sions or revocations or forfeitures of bonds for collateral upon any of
18 the charges listed in this paragraph for violations which occurred prior
19 to September first, nineteen hundred seventy-four committed by a person
20 employed as a bus driver on September first, nineteen hundred seventy-
21 four. However, such disqualification may be waived provided that five
22 years have expired since the applicant was discharged or released from a
23 sentence of imprisonment imposed pursuant to conviction of an offense
24 that requires disqualification under this paragraph and that the appli-
25 cant shall have been granted a CERTIFICATE OF RESTORATION, A certificate
26 of relief from disabilities or a certificate of good conduct pursuant to
27 article twenty-three of the correction law.

28 S 13. Subparagraph (i) of paragraph (a) of subdivision 1 of section
29 509-cc of the vehicle and traffic law, as amended by section 27 of part
30 LL of chapter 56 of the laws of 2010, is amended to read as follows:

31 (i) has been convicted of or forfeited bond or collateral which
32 forfeiture order has not been vacated or the subject of an order of
33 remission upon a violation committed prior to September fifteenth, nine-
34 teen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50,
35 130.60, or 130.65 of the penal law, or an offense committed under a
36 former section of the penal law which would constitute a violation of
37 the aforesaid sections of the penal law or any offense committed outside
38 of this state which would constitute a violation of the aforesaid
39 sections of the penal law, provided, however, the provisions of this
40 subparagraph shall not apply to convictions, suspensions or revocations
41 or forfeitures of bonds for collateral upon any of the charges listed in
42 this subparagraph for violations which occurred prior to September
43 first, nineteen hundred seventy-four committed by a person employed as a
44 bus driver on September first, nineteen hundred seventy-four. However,
45 such disqualification may be waived provided that five years have
46 expired since the applicant was discharged or released from a sentence
47 of imprisonment imposed pursuant to conviction of an offense that
48 requires disqualification under this paragraph and that the applicant
49 shall have been granted a CERTIFICATE OF RESTORATION, A certificate of
50 relief from disabilities or a certificate of good conduct pursuant to
51 article twenty-three of the correction law. When the certificate is
52 issued by a court for a conviction which occurred in this state, it
53 shall only be issued by the court having jurisdiction over such
54 conviction. Such certificate shall specifically indicate that the
55 authority granting such certificate has considered the bearing, if any,
56 the criminal offense or offenses for which the person was convicted will

1 have on the applicant's fitness or ability to operate a bus transporting
2 school children to the applicant's prospective employment, prior to
3 granting such a certificate; or

4 S 14. Subparagraph (iii) of paragraph d of subdivision 6 of section
5 510 of the vehicle and traffic law, as amended by section 29 of part LL
6 of chapter 56 of the laws of 2010, is amended to read as follows:

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

12 S 15. Subparagraph (iii) of paragraph c of subdivision 2 of section
13 510-a of the vehicle and traffic law, as amended by section 30 of part
14 LL of chapter 56 of the laws of 2010, is amended to read as follows:

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

20 S 16. Subdivision 2 of section 102 of the alcoholic beverage control
21 law, as amended by section 1 of part 00 of chapter 56 of the laws of
22 2010, the opening paragraph as separately amended by section 3 of part
23 LL of chapter 56 of the laws of 2010 and paragraph (g) as separately
24 amended by chapter 232 of the laws of 2010, is amended to read as
25 follows:

26 2. No person holding any license hereunder, other than a license to
27 sell an alcoholic beverage at retail for off-premises consumption or a
28 license or special license to sell an alcoholic beverage at retail for
29 consumption on the premises where such license authorizes the sale of
30 liquor, beer and/or wine on the premises of a catering establishment,
31 hotel, restaurant, club, or recreational facility, shall knowingly
32 employ in connection with his OR HER business in any capacity whatsoev-
33 er, any person, who has been convicted of a felony, or any of the
34 following offenses, who has not subsequent to such conviction received
35 an executive pardon therefor removing any civil disabilities incurred
36 thereby, a CERTIFICATE OF RESTORATION, A certificate of relief from
37 disabilities or a certificate of good conduct pursuant to article twen-
38 ty-three of the correction law, or other relief from disabilities
39 provided by law, or the written approval of the state liquor authority
40 permitting such employment, to wit:

41 (a) Illegally using, carrying or possessing a pistol or other danger-
42 ous weapon;

43 (b) Making or possessing burglar's instruments;

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

45 (d) Unlawful entry of a building;

46 (e) Aiding escape from prison;

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

49 (g) Violating subdivisions six, ten or eleven of section seven hundred
50 twenty-two of the former penal law as in force and effect immediately
51 prior to September first, nineteen hundred sixty-seven, or violating
52 [sections] SECTION 165.25 or 165.30 of the penal law;

53 (h) Vagrancy or prostitution; or

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

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

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

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

20 S 17. Paragraph (d) of subdivision 1 of section 110 of the alcoholic
21 beverage control law, as amended by chapter 114 of the laws of 2000, is
22 amended to read as follows:

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

42 S 18. Subdivisions 1, 1-a and 4 of section 126 of the alcoholic bever-
43 age control law, as amended by section 50 of subpart B of part C of
44 chapter 62 of the laws of 2011, are amended to read as follows:

45 1. Except as provided in subdivision one-a of this section, a person
46 who has been convicted of a felony or any of the misdemeanors mentioned
47 in section eleven hundred forty-six of the former penal law as in force
48 and effect immediately prior to September first, nineteen hundred
49 sixty-seven, or of an offense defined in section 230.20 or 230.40 of the
50 penal law, unless subsequent to such conviction such person shall have
51 received an executive pardon therefor removing this disability, a
52 certificate of RESTORATION OR good conduct granted by the department of
53 corrections and community supervision, or a certificate of relief from
54 disabilities granted by the department of corrections and community
55 supervision or a court of this state pursuant to the provisions of arti-

1 cle twenty-three of the correction law to remove the disability under
2 this section because of such conviction.

3 1-a. Notwithstanding the provision of subdivision one of this section,
4 a corporation holding a license to traffic in alcoholic beverages shall
5 not, upon conviction of a felony or any of the misdemeanors or offenses
6 described in subdivision one of this section, be automatically forbidden
7 to traffic in alcoholic beverages, but the application for a license by
8 such a corporation shall be subject to denial, and the license of such a
9 corporation shall be subject to revocation or suspension by the authori-
10 ty pursuant to section one hundred eighteen of this chapter, consistent
11 with the provisions of article twenty-three-A of the correction law. For
12 any felony conviction by a court other than a court of this state, the
13 authority may request the department of corrections and community super-
14 vision to investigate and review the facts and circumstances concerning
15 such a conviction, and such department shall, if so requested, submit
16 its findings to the authority as to whether the corporation has
17 conducted itself in a manner such that discretionary review by the
18 authority would not be inconsistent with the public interest. The
19 department of corrections and community supervision may charge the
20 licensee or applicant a fee equivalent to the expenses of an appropriate
21 investigation under this subdivision. For any conviction rendered by a
22 court of this state, the authority may request the corporation, if the
23 corporation is eligible for a certificate of RESTORATION, A CERTIFICATE
24 OF relief from disabilities, to seek such a certificate from the court
25 which rendered the conviction IN ACCORDANCE WITH ARTICLE TWENTY-THREE OF
26 THE CORRECTION LAW and to submit such a certificate as part of the
27 authority's discretionary review process.

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

1 requirements of this section and chapter may be licensed if each of its
2 principal officers and each of its directors are not less than eighteen
3 years of age.

4 S 19. Subdivision 4 of section 96-z-3 of the agriculture and markets
5 law, as amended by section 4 of part LL of chapter 56 of the laws of
6 2010, is amended to read as follows:

7 (4) applicant, an officer, director, partner, or holder of ten per
8 centum or more of the voting stock of an applicant has been convicted of
9 a felony by a court of the United States or any state or territory there-
10 of, without subsequent pardon by the governor or other appropriate
11 authority of the state or jurisdiction in which such conviction
12 occurred, or the receipt of a certificate of RESTORATION, A CERTIFICATE
13 OF relief from disabilities or a certificate of good conduct pursuant to
14 article twenty-three of the correction law,

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

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

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

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

39 S 22. Section 3454 of the public health law, as amended by section 22
40 of part LL of chapter 56 of the laws of 2010, is amended to read as
41 follows:

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

53 S 23. Paragraph (a) of subdivision 2 of section 3510 of the public
54 health law, as added by chapter 175 of the laws of 2006, is amended to
55 read as follows:

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

8 S 24. Paragraph 1 of subdivision (a) of section 189-a of the general
9 municipal law, as added by chapter 574 of the laws of 1978, is amended
10 to read as follows:

11 (1) a person convicted of a crime who has not received a pardon, a
12 certificate of RESTORATION, A CERTIFICATE OF good conduct or a certif-
13 icate of relief from disabilities;

14 S 25. Paragraph (a) of subdivision 1 of section 191 of the general
15 municipal law, as amended by section 15 of part LL of chapter 56 of the
16 laws of 2010, is amended to read as follows:

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

36 S 26. Paragraph (a) of subdivision 1 of section 481 of the general
37 municipal law, as amended by section 17 of part LL of chapter 56 of the
38 laws of 2010, is amended to read as follows:

39 (a) Issuance of licenses to conduct bingo. If the governing body of
40 the municipality shall determine that the applicant is duly qualified to
41 be licensed to conduct bingo under this article; that the member or
42 members of the applicant designated in the application to conduct bingo
43 are bona fide active members of the applicant and are persons of good
44 moral character and have never been convicted of a crime or, if
45 convicted, have received a pardon [or], A CERTIFICATE OF RESTORATION, a
46 certificate of good conduct or a certificate of relief from disabilities
47 pursuant to article twenty-three of the correction law; that such games
48 are to be conducted in accordance with the provisions of this article
49 and in accordance with the rules and regulations of the commission, and
50 that the proceeds thereof are to be disposed of as provided by this
51 article, and if the governing body is satisfied that no commission,
52 salary, compensation, reward or recompense whatever will be paid or
53 given to any person holding, operating or conducting or assisting in the
54 holding, operation and conduct of any such games except as in this arti-
55 cle otherwise provided; and that no prize will be offered and given in
56 excess of the sum or value of one thousand dollars in any single game

1 and that the aggregate of all prizes offered and given in all of such
2 games conducted on a single occasion, under said license shall not
3 exceed the sum or value of three thousand dollars, it shall issue a
4 license to the applicant for the conduct of bingo upon payment of a
5 license fee of eighteen dollars and seventy-five cents for each bingo
6 occasion; provided, however, that the governing body shall refuse to
7 issue a license to an applicant seeking to conduct bingo in premises of
8 a licensed commercial lessor where it determines that the premises pres-
9 ently owned or occupied by said applicant are in every respect adequate
10 and suitable for conducting bingo games.

11 S 27. Paragraph (a) of subdivision 9 of section 476 of the general
12 municipal law, as amended by section 16 of part LL of chapter 56 of the
13 laws of 2010, is amended to read as follows:

14 (a) a person convicted of a crime who has not received a pardon or a
15 certificate of RESTORATION, good conduct or a certificate of relief from
16 disabilities pursuant to article twenty-three of the correction law;

17 S 28. Paragraph b of subdivision 5 of section 84-a of the town law, as
18 amended by section 10 of part LL of chapter 56 of the laws of 2010, is
19 amended to read as follows:

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

22 STATEMENT OF ABSENTEE VOTER

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

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

53 Date..... Signature of Voter.....

54 S 29. Paragraph b of subdivision 5 of section 175-b of the town law,
55 as amended by section 11 of part LL of chapter 56 of the laws of 2010,
56 is amended to read as follows:

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

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the district election; that I will have been a resident of this state and of the district if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a registered voter of said district; that I will be unable to appear personally on the day of said district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this district election, and have not made any promise to influence the giving or withholding of any such votes; that I have not made or become directly or indirectly interested in any bet or wager depending upon the result of this district election; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the right of suffrage, or received a certificate of RESTORATION, A CERTIFICATE OF relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law removing my disability to register and vote OR MY MAXIMUM SENTENCE OF IMPRISONMENT HAS EXPIRED.

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

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

S 30. Paragraph b of subdivision 5 of section 213-b of the town law, as amended by section 12 of part LL of chapter 56 of the laws of 2010, is amended to read as follows:

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

STATEMENT OF ABSENTEE VOTER

I do declare that I will have been a citizen of the United States for thirty days, and will be at least eighteen years of age, on the date of the district election; that I will have been a resident of this state and of the district if any, shown on the reverse side of this envelope for thirty days next preceding the said election and that I am or on such date will be, a registered voter of said district; that I will be unable to appear personally on the day of said district election at the polling place of the said district in which I am or will be a qualified voter because of the reason stated on my application heretofore submitted; that I have not qualified, or do I intend to vote, elsewhere than as set forth on the reverse side of this envelope; that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding of a vote at this

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

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

16 Date..... Signature of Voter

17 S 31. Paragraph b of subdivision 5 of section 2018-a of the education
18 law, as amended by section 8 of part LL of chapter 56 of the laws of
19 2010, is amended to read as follows:

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

22 STATEMENT OF ABSENTEE VOTER

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

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

1 Date.....Signature of Voter

2 S 32. Paragraph b of subdivision 6 of section 2018-b of the education
3 law, as amended by section 9 of part LL of chapter 56 of the laws of
4 2010, is amended to read as follows:

5 b. On the reverse side of such envelope shall be printed the following
6 statement:

7 STATEMENT OF ABSENTEE VOTER

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

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

38 Date.....Signature of Voter

39 S 33. Subdivision 2 of section 69-o of the general business law, as
40 amended by chapter 575 of the laws of 1993, is amended to read as
41 follows:

42 2. (A) After the filing of an applicant's fingerprint cards, the
43 secretary of state shall forward such fingerprints to the division of
44 criminal justice services to be compared with the fingerprints on file
45 with the division of criminal justice services in order to ascertain
46 whether the applicant has been convicted of a felony involving fraud,
47 bribery, perjury or theft pursuant to article one hundred forty, one
48 hundred fifty-five, one hundred sixty, one hundred sixty-five, one
49 hundred seventy, one hundred seventy-five, one hundred seventy-six, one
50 hundred eighty, one hundred eighty-five, one hundred ninety, one hundred

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

7 [(a)] (I) A conviction which has been vacated and replaced by a youth-
8 ful offender finding pursuant to article seven hundred twenty of the
9 criminal procedure law, or the applicable provisions of law of any other
10 jurisdiction; or

11 [(b)] (II) A conviction the records of which have been expunged or
12 sealed pursuant to the applicable provisions of the laws of this state
13 or of any other jurisdiction; or

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

17 (B) The division of criminal justice services shall retain the finger-
18 print cards and return the report of such convictions or pending cases,
19 if any, to the secretary of state who shall retain them in a confiden-
20 tial file for no more than one year, after which time such report shall
21 be destroyed.

22 (C) The secretary of state shall deny the application of any individ-
23 ual convicted of a felony involving fraud, bribery, perjury or theft
24 pursuant to article one hundred forty, one hundred fifty-five, one
25 hundred sixty, one hundred sixty-five, one hundred seventy, one hundred
26 seventy-five, one hundred seventy-six, one hundred eighty, one hundred
27 eighty-five, one hundred ninety, one hundred ninety-five, two hundred or
28 two hundred ten of the penal law; or has a criminal action which has
29 been pending for such a felony for under one year without a final dispo-
30 sition unless adjourned in contemplation of dismissal; provided, howev-
31 er, that for the purposes of this article, none of the following shall
32 be considered criminal convictions or reported as such:

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

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

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

43 S 34. Subdivision 2 of section 74 of the general business law, as
44 amended by chapter 680 of the laws of 1967, paragraph (g) as amended by
45 chapter 232 of the laws of 2010 and paragraph (h) as amended by section
46 13 of part LL of chapter 56 of the laws of 2010, is amended to read as
47 follows:

48 2. Except as hereinafter in this subdivision provided, no such license
49 shall be issued to any person who has been convicted in this state or
50 any other state or territory of a felony, or any of the following
51 offenses, to wit: (a) illegally using, carrying or possessing a pistol
52 or other dangerous weapon; (b) making or possessing burglar's instru-
53 ments; (c) buying or receiving or criminally possessing stolen property;
54 (d) unlawful entry of a building; (e) aiding escape from prison; (f)
55 unlawfully possessing or distributing habit forming narcotic drugs; (g)
56 violating subdivision six of section seven hundred twenty-two of the

1 former penal law as in force and effect immediately prior to September
2 first, nineteen hundred sixty-seven, or violating section 165.25 or
3 165.30 of the penal law; (h) violating section seven hundred forty-two,
4 section seven hundred forty-three, or section seven hundred forty-five
5 of the said former penal law, or violating any section contained in
6 article two hundred fifty of the penal law. Except as hereinafter in
7 this subdivision provided, no license shall be issued to any person
8 whose license has been previously revoked by the department of state or
9 the authorities of any other state or territory because of conviction of
10 any of the offenses specified in this section. The provisions of this
11 subdivision shall not prevent the issuance of a license to any person
12 who, subsequent to his conviction, shall have received executive pardon
13 therefor removing this disability, or who has received a CERTIFICATE OF
14 RESTORATION, A certificate of relief from disabilities or a certificate
15 of good conduct pursuant to article twenty-three of the correction law
16 to remove the disability under this section because of such conviction
17 or previous license revocation occasioned thereby.

18 S 35. Subdivision 1 of section 81 of the general business law, as
19 amended by section 14 of part LL of chapter 56 of the laws of 2010, is
20 amended to read as follows:

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

28 No holder of any unexpired license certificate issued pursuant to this
29 article shall knowingly employ in connection with his or its business in
30 any capacity whatsoever, any person who has been convicted of a felony
31 or any of the offenses specified in subdivision two of section seventy-
32 four of this article, and who has not subsequent to such conviction
33 received executive pardon therefor removing this disability, or received
34 a certificate of RESTORATION, relief from disabilities or a certificate
35 of good conduct pursuant to article twenty-three of the correction law
36 to remove the disability under this section because of such a
37 conviction, or any person whose private detective or investigator's
38 license or bail enforcement agent's license was revoked or application
39 for such license was denied by the department of state or by the author-
40 ities of any other state or territory because of conviction of any of
41 such offenses. Should the holder of an unexpired license certificate
42 falsely state or represent that a person is or has been in his employ,
43 such false statement or misrepresentation shall be sufficient cause for
44 the revocation of such license. Any person falsely stating or represent-
45 ing that he is or has been a detective or employed by a detective agency
46 or that he is or has been a bail enforcement agent or employed by a bail
47 enforcement agency shall be guilty of a misdemeanor.

48 S 36. Paragraph 4 of subsection (d) of section 2108 of the insurance
49 law, as amended by section 18 of part LL of chapter 56 of the laws of
50 2010, is amended to read as follows:

51 (4) This subsection shall not prevent the employment of or the issu-
52 ance of a license to any person who, subsequent to his conviction, shall
53 have received executive pardon therefor removing this disability, or who
54 has received a certificate of RESTORATION, relief from disabilities or a
55 certificate of good conduct pursuant to article twenty-three of the

1 correction law to remove the disability under this section because of
2 such conviction or previous license revocation occasioned thereby.

3 S 37. Subdivision 6 of section 369 of the banking law, as amended by
4 chapter 164 of the laws of 2003 and paragraph (b) as amended by section
5 6 of part LL of chapter 56 of the laws of 2010, is amended to read as
6 follows:

7 6. The superintendent may refuse to issue a license pursuant to this
8 article if he shall find that the applicant, or any person who is a
9 director, officer, partner, agent, employee or substantial stockholder
10 of the applicant, (a) has been convicted of a crime in any jurisdiction
11 or (b) is associating or consorting with any person who has, or persons
12 who have, been convicted of a crime or crimes in any jurisdiction or
13 jurisdictions; provided, however, that the superintendent shall not
14 issue such a license if he shall find that the applicant, or any person
15 who is a director, officer, partner, agent, employee or substantial
16 stockholder of the applicant, has been convicted of a felony in any
17 jurisdiction or of a crime which, if committed within this state, would
18 constitute a felony under the laws thereof. For the purposes of this
19 article, a person shall be deemed to have been convicted of a crime if
20 such person shall have pleaded guilty to a charge thereof before a court
21 or magistrate, or shall have been found guilty thereof by the decision
22 or judgment of a court or magistrate or by the verdict of a jury, irre-
23 spective of the pronouncement of sentence or the suspension thereof,
24 unless such plea of guilty, or such decision, judgment or verdict, shall
25 have been set aside, reversed or otherwise abrogated by lawful judicial
26 process or unless the person convicted of the crime shall have received
27 a pardon therefor from the president of the United States or the gover-
28 nor or other pardoning authority in the jurisdiction where the
29 conviction was had, or shall have received a certificate of RESTORATION,
30 relief from disabilities or a certificate of good conduct pursuant to
31 article twenty-three of the correction law to remove the disability
32 under this article because of such conviction. The term "substantial
33 stockholder," as used in this subdivision, shall be deemed to refer to a
34 person owning or controlling ten per centum or more of the total
35 outstanding stock of the corporation in which such person is a stock-
36 holder. In making a determination pursuant to this subdivision, the
37 superintendent shall require fingerprinting of the applicant. Such fing-
38 erprints shall be submitted to the division of criminal justice services
39 for a state criminal history record check, as defined in subdivision one
40 of section three thousand thirty-five of the education law, and may be
41 submitted to the federal bureau of investigation for a national criminal
42 history record check.

43 S 38. Paragraph 5 of subdivision a of section 265.20 of the penal law,
44 as amended by chapter 235 of the laws of 2007, is amended to read as
45 follows:

46 5. Possession of a rifle or shotgun by a person other than a person
47 who has been convicted of a class A-I felony or a violent felony
48 offense, as defined in subdivision one of section 70.02 of this chapter,
49 who has been convicted as specified in subdivision four of section
50 265.01 OF THIS ARTICLE to whom a certificate of RESTORATION OR good
51 conduct has been issued [pursuant to section seven hundred three-b of
52 the correction law].

53 S 39. Section 751 of the correction law, as amended by chapter 284 of
54 the laws of 2007, is amended to read as follows:

55 S 751. Applicability. The provisions of this article shall apply to
56 any application by any person for a license or employment at any public

1 or private employer, who has previously been convicted of one or more
2 criminal offenses in this state or in any other jurisdiction, and to any
3 license or employment held by any person whose conviction of one or more
4 criminal offenses in this state or in any other jurisdiction preceded
5 such employment or granting of a license, except where a mandatory
6 forfeiture, disability or bar to employment is imposed by law, and has
7 not been removed by an executive pardon, OR A certificate of RESTORA-
8 TION, relief from disabilities or certificate of good conduct. Nothing
9 in this article shall be construed to affect any right an employer may
10 have with respect to an intentional misrepresentation in connection with
11 an application for employment made by a prospective employee or previ-
12 ously made by a current employee.

13 S 40. Subdivision 2 of section 753 of the correction law, as added by
14 chapter 931 of the laws of 1976, is amended to read as follows:

15 2. In making a determination pursuant to section seven hundred fifty-
16 two of this [chapter] ARTICLE, the public agency or private employer
17 shall also give consideration to a certificate of RESTORATION, relief
18 from disabilities or a certificate of good conduct issued to the appli-
19 cant, which certificate shall create a presumption of rehabilitation in
20 regard to the offense or offenses specified therein.

21 S 41. The closing paragraph of subdivision 4 of section 79-a of the
22 civil rights law, as amended by section 7 of part LL of chapter 56 of
23 the laws of 2010, is amended to read as follows:

24 5. Nothing in this section shall be deemed to preclude the issuance of
25 a certificate of relief from disabilities, CERTIFICATE OF RESTORATION or
26 a certificate of good conduct pursuant to article twenty-three of the
27 correction law to a person who previously has been sentenced to impri-
28 sonment for life.

29 S 42. The first undesignated paragraph of section 440-a of the real
30 property law, as amended by section 23 of part LL of chapter 56 of the
31 laws of 2010, is amended to read as follows:

32 No person, co-partnership, limited liability company or corporation
33 shall engage in or follow the business or occupation of, or hold himself
34 or itself out or act temporarily or otherwise as a real estate broker or
35 real estate salesman in this state without first procuring a license
36 therefor as provided in this article. No person shall be entitled to a
37 license as a real estate broker under this article, either as an indi-
38 vidual or as a member of a co-partnership, or as a member or manager of
39 a limited liability company or as an officer of a corporation, unless he
40 or she is twenty years of age or over, a citizen of the United States or
41 an alien lawfully admitted for permanent residence in the United States.
42 No person shall be entitled to a license as a real estate salesman under
43 this article unless he or she is over the age of eighteen years. No
44 person shall be entitled to a license as a real estate broker or real
45 estate salesman under this article who has been convicted in this state
46 or elsewhere of a felony, of a sex offense, as defined in subdivision
47 two of section one hundred sixty-eight-a of the correction law or any
48 offense committed outside of this state which would constitute a sex
49 offense, or a sexually violent offense, as defined in subdivision three
50 of section one hundred sixty-eight-a of the correction law or any
51 offense committed outside this state which would constitute a sexually
52 violent offense, and who has not subsequent to such conviction received
53 executive pardon therefor or a certificate of RESTORATION, relief from
54 disabilities or a certificate of good conduct pursuant to article twen-
55 ty-three of the correction law, to remove the disability under this
56 section because of such conviction. No person shall be entitled to a

1 license as a real estate broker or real estate salesman under this arti-
2 cle who does not meet the requirements of section 3-503 of the general
3 obligations law.

4 S 43. Paragraph (a) of subdivision 1 of section 20-438 of the adminis-
5 trative code of the city of New York is amended to read as follows:

6 (a) Issuance of licenses to conduct games of chance. If such depart-
7 ment shall determine that the applicant is duly qualified to be licensed
8 to conduct games of chance under this subchapter; that the members of
9 the applicant designated in the application to conduct games of chance
10 are bona fide active members of the applicant and are persons of good
11 moral character and have never been convicted of a crime, or, if
12 convicted, have received a pardon or a certificate of RESTORATION OR A
13 CERTIFICATE OF good conduct; that such games are to be conducted in
14 accordance with the provisions of this subchapter and in accordance with
15 the rules and regulations of the board and that the proceeds thereof are
16 to be disposed of as provided by this subchapter; and if such department
17 is satisfied that no commission, salary, compensation, reward or recom-
18 pense whatever will be paid or given to any person holding, operating or
19 conducting or assisting in the holding, operation and conduct of any
20 such games except as in this subchapter otherwise provided; and that no
21 prize will be given in excess of the sum or value of one hundred dollars
22 in any single game and that the aggregate of all prizes given on one
23 occasion, under said license shall not exceed the sum or value of one
24 thousand dollars, the department shall issue a license to the applicant
25 for the conduct of games of chance upon payment of a license fee of
26 twenty-five dollars for each license period.

27 S 44. Paragraph (a) of subdivision 5 of section 2806 of the public
28 health law, as amended by section 20 of part LL of chapter 56 of the
29 laws of 2010, is amended to read as follows:

30 (a) Except as provided in paragraphs (b) and (d) of this subdivision,
31 anything contained in this section or in a certificate of RESTORATION,
32 relief from disabilities or a certificate of good conduct issued pursu-
33 ant to article twenty-three of the correction law to the contrary
34 notwithstanding, a hospital operating certificate of a hospital under
35 control of a controlling person as defined in paragraph (a) of subdivi-
36 sion twelve of section twenty-eight hundred one-a of this article, or
37 under control of any other entity, shall be revoked upon a finding by
38 the department that such controlling person or any individual, member of
39 a partnership or shareholder of a corporation to whom or to which an
40 operating certificate has been issued, has been convicted of a class A,
41 B or C felony, or a felony related in any way to any activity or program
42 subject to the regulations, supervision, or administration of the
43 department or of the office of temporary and disability assistance or in
44 violation of the public officers law in a court of competent jurisdic-
45 tion in the state, or of a crime outside the state which, if committed
46 within the state, would have been a class A, B or C felony or a felony
47 related in any way to any activity or program subject to the regu-
48 lations, supervision, or administration of the department or of the
49 office of temporary and disability assistance or in violation of the
50 public officers law.

51 S 45. Subdivision 5 of section 530 of the vehicle and traffic law, as
52 amended by section 31 of part LL of chapter 56 of the laws of 2010, is
53 amended to read as follows:

54 (5) A restricted use license or privilege shall be valid for the oper-
55 ation of any motor vehicle, except a vehicle for hire as a taxicab,
56 livery, coach, limousine, van or wheelchair accessible van or tow truck

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

26 S 46. Item (ii) of clause (b) of subparagraph 12 of paragraph (b) of
27 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
28 by section 32 of part LL of chapter 56 of the laws of 2010, is amended
29 to read as follows:

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

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

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

39 (1) Notwithstanding anything to the contrary contained in a certifi-
40 cate of RESTORATION, relief from disabilities or a certificate of good
41 conduct issued pursuant to article twenty-three of the correction law,
42 where a suspension or revocation, other than a revocation required to be
43 issued by the commissioner, is mandatory pursuant to paragraph (a) or
44 (b) of this subdivision, the magistrate, justice or judge shall issue an
45 order suspending or revoking such license upon sentencing, and the
46 license holder shall surrender such license to the court. Except as
47 hereinafter provided, such suspension or revocation shall take effect
48 immediately.

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

53 (iii) after such documentation is accepted, that such person is grant-
54 ed a certificate of RESTORATION, relief from disabilities or a certifi-
55 cate of good conduct pursuant to article twenty-three of the correction
56 law.

1 S 49. Item (iii) of clause a of subparagraph 3 of paragraph (e) of
2 subdivision 2 of section 1193 of the vehicle and traffic law, as amended
3 by section 35 of part LL of chapter 56 of the laws of 2010, is amended
4 to read as follows:

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

9 S 50. Item (iii) of clause c of subparagraph 1 of paragraph (d) of
10 subdivision 2 of section 1194 of the vehicle and traffic law, as amended
11 by section 37 of part LL of chapter 56 of the laws of 2010, is amended
12 to read as follows:

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

17 S 51. Paragraph (g) of subdivision 7 of section 1196 of the vehicle
18 and traffic law, as amended by section 38 of part LL of chapter 56 of
19 the laws of 2010, is amended to read as follows:

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

29 S 52. This act shall take effect on the one hundred eightieth day
30 after it shall have become a law provided, however, that the amendments
31 to subdivision 5 of section 530 of the vehicle and traffic law made by
32 section forty-five of this act shall not affect the expiration of such
33 subdivision and shall be deemed to expire therewith.